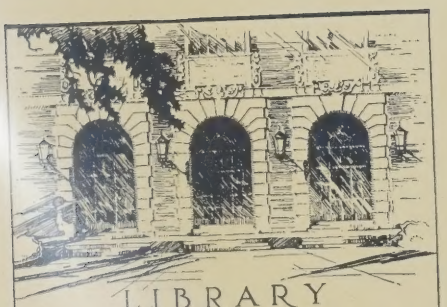

LIBRARY
OF THE
UNIVERSITY
OF ILLINOIS

328.7481
P381
1955
v.6

Digitized by the Internet Archive
in 2025 with funding from
University of Illinois Urbana-Champaign

https://archive.org/details/legislativejourn1955penn

328.7481
P381
1955
v.6

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., MONDAY, FEBRUARY 13, 1956. No. 138.

SENATE

MONDAY, February 13, 1956.

The Senate met at 1:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH.

Our Dear Heavenly Father, we come today in this opening Session and we plead for Thy wisdom and understanding, that we may give the best that we have to the problems which come to us.

Today, we think back to that great man, that great American, who lived, Abraham Lincoln. We pray that we may have some of his humaneness and his kindliness toward our fellowmen. We thank Thee for the example that he left here in this world and we pray that we may walk close to his feelings for his fellowmen. Then we know that we are walking in the steps where Thou didst walk and where Thou dost want us to walk. We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. HARNEY, further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. MAHANY asked and obtained leave of absence for Mr. WATSON, due to illness.

Mr. RUTH asked and obtained leave of absence for Mr. DERK, for the week, due to illness.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alphonse J. Bredel, 116 Elm Drive, Trafford, Westmoreland County, for appointment as Justice of the Peace in and for the Township of Penn, Westmoreland County, to serve until the first Monday of January 1958, vice Clarence C. Whirlow, resigned.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph M. McNamara, 214 Laurel Road, Sharon Hill, Delaware County, for appointment as Justice of the Peace in and for the Borough of Sharon Hill, Delaware County, to serve until the first Monday of January 1958, vice John M. Hauger, deceased.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate S. H. Zeiders, R. D. 1, Millerstown, Perry County, for appointment as Justice of the Peace in and for the Township of Tuscarora, Perry County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Paul Jones, Shade Gap, Huntingdon County, for appointment as Justice of the Peace in and for the Township of Dublin, Huntingdon County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Donald J. Rippon, 1327 Harding Avenue, Hershey, Dauphin County, for appointment as Justice of the Peace in and for the Township of Derry, Dauphin County, to serve until the first Monday of January 1958, vice John R. Zoll, resigned.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Anastasia R. Panone, 1 Front Street, Dunbar, Fayette County, for appointment as Justice of the Peace in and for the Borough of Dunbar, Fayette County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dean E. George, 340 Liberty Street, Clarion, Clarion County, for appointment as Justice of the Peace in and for the Borough of Clarion, Clarion County, to serve until the first Monday of January 1958, vice Ralph L. Cresswell, deceased.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Morris P. Seeds, Exton, Chester County, for appointment as Justice of the Peace in and for the Township of West Whiteland, Chester County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert L. Norris, 300 Seventh Street, Huntingdon, Huntingdon County, for appointment as Justice of the Peace in and for the Borough of Huntingdon, Huntingdon County, to serve until the first Monday of January 1958, vice F. Blair Isenberg, resigned.

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

ELK COUNTY

Mrs. Gertrude M. Johnson (Democrat), Main Street, Kersey, to serve until December 31, 1957, and until her successor is duly appointed and qualified, vice Charles Swanson, Dagus Mines, resigned.

John F. Michel (Democrat), Windfall Road, R. D., St. Marys, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Catherine B. Bauer, St. Marys, whose terms expired.

Mrs. Kathryn D. Willard (Democrat), 107 North Michael Street, St. Marys, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice William F. McMahon, Johnsonburg, whose term expired.

Mrs. Johanna Bish (Democrat), Brockport, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

MONROE COUNTY

Mrs. Ruth Dunning (Democrat), 401 North Fifth Street, Stroudsburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice H. L. Heberling, Stroudsburg, whose term expired.

Frank L. Stackhouse (Republican), Bryant Street, Stroudsburg, to serve until December 31, 1958, and until hsi successor is duly appointed and qualified. (Reappointment)

Mrs. Jeanette K. Davis (Republican), 39 North Courtland Street, East Stroudsburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

TIOGA COUNTY

Mrs. Rose Chamberlain (Democrat), Mainesburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Clarice M. Wilcox, Wellsboro, whose term expired.

WYOMING COUNTY

Mrs. Kathleen Vecchierello (Democrat), College Avenue, Factoryville, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Mrs. Tillie T. Loveland (Republican), Noxen, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Davis R. Hobbs, Esq. (Republican), 112 Warren Street, Tunkhannock, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

CAMERON COUNTY

Mrs. Trenna English (Dem.), 129 East Sixth Street, Emporium, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice Mrs. Mary Tartaglia, Driftwood, resigned.

Dr. Francis J. O'Malley (Dem.), 504 North Broad Street, Emporium, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice J. Wright Mason, Driftwood, whose term expired.

Charles Vassallo (Rep.), 45 East Fourth Street, Emporium, to serve until December 31, 1957, and until his succcessor is duly appointed and qualified, vice Mrs. Grace Ostrum, West Creek, resigned.

Mrs. Lola Horning (Dem.), R. D. 2, Emporium, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Mrs. Ruth M. Sullivan (Dem.), 311 Chestnut Street, Emporium, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

DAUPHIN COUNTY

Jack W. Harman (Dem.), 3400 Rutherford Street, Paxtang, Harrisburg, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Dr. H. M. Kirkpatrick, Harrisburg, resigned.

PERRY COUNTY

Rev. Richard E. Sigler (Dem.), Loysville, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Laura H. Stees (Rep.), R. D. 1, Landisburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Ralph L. Smith (Rep.), R. D. 1, Millerstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

YORK COUNTY

Clair S. Tozer (Dem.), 1536 Second Avenue, York, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Rev. Irvin M. Lau (Dem.), 109 East Jackson Street, York, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Mildred Chapman (Non-Part.), 135 South Queen Street, York, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

COMMUNICATION FROM THE GOVERNOR

He also presented communicatttions in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 274, PRINTER'S No. 88

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 274, Printer's No. 88, entitled "An Act amending the act of June 3, 1937 (P. L. 1333) entitled 'An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections' increasing the terms of office of judges and inspectors of elections."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 603, PRINTER'S No. 439

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 603, Printer's No. 439, entiled "An Act amending the act of June 24, 1937 (P. L. 2017) entitled 'An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws' authorizing the sale of surplus farm products and other personal property."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 690, PRINTER'S No. 461

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 690, Printer's No. 461, entitled "An Act amending the act of April 24, 1947 (P. L. 80) entitled 'An act relating to the descent of the real and personal estates of persons dying intestate and the procedure in reference thereto' and repealing parts thereof limiting right of a spouse on partial intestacy and in selection of allowance and revising procedure for setting aside spouse's allowance establishing title to real estate when spouse claims entire estate and distribution to the Commonwealth a statutory heir."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 692, PRINTER'S No. 346

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 692, Printer's No. 346, entitled "An Act amending the act of June 28, 1951 (P. L. 638) entitled 'An act relating to the jurisdiction powers and duties of registers of wills and regulating proceedings before them and the costs thereof the effects of their acts and appeals therefrom' changing the procedure on probate of wills probated outside the Commonwealth."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 693, PRINTER'S No. 433

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 693, Printer's No. 433, entitled "An Act amending the act of August 10, 1951 (P. L. 1163) entitled as amended 'An act relating to the orphans' court conferring exclusive juridiction on such courts over the administration and distribution of decendents' estates trust estates minors' estates and absentees' estates conferring concurrent jurisdiction over the administration and distribution of incompetents' estates and the determination of title to real estate in certain cases providing for the organization of orphans' courts the procedure therein the powers and duties of the judges thereof and appeals therefrom' conferring exclusive jurisdiction on orphans' courts (except the orphans' court of Philadelphia County) over the administration and distribution of incompetents' estates and on the orphans' court of Philadelphia County over inter vivos trusts and revising the procedure on and effect of jury trials and the availability of jurors."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 722, PRINTER'S No. 471

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 722, Printer's No. 471, entitled "An Act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aledrmen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns twonships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' regulating issuance of registration plates to newspaper newsreel or television photographers."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 759, PRINTER'S No. 336

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 759, Printer's No. 336, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' limiting reimbursement for depreciation to school districts using their own vehicles in pupil transportation."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 776, PRINTER'S No. 294

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 776, Printer's No. 294, entitled "An Act amending the act of May 16, 1921 (P. L. 579) entitled as amended 'An act providing for the better management of the jails or County prisons in the several counties of this Commonwealth of the third fourth and fifth classes by creating in such counties a board to be known by the name and style of inspectors of the jail or county prison with authority to appoint a warden of such prison and by vesting in said board and the officers appointed by it the safe-keeping discipline and employment of prisoners and the government and management of said jails or county prisons' giving wardens deputies and other appointees of the board powers of peace officers."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 780, PRINTER'S No. 427

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 780, Printer's No. 427, entitled "An Act amending the act of July 2, 1937 (P. L. 2821) entitled 'An act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities and certain boroughs of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of licensee fees for permission to conduct the same' making the provisions of the act effective in

municipalities and townships further regulating statements of inventories further regulating the issuance renewal denial revocation and refusal of licenses and the conduct of sales designating certain actions as violations of the act authorizing appeals from refusal or denial to issue licenses."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 842, PRINTER'S No. 435

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 842, Printer's No. 435, entitled "An Act amending the act of May 15, 1939 (P. L. 134) entitled as amended 'An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorzing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties' authorizing the issuance of permits for and the use of fireworks in connection with raising and protecting crops."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 853, PRINTER'S No. 382

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 853, Printer's No. 382, entitled "An Act amending the act of May 23, 1949 (P. L. 1669) entitled as amended 'An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties' excluding certain costs from the term receipts."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 901, PRINTER'S No. 429

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 901, Printer's No. 429, entitled "An Act amending the act of August 9. 1955 (Act No. 130) entitled 'An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto' fixing the time for the annual report by the county auditors to the court of common pleas and changing the provisions relating to the appointment of depositories of county Funds."

GEORGE M. LEADER.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

SENATE BILL No. 475, PRINTER'S No. 468. RETURNED WITHOUT APPROVAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 475, Printer's No. 468, entitled "An act amending the act of August 22, 1953 (P. L. 1344) entitled 'An act relating to marriage and amending revising consolidating and changing the law relating thereto' further regulating the issuance of marriage licenses when applicants are infected with syphilis."

Under existing law, the clerk of the orphans' court in the county in which the applicants apply for permission to marry, may grant a marriage license to them, if the physician's statement indicates that either of the applicants is not infected with syphilis or, if so infected with the disease, the disease is not in a stage which is not likely to become communicable. The proposed bill then would only allow the clerk of the orphans' court to issue a license as of right to the applicants who were not infected with syphilis. It would change the existing law in that where the physician's statement indicates that either of the applicants is infected with syphilis in a stage which is not communcable, the orphans' court would then need to pass on the desirability of the applicants to marry before a license could be issued, if at all.

The Department of Health does not approve the bill because it feels that the determination of whether an applicant has syphilis in a stage not likely to become communicable is peculiarly a matter of medical competence and that present modes of treatment have so advanced that a person undergoing such treatment may become cured of the disease, notwithstanding the fact that the examination renders a positive result. Furthermore, the department feels that if enacted into law the proposed amendment would put an impediment in the path of applicants desiring to marry for a reason that it considers to be medically invalid. This impediment would, in the department's opinion. contribute to illegitimacy. These undesirable results in the department's view outweigh the possible advantage of preventing marriages in these few cases where medical diagnosis may have proved faulty.

For these reasons, the bill is not approved.

GEORGE M. LEADER.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 1163, entitled:

An Act amending the act of May 11, 1921 (P. L. 522), entitled, as amended "Dog Law of 1921," requiring identifying initial on license tags issued to kennels.

Which was committed to the Committee on Agriculture.

House Bill No. 1498, entitled:

An Act regulating advertising relative to the sale or offering for sale of merchandise, commodities and service; and providing for injunctive action against the violators thereof.

Which was committed to the Committee on Judiciary General.

House Bill No. 1545, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929," establishing a Department of Recreation and defining its powers and duties.

Which was committed to the Committee on State Government.

House Bill No. 1546, entitled:

An Act relating to and providing for, the promotion and development of a State-wide recreation program in the Commonwealth, conferring powers and duties upon the Department of Recreation.

Which was committed to the Committee on State Government.

House Bill No. 1619, entitled:

An Act providing for the prevention and control of communicable and noncommunicable diseases including venereal diseases fixing responsibility for disease prevention and control requiring reports of diseases authorizing financial assistance to typhoid fever carriers and authorizing treatment of venereal diseases and providing for premarital and prenatal blood tests amending revising and consolidating the laws relating thereto and repealing certain acts.

Which was committed to the Committee on Public Health and Welfare.

House Bill No. 1929, entitled:

An Act amending the "Public School Employes Retirement Law" approved July 18, 1917 (P. L. 1043) correcting the names of certain institutions.

Which was committed to the Committee on Education.

House Bill No. 1932, entitled:

An Act amending the act of July 12, 1935 (P. L. 677), entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States," including members of the United States Air Corps.

Which was committed to the Committee on Military Affairs and Aeronautics.

SENATE BILL No. 235 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 235, entitled:

An Act amending the act of June 21, 1939 (P. L. 566), entitled "The Pennsylvania Occupational Diseases Act," by including tuberculosis within the meaning of the term occupational disease in the occupation of nursing.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

SENATE BILL No. 383 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 383, entitled:

An Act amending the act of May 20, 1949 (P. L. 1594), entitled "Ice Cream Law," authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

SENATE BILL No. 530 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 530, entitled:

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land, property or material or any interest therein by political subdivisions or by authorities created by political subdivisions in the exercise of their power of eminent domain.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 1002, RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 1002, entitled:

An Act relating to conditional sales made and filed prior to July 1, 1954.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

HOUSE CONCURS IN SENATE BILL No. 697

He also returned to the Senate, Senate Bill No. 697, entitled:

An Act amending the act of April 18, 1949 (P. L. 512) entitled "Fiduciaries Act of 1949" revising and changing provisions relating to first complete advertisement of the grant of letters payment of accrued pensions without letters amount of estates distributed on petition family exemptions place for grant of letters inventory and appraisement and objections thereto claims against decedents against personal prepresentatives and against decedents' property awards to nonresident beneficiaries presumption of release or extinguishment amount of minors' estates administered without guardian and exercise of powers by foreign fiduciaries.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

RETURNING TO THE GOVERNOR SENATE BILL No. 192 WITHOUT AMENDMENT

In the Senate, January 23, 1956.

Resolved (the House concurring), That Senate Bill No. 192, Printer's No. 246, entitled "An Act providing for and regulating the licensing and practice of practical nursing; imposing duties on the State Board of Nurse Examiners and imposing penalties," which was recalled from the Governor December 28, 1955, for the purpose of amendment, be returned to the Governor without amendment.

BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 686, entitled:

An Act amending the act of May 7, 1935 (P. L. 130), entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania, the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendant in any such suit," making the consent deemed to have been given by a nonresident operator or owner of an aircraft involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Comomnwealth as his agent for service of process irrevocable and binding upon his personal representatives; providing for service of process when the nonresident operator or owner has died pior to the commencement of an action, and making changes to conform with existing laws.

Senate Bill No. 862, entitled:

An Act amending the act of June 16, 1836 (P. L. 715), entitled "An act relating to Reference and Arbitration," providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue.

House Bill No. 1623, entitled:

An Act amending the act of May 2, 1929 (P. L. 1778), entitled "General County Law," extending retirement benefits to veterans of armed conflicts.

House Bill No. 1777, entitled:

An Act to further amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929" by further defining the powers of the Department of Property and Supplies relating to automobiles.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, I have been reserving the introduction of this bill to my concluding remarks today on the anniversary of Abraham Lincoln's birth. This bill which I am sponsoring, together with Senator Chapman, would give the right to the Pennsylvania Historical and Museum Commission to start now the preparation of several volumes to be published on the centennial of the outbreak of the Civil War.

Mr. President, Pennsylvania played an eminent role in the victory of the Union. There are many phases to this victory. Therefore, Mr. President, in order to present something to the Nation which will be worthwhile and which will inure to the credit of Pennsylvania, on behalf of Senator Chapman and myself, I am presenting the following bill.

BILLS INTRODUCED AND REFERRED

Messrs. STIEFEL and CHAPMAN read in place and presented to the Chair Senate Bill No. 974, entitled:

An Act authorizing and directing the Pennsylvania Historical and Museum Commission to prepare and plan for a history of the Civil War and to collect source materials on that subject, and making an appropriation.

Which was committed to the Committee on Forests and Waters, Game and Fish.

Messrs. WEINER, DENT and PROPERT read in place and presented to the Chair Senate Bill No. 975, entitled:

An Act authorizing the Department of Forests and Waters to convey certain lands located in Whitemarsh Township, Montgomery County, in order to facilitate the further development of Fort Washington Park.

Which was committed to the Committee on Forests and Waters, Game and Fish.

PETITIONS AND REMONSTRANCES

Mr. WATKINS. Mr. President and Members of the Senate, on Wednesday, February 8, 1956, we in Delaware County were shocked by a letter written to the Prison Board, at Broadmeadows, by State Attorney General Herbert B. Cohen. I would like to quote the headlines from the February 8th edition of the Chester Times. The big, black headline, about an inch in height, is as follows:

"Gambling, Use of Narcotics at Prison Charged"

I go on to quote another headline which appears at the top of the article:

"Dope Use by Inmates Reported

"Report also Cites Gambling, Liquor

"Chester—Use of liquor, gambling with high stakes and laxity in narcotics control at Delaware County's Broadmeadow's Prison were charged today in a letter from State Attorney General Herbert B. Cohen.

"The letter was addressed to George Hetherington, president of the Delaware County Prison Board, and directed to the prison farm at Thornton. Hetherington said today that he had not received the letter, but there were indications it might arrive in time for the board's meeting this afternoon.

"Cohen's communication followed a special probe by the state investigators which began last fall. The state entered the picture when it was charged that vice conditions existed at the prison. The charges were brought by Paul McCarthy, Clinton Heights Democrat, who was

a candidate for county treasurer at the November election.

"The attorney general listed four findings as a result of the investigation and he reported 'great concern' over the problem and 'strongly' recommended steps to be taken to correct 'glaring deficiencies.'

"The first finding dealt with the misuse of drugs. Cohen's letter stated. He was critical of what he said 'appears to have been considerable laxity in the supervision of drugs used at the prison,' and said that medication forms were signed in blank by doctors and left under the control of the prisoners.

" 'Obviously,' Cohen wrote, 'the practice of permitting prisoners to have control of narcotics can have no place in a well-managed institution,' adding '. . . whether or not this has created or promoted drug addiction in any inmates could be determined only by a medical examination.'

"Another Had Needle

"He claimed that the probe disclosed that one convicted killer 'was permitted virtually unlimited access to narcotics' and that another inmate had a hypodermic needle which was taken from the prison's medical supplies.

"His recommendation was that no inmate be permitted to have access to any drugs or other medical supplies 'at any time.'

"Cohen charged that the investigation disclosed 'numerous instances of inmates obtaining liquor' and said sometimes it was smuggled in by outsiders, sometimes obtained by inmates on work details, and sometimes 'the inmates visited taprooms and obtained it there.'

"Gambling Cited

"Gambling, he claimed 'has been common in this institution,' and he said that stakes involved 'hundreds and even thousands of dollars.' Dice and card games were prevalent, Cohen's letter stated. At the same time he indicated that 'at present this abuse appears to have been eliminated, at least during the period of the investigation.'

"Also under his critical scrutiny was the practice of permitting prisoners 'to go at large' under which, he said, 'there appears to have been a startling absence of proper supervision over work details outside the prison itself.'

"He emphasized that this created 'not only opportunity for escape, but also conditions favorable to contact with outsiders to obtain money, liquor, drugs or other contraband.' "

Mr. President and Members of the Senate, I would also like to read into the record the reply from the President of the Prison Board, namely, George Hetherington, of Chester, Pennsylvania. I quote from his letter of February 9th, addressed to Mr. Cohen:

> Dear Mr. Cohen:
>
> I am now in receipt of your letter covering alleged conditions at Broadmeadows Prison Farm which you so inconsiderately released to the press long before we who are most concerned had a chance to study its contents. I am certain you are well aware that it is an old political trick to release critical letters to the newspapers well in advance of their receipts by the persons to whom addressed.
>
> Let me say, sir, at the very outset that I regard your letter as completely political in content, that it does not reflect accurately conditions at the prison as they are today, and that the charges contained therein are only an accumulated rehash of incidents over past years which already have brought about the dismissal of the persons responsible.
>
> Let me assure you further that those charges contained in your letter which have a basis for past fact already have been corrected, and that those charges which are completely untrue are itemized in the following detailed reply to the major findings covered:
>
> 1. "Misuse of Drugs."
>
> This section of your letter is, sir, a deliberate attempt to mislead the public into believing that the use of narcotics among prisoners is a common occurrence at Broadmeadows. You even go so far as to state that "one convicted killer . . . was permitted unlimited access to narcotics."
>
> "I agree completely with your statement that "the practice of permitting prisoners to have control of narcotics can have no place in a well-mannered institution." So much so that since I have been President of the Board of Prison Inspectors there have been no narcotics kept at Broadmeadows.
>
> The strongest medication stored at Broadmeadows consists of sodium amytal, alonal and phenobarbital—none of which I am certain even you will agree can be classed as "narcotics" by any stretch of the imagination.
>
> Therefore, the attempt to convey the impression that narcotics are being misused at Broadmeadows as contained in this section of your letter is completely false for the simple reason that there are no narcotics at the prison.
>
> 2. "Permitting Prisoners To Go At Large."
>
> The practice of allowing prisoners to work at the County Court House and Fair Acres Farm under proper supervision has been well-established at Broadmeadows. Furthermore, it is a practice which resulted in saving $35,000 to the taxpayers of Delaware County last year alone.
>
> In our view, these work details are adequately supervised by guards from the Broadmeadows staff, and that, because of this, the opporttunities for "smuggling" and/or escape are so few as to be almost non-existant.
>
> 3 and 4. "Abuse of Liquor" and "Gambling."
>
> Both of these sub-heads in your letter can be lumped for reply into one heading, since both are based on the accumulation of incidents through past years which already has resulted both in their elimination and in the dismissal from the prison staff of those whom we consider responsible.
>
> You yourself corroborate this statement in the case of alleged gambling when you say in your letter, "At present this abuse appears to have been eliminated at least during the period of the investigation."
>
> "Since May 2, 1955 when these conditions were first brought to our attention, we have striven diligently to ferret out any conditions involving the use of liquor and gambling and in prosecuting the persons involved.
>
> I might add in this connection that not only have we dismissed from the prison staff such employes as we have found to have been in league with the prisoners, but we also have sent six of the inmate-ring-leaders to the penitentiary for their part in the affairs.

If, sir, your recent investigation at Broadmeadows has uncovered any specific evidence to prove that the charges contained in your letter are applicable now, it is your duty as Attorney General to turn it over to responsible authorities for suitable action—rather than to use such evidence as the basis for a political trial by newspaper.

If, moreover, you actually have such evidence ot substantiate your inference that those things are happening at Broadmeadows now, it is also your duty as Attorney General of the Commonwealth to prosecute the entire Board of Prison Inspectors, the warden and his staff to the fullest extent of the law.

In other words, Mr. Cohen, I feel it high time that you stop making a political football of Broadmeadows Prison Farm. Either prosecute us for failure to do our duty—or apologize immediately for the slanderous statements contained in your letter of February 7th.

I am, of course, expecting the courtesy of an immediate reply.

Sincerely,

GEORGE HETHERINGTON,
President, Broadmeadows Prison Inspectors

Mr. President and gentlemen of the Senate, I took the time to read this letter to the Senate for the simple reason that I think his reply, word for word, should become public and be given to the press. I think the press, in all fairness, should use this reply of George Hetherington due to the fact that they were most gracious in making the charges in their papers against the officials of our county.

I would like to call to the attention of the gentlemen of the Senate a few things that I know about Broadmeadows. Number one, only recently Chief Federal Penal Inspector Casey, of the Federal Penal Board, rated the Broadmeadows Prison Farm as one of the six top ranking county jails in the entire United States, based upon personal inspection made as recently as July 1955. Number two, on July the 22nd, 1955, E. C. Bollinger, in charge of the Bureau of Penal Affairs of the Pennsylvania Department of Welfare, in a written report, classified Broadmeadows Prison as good and added: "The Bureau of Penal Affairs commends the Board of Prison Inspectors and the Warden on the general condition and their efficient management of the prison."

Mr. President, just who are we supposed to believe, the Federal Penal Board's investigation, classifying Broadmeadows as one of the top six county jails in the entire United States, the Democratic Administration's own Department of Welfare, whose prison expert classified the prison as good or the phony charges of Attorney General Cohen? Frankly, Mr. President and gentlemen of the Senate, I think we are stooping to a new low in politics in the State of Pennsylvania.

Personally, I have always felt, and always will feel, that we need a two party system in the State of Pennsylvania and in the United States of America. There is no system equal to the Republican-Democratic system of government. They both, as we know, stand for democracy.

When a man is appointed or elected to such a high office as that of Attorney General, I certainly think he should stop playing petty, dirty politics by harassing such people as the judges of our county who are in complete control of the Broadmeadows Prison, our county commisisoners and a prison board with whom I had the great privilege of serving back in the year of 1945 and whom I personally know. I feel as though it is a low that I have never known to be equaled since I have been in the Senate of Pennsylvania.

Mr. President, our President Judge, Judge Henry Sweney, and the President of our Comimssioners, Arthur C. Throne, and George Hetherington, the President of the Board of Prison Inspectors, asked me to say just this to the gentlemen of the Senate; that either Mr. Cohen prove his charges that this condition is existing or shut up. They told me to put it in just those plain words and I think they are being too mild when they ask him to shut up. I would like to go a little further and personally suggest and demand that Cohen be immediately discharged and I think the Democrats might concur with me in this. After one year in office and declaring that he wanted to serve the Commonwealth of Pennsylvania, I find that he is a candidate for the Superior Court. God forbid if he plays poltics in the Superior Court as he is in the Attorney General's Office. If he does, I have a lot of sorrow and worry for what might happen to the people in the future.

Mr. President, I demand that the Attorney General be discharged. I would even go so far as to say that I would welcome a Senate investigation by some of our honorable Members on the Democratic side and the Republican side to check into this false accusation which was made by the Attorney General. I feel, Mr. President, that when men of high office use their office to play politics and to break down people who are serving their community without pay—not one single nickel is paid to a member of the Prison Board— their office should be investigated. George Hetherington, who is the president, has been on the Prison Board for some twenty odd years. He is a businessman and an executive of the Eddystone Manufacturing Company in the city of Chester. Mrs. Annabel Sproul, a relation of the late Governor of Pennsylvania, has been on the board some twenty odd years. Doctor Kimber Vought is just a new member of the Board. Kimber Vought is just a new member of the board. Norman Seiple, who is President of the School Directors Association in our county, is a member of the board. These people, who devote their time and give their untiring efforts to see that this prison is run right, have to suffer the abuse of someone who does not know what is going on.

Mr. President, how did the good Attorney General get this information? For your information, he received it from men who had been fired for failing in their duty at Broadmeadows. One man, who ran for political office, was fired for the simple reason that he was the gentleman who did smuggle a few bottles of whisky into Broadmeadows. He became a candidate in the last election on the Democratic ticket and that is when the smudge pot started to boil and now the Attorney General is trying to carry it into another election.

Yes, it is possible, Mr. President, that some of those poor devils who have to go to prison might enjoy a drink of whisky if they could get it. Certainly, they will steal it and they will take it from any place where they can get it, if they can get it. I know I would if I were in

there. I do not think that whisky ever killed anybody, for if it did there would be a lot of us Senators gone before today. It is no hideous crime to give a man a drink even though he did get it unfairly and broke the prison rules. There is nothing wrong with letting a man have a little whisky if he can get it. I remember when I was on the Prison Board that we caught the boys back in the kitchen stewing up raisins to make a little juice. I dare say some of them are so bad, the alcoholics in there, that they would drink canned heat if they could get a hold of it.

Mr. President, why should the Attorney General go to all this trouble in trying to embarrass our citizens over the finest institution that is in the State of Pennsylvania and even, in my opinion, ranks ahead of the six that Mr. Casey spoke about? I would name it number one.

Let us go back to the second charge, which was gambling. This is my thinking and what I know about it. Yes, they gamble at Broadmeadows Prison. When I was on the Prison Board they played for matches. I would bet the Attorney General anything he would want to bet—it is not legal, I guess, for a Senator to bet with the Attorney General because I would wind up on the short end of it—that he cannot find three dollars and fifty cents in Broadmeadows on any day that he picks to go down there. Do those prisoners have money? They play for matches. Maybe from the few dollars their relatives give them, which goes in a chest to buy food, soft drinks, candy, and confections which they like to eat, they might gamble and get the other fellow's candy. I do not know whether they do or not, but so what if they gamble with matches? It is fantastiic and it is a deliberate lie to say that gambling goes on into the thousands of dollars. No one but a dreamer would ever make a statement like that. There is not even a thousand dollar lottery in the whole of Delaware County that I know of. There might be some in his county, and he should investigate it and find out. He should find out whether they are gambling in his prisons or not. Certainly, there is no wholesale gambling in our prison.

Now, Mr. President, he comes to narcotics. You heard the statement from the President of the Prison Board. I personally talked to Doctor Joseph Dimedio, who is the physician at Broadmeadows, and asked him if there were any narcotics in the Broadmeadows institution and he said nothing was in there which could be called a narcotic or would hurt anyone. The Attorney General talks about finding a hypodemic needle. If he wants to go down on my farm he can find seven of them in my tack room; we use them. We use a hypodermic needle to give our horses medicine; to inject the horse with penicillin, kidney medicine. There are many uses you can find for a hypodermic needle, and he found one hypodermic needle at Broadmeadows and then stretched his imagination by saying that prisoners had free access to all of these narcotics, because of this one great big needle which he found, and that maybe our prisoners would become habitual users of narcotics.

Just how far afield can a man's mind travel? Just how far does he go out in left field and center field and right field and finally try to get back to home base? He must have had a fit of imagination, he must have had a night of dreams, like Senator Dent had when he got up and wrote his play, and felt that his play should be entitled, "Broadmeadows, Delaware County." The hypodemic needle which he talked about was also used on cattle and hogs. There was also one which was with the medical supplies, with the instruments that the doctor had at Broadmeadows. It was locked up and no inmate ever had use of it. Had an inmate had use of it, I do not know what he would have injected into his blood stream; maybe some of that prune juice or a load of that liquor which he could not drink and I am sure he would not have put that into his blood.

I say, Mr. President, that the people of my county, and I mean many people of my county, both Democrat and Republican, feel as though these charges are just simply fantistic and something pulled out of the wind; something that the great Attorney General might think will help him be elected to the Superior Court bench. Well, I can tell him this; that in Delaware County we will not forget his slurs and his slap on an institution, and we will not forget his slurs and remarks which are completely unjust and unfair to fine people who I said before are serving without pay.

Also, Mr. President, I realize that the Attorney General can run all over the State of Pennsylvania and resurrect anything he wants to, but do you not think that as an administrator, if he had such vital information that our institution was so corrupt there, he would have sent this information down to our District Attorney? Does he accuse our District Attorney of being a person of unfair tactics, too; a man who cannot be trusted? Why does he, with all the trouble and all of the work that he has in Pennsylvania, not refer this matter to our District Attorney? I would certainly think that keeping Cousin George advised over there would keep him busy, because he seems to be in an awful muddle. In other words, it is his duty to steer the Governor of the State of Pennsylvania by seeing that everything is legal and everything is running right. Certainly some of the legislation which was proposed was not according to the Constitution of the State of Pennsylvania.

Why has he not entertained his thoughts in other places where there are slot machines floating around the State of Pennsylvania; where there are football lotteries, baseball lotteries and basketball lotteries? What is he doing about that? Are they in counties where they are not known as Republicans? Could that be in some Democratic County and he wants to let it go on? I am told that it is there. I am told that these things are happening. Why does he have to come down to our little county and start on one of the best run prisons in the State of Pennsylvania? There is only one reason, gentlemen, and that is politics. Certainly his invasion of Delaware County will never pay off for him politically there, because Democrats and Republicans alike will certainly vote against him when the time comes.

Mr. President, I would like to say, too, that in conclusion I say to the Attorney General that he should cut out his filthy, dirty politics, be the Attorney General of the State of Pennsylvania or resign, and either apologize to us for what he has done, or shut up or lock us up.

Mr. DENT. Mr. President and Members of the Senate, it is difficult for me to follow the pattern set by the

gentleman who has just preceded me, inasmuch as when he first started to talk, he discussed what was contained in a newspaper article pertaining to some results of a report on an investigation made by the Attorney General into an institution that is part of this Commonwealth. At first, Mr. President, I thought the gentleman was going to complain about the findings. However, I found that later on in his remarks he had no complaint about the findings because he admitted that the charges made in the findings by the Attorney General were substantiated by his own knowledge of gambling and other irregularities in the prison. The question of degree is one that would, of course, have to come up into a court of law, if it reaches that stage. However, there can be no forgiveness of sin just because of the degree of sin. Then, I thought perhaps Senator Watkins was going to complain about the right of the Attorney General to go into this institution and make an investigation. I knew that he could not possibly be doing that because, in my history here, I have known may Attorneys General who have gone into counties and have performed duties that were considered normally to be the duties of the local district attorney. I can remember, with quite a vivid memory, the long and deliberate attempt to embarrass the Democratic Administration in the city of Pittsburgh with the so-called free work investigations. They were not held by the local district attorney, but were superseded by the State's Attorney General and which, incidentally, cost this Commonwealth $600,000. I can remember, too, throughout the years, when the Attorney General's Office has been used for the specific purposes that the gentleman from Delaware now complains about.

The Attorney General has, as I understand the law, every legal right to perform this duty. How he performs it, of course, is a matter of opinion. Frankly, Mr. President, I do not know what the conditions are down at this prison. I assume that the investigation made by the Attorney General was thorough and that whatever the findings were he incorporated into his bill of complaint. However, I cannot find within me any excuse for the wild statement made by the gentleman—and this is without any personal disparagement—which insinuated that the Attorney General is protecting gambling and slot machines in Democratic counties. Mr. President, that is a more serious charge than the legal findings of the Attorney General. I say that, in fairness to this Attorney General of Pennsylvania,—who, incidentally, is not a candidate for the Superior Court; he happens to be a candidate for the Supreme Court—at the time this investigation was carried out, the possibility of Mr. Cohen being a candidate for the Supreme Court was far removed from the picture. I happen to know that it was only within the last twenty-four hours before the selection that Mr. Cohen allowed himself to be drafted for the position on the ticket.

However, Mr. President, as to the charge being made, I call upon the Senator who has preceded me to name any county or counties in which the Attorney General has protected slot machines or other means of law violations and gambling. I would like to have that done today and if Senator Watkins wants to introduce a resolution on his part to investigate or re-investigate the differences between the Prison Board and the Attorney General on the charges at this prison, I am sure he would have sufficient votes in the Senate to pass that resolution. I do not belive that any man on this side or on that side is interested in maligning any citizen of this Commonwealth. If you feel that an investigation of the prison is in order, you have the prerogative and the privilege, as a Senator, to introduce a resolution to that effect. I, for one, will not oppose it and in all probability I will help you in its passage. However, the serious charge made that the Attorney General, by insinuation in the remarks, is playing politics with the welfare of this Commonwealth is serious, regardless of whether the Attorney General is a candidate or not. It is serious in the whole conduct of government. I do not belive that it has entered the head of the Attorney General to use that office for the purposes described by the previous speaker. If, in the past, that was the rule in Pennsylvania, then the gentleman must have some precedent upon which his remarks are based.

Mr. President, I cannot defend the findings because I am not even acquainted with the charges. That is a matter which is not within the province of the Senate today. If the Senate makes its own investigation, it may then be able to determine whether or not the charges of the Attorney General are sound and true, or whether the defense of the Prison Board is sound and true. However, that is beside the main point at issue now. Too many times when we stand up we start off on a direct course to reach a goal, but somewhere along the line we lose sight of our aim. You cannot acuse the Attorney General of being politic in a legitimate, legal operation of his office in conducting an investigation that he is legally and duty bound to conduct, if demanded, and then deny that there is politics in the charge that he is harboring favoritism and promoting favoritism, as it were, in the manipulation of the enforcement of law in this Commonwealth to the extent that because a county has a certain political majority, it can, with immunity, violate the laws of the Commonwealth.

I come from a Democratic county and I have witnessed a great man campaigns. I defy Senator Watkins or anyone else to find a slot machine within the confines of Westmoreland County. They cannot be found today, nor for many many years in the past. I cannot speak about Delaware County; I do not live there. However, I would be the last to stand on this floor and say that there were slot machines in Delaware County or in Montgomery County or anywhere else, unless I knew from my own personal knowledge that such was the case. The words often spoken in the matter of a discussion on some other subject can lead to a great deal of misunderstanding and misrepresentation of the facts. The harassed people of this government, who are at the moment in an undecided and worried frame of mind, might find themselves too prone to belive that the accusation carries with it the authority of a fact. In so doing, we further add to the destruction of the confidence of the peoples in their elected representatives and in their elected government.

If the gentleman who preceded me knows of any county where such protection is being given he owes it to this Senate at this moment to name the counties and to demand that the Attorney General and the State Police immediately proceed to exterminate this violation of the law wherever it may be found to be. I do not believe

LIBRARY
UNIVERSITY OF ILLINOIS

that the Attorney General is part of any protective Scheme for law violators. I do not believe that the Attorney General was playing politics with the investigation in Delaware County because that investigation took place long before the possibility of the Attorney General's enrosement for the political seat, as it were, on the Supreme Court.

I only ask that in all fairness the gentleman take two steps, and we will support him in both steps. Number one, he may introduce a resolution on the part of this Senate to investigate the conditions at the Broadmeadows Prison.—Number two, he should lay before the Senate any evidence that he has of collusion or conspiracy on the part of the Attorney General to violate his oath of office to protect, anywhere in the Commonwealth, illegal proceedings in any phase of the law.

Mr. SEYLER. Mr. President, the Attorney General, I think, needs no defense by me, but since the gentleman is a gentleman with whom I am rather well acquainted and since the gentleman is a citizen of my county and for that reason I have had access to his activities and thinking for sometime, I would just like to say a few words to put this matter in perspective.

In the first place, Mr. President, there is no question but that the Attorney General, just as any other responsible member of government, has certain jobs which he is asked to do which, to him, may be personally distasteful. He may not enjoy the exposure of corruption and inefficiency in any given county. I believe it is the custom of the Attorney General and his office to have such investigations made by the State Police of the Commonwealth. I have no doubt that that is the agency which did the actual investigation in this case, and the Attorney General simply took the report of that agency and presented it in the form of a letter to the proper officials of Delaware County, suggesting correction.

If the Senator from Delaware County thinks the State Police is a corrupt organization, I can only say that I doubt that it has become so in a comparatively recent time. I think the Attorney General had confidence in the report because it was done by the State Police.

Mr. President, as far as Mr. Hetherington is concerned and the members of the Prison Board of Delaware County, they did the most natural thing in the world. They wrote a letter and denied the charges. I think that would be the first reaction of any group whether they were innocent or guilty, and whether the conditions were true or false. As far as the Senator from Delaware County is concerned, it was a perfectly plausible and to be expected political activity on his part to defend this prison board from his county. I suggest that neither the Senator nor I probably know enough about this situation to evaluate it. Probably Mr. Hetherington and the Prison Board do, probably the State Police do, and it is a question for the citizens of Delaware County and of the Commonwealth to decide. Since the matter has been brought here before the Members of the Senate to make their decision as to which is more likely to be the objective point of view, the State Police or the Members of the Board whose prison is accused of being mismanaged, I certainly will not make a decision on that problem.

I would like to say that I did not like the tone of the Senator's allegations about the existence of slot machines and lotteries and so forth in many counties. The reason I did not like it was because he seemed to make an implication that if it were true, somehow the Attorney General, thereby, was guilty of neglecting his office or perhaps of malfeasance in encouraging this. If the gentleman has information—and I believe he said that he does, at least he said that he heard these things existed—if he has anything which is worth reporting, his duty as a citizen I know is to present that matter to the Attorney General or to any other authority which he considers proper police authority and have those charges investigated. If he does not have evidence which would warrant such action, then the only thing that I can believe is that the Senator's statements on this floor have been reckless and unwarranted.

As far as politics in this matter is concerned, it is a matter of common knowledge that at the time the State Police made this investigation and at the time the Attorney General received the report, at which time it was made public, he was not a candidate for any office. If you want to take my word for it, I do not think he was anticipating being a candidate for any office. If he would have been, certainly he did the impolitic thing, because if I wanted to get the votes of Delaware County I certainly would not set out to offend the friends of ex-Sheriff Watkins, who, I imagine from my observation of him, would probably be the most popular single individual in Delaware County and I would not want to alienate him and lose those votes. Therefore, if there had been any politics in this thing, the Attorney General, if he did it for political reasons, has marked himself as a singularly stupid politician, and believe me that does not conform with the general make-up of the Attorney General, who is a very intelligent person.

Mr. President, I do not need to defend the character or reputation of the Attorney General. I would simply like to say that in his own county, and that is the only place he has ever to this date asked the people for votes, he has been uniformly successful in receiving them and he has a fine reputation for ethical conduct. At the time he was appointed to the Attorney General's position, he was President of the York County Bar Association and there is nothing whatever in his career to warrant the reckless type of statements which were flung about on this floor today.

Mr. WEINER. Mr. President, I would just like to point two things out to the gentleman from Delaware County. One is that his problem is a very simple one. If he knows of all this gambling which is going on, all he must do is to present himself to a magistrate where the activity is taking place, take an affidavit and the officer will issue the necessary warrants and the police in that area, I am sure, will act. He does not even have to afford himself the privilege or the honor of going before the Attorney General, and he can do this on his own in any area where he knows that this activity is taking place. I think that, as one of the officers of this Commonwealth, it is incumbent upon him to do this if he knows of this illegal activity going on anywhere in the Commonwealth.

I would like to further point out to the Members of this Senate that very recently the chief of police in Chester held some raids in regard to gambling and illegal activity. I live across the county line in Philadelphia and it seemed very strange to me that he had to call upon the State Police to carry out these raids. He did not seem

to want to trust the detectives or the police in that area.

Therefore, Mr. President, I believe the Senator has a twofold job. If he is going to look into the Attorney General's Office, he better also look into the goings-on in Delaware County to find out why they do not use the duly elected and paid officials to carry out their positions, but must call upon the State officials to do this. This happened just within the last six or eight months when this activity took place.

Mr. WATKINS. Mr. President, I would like to thank Senator Weiner for his information. If he will send me a bill, I will pay him a regular fee for advising me how to conduct myself according to law.

I would like to call to his attention, being a Philadelphia Senator, that I do not think this is any of his business. I do not blame Senator Seyler for talking and I do not blame Senator Dent, but I do not know how the gentleman from Philadelphia gets into this argument. If he wants to talk about vice conditions in Delaware County, I think he should think a little bit about the city of Philadelphia where it is not safe to even go to sleep without being stabbed to death. People are being robbed and knocked down as they walk down the streets of the city of Philadelphia.

Mr. President, yes, we did have a gentleman who was the director of police in the city of Chester, but he is no longer director of police because of the simple reason that he was unable to command his men and get results. He did make a couple of petty arrests. He locked up some men from a twenty cent poker game and a few colored boys who were shooting crap. This was most admirable and I think he did a wonderful job.

I would also like to call to your attention that the other fellow who he arrested had three dollars and ninety cents worth of number sheets on him, and he chased him forty blocks and endangered the lives of maybe 100 people and captured him. Therefore, I want to say that we are in great danger but we do not have murders, women being knocked down on the streets, crimes unsolved and the gambling that they have in the city of Philadelphia. I would like to have that called to the gentleman's attention.

Mr. WEINER. Mr. President, the gentleman from Delaware County seems to be having himself a field day today. He has taken care of matters in Delaware County and has now come over into Philadelphia County. If he will be so kind to point out to us the different problems we have in Philadelphia and how we can solve them, I will be very happy to hear from him. I will also be happy to take him to the proper officials and see that they confer with him so they can share the benefit of his advice and his long years of experience in police work

I would also feel it incumbent upon myself, as a Member of this Senate and as an elected official of the State of Pennsylvania, to have brought to the attention of this body, and any other body in this legislative area which is a check on our executive branch, the misdoings or nondoings of our elected or appointed officials. I think that Senator Watkins would do well to give us the areas where this corruption is going on and which the Attorney General is protecting so that we can address ourselves to this situation. If he does not feel it incumbent upon himself to go to the proper officials, I think we can find a few gentlemen here who will be very happy to go before the proper magistrates and take these warrants on his information.

Mr. LANE. Mr. President, I have sat here quite some time this afternoon listening to all the speeches and I might say to Senator Watkins that—you can quote me on this, too, Senator—I think you should tell the fellows in your county that I think you have done a wonderful job in taking the floor today and defending them, because after all that is your job. However, I feel, too, that probably after your speech today they should slate you for Congress or some higher office. You know, in your speech you brought to my mind something when you protested so much, because someone said not long ago, "He protests too much," and you did a lot of protesting here.

As I sat here today, I was wondering whether after while the truth might come out. I have not read the Attorney General's report as yet, but since you are dissatisfied with it I was thinking that since Bob Fleming, Bill Scott and I have finished our assignment at Morganza, and we feel we did a pretty decent job, you should put in your resolution because Bob and I could use a little extra money now. After all, we have been in Session a long time, and probably Bill Scott could use some extra money, too. Mr. Haluska is not here but I know he will be for it all right. If you put in your resolution, we will go down and investigate and see what actually did happen.

Mr. President, I want to say this, too. You are bound to get justice because, you know, I remember when Carl Shelley here and his bunch of Crusaders started out to emasculate the Democratic Party in the State. You know, we had a lot of publicity on that, and it took a judge from Washington County to straighten them all out and that was Judge Howard Hughes who, by the way, happened to be a Republican. Judge Hughes came down here and straightened Carl Shelley and his gang out. He found that ninety-nine percent of the charges were politics.

I also remember that not too long ago in Allegheny County they wanted to take care of the Democrats in the city of Pittsburgh. They had a free work probe and I think it cost the State around $600,000. The probe ended up with all the indictments being quashed. As a matter of fact, I think one of the Deputy Attorneys General even apologized to the court for bringing out the indictments. Therefore, you can see that there might be a little politics; we do not know.

I say this to you, you better consult with my lawyers over there, Bob Fleming, and Senator Scott, and if you need us we are available.

ABRAHAM LINCOLN COMMEMORATIVE EXERCISE

Mr. MAHANY. Mr. President, by resolution we set apart a period of today's Session in order that we might observe the birthday of Abraham Lincoln. I believe now would be a suitable time for that purpose.

Senator Blass and Senator Stiefel have been appointed to conduct those exercises, and if it is all right with them I would suggest that we now take up that order of business.

The PRESIDENT. There being no objection, pursuant to Senate Resolution previously adopted, the Senate will

proceed with the Abraham Lincoln Commemorative Exercises.

The Chair now recognizes the gentleman from Erie, Mr. Blass.

Mr. BLASS. Mr. President, Fellow Members of the Senate, Ladies and Gentlemen:

At this time we are here to pay reverence to the memory of one of the greatest Americans who ever lived, the sixteenth President of the United States, Abraham Lincoln. Lincoln has been popularly known throughout the length and breadth of the land and throughout the realms of the world as the "Son of Kentucky" and as the "Son of Illinois." However, let me say to you that very few know that he is also a son of Pennsylvania. He is a son of Pennsylvania by reason of his ancestry.

Before I go into some of the qualities of Lincoln, I want to briefly narrate a few things from his life which will exemplify the noble character and the magnitude in which he was held, the being of Abraham Lincoln. His great, great grandfather, Mordecai Lincoln, was a highly respected citizen of Exeter Township in the county of Berks. It was a strange and singular coincidence that Mordecai Lincoln was also a neighbor of Squire Boone, who was the father of Daniel Boone, the Kentucky frontiersman. Mordecai Lincoln was a Justice of the Peace and an Inspector of the Roads in the Township of Exeter, in the county of Berks, and occupied a 300-acre plot of ground in that county, settling there from New Jersey in about the year 1730. His son, John, who was the great grandfather of Abraham Lincoln, went from Pennsylvania to Virginia which, at that time, became the ancestral abode of the Lincolns until they moved to Kentucky where Abraham was born in Hardin County, on February 12, 1809.

Last September, I had occasion to talk on the floor of the Senate on John Marshall. Both he and Abraham Lincoln had a lot in common in one respect. Abraham Lincoln also did not have much of an education. I believe, all in all, he only attended school for about one year. He received most of his training from his mother, who died when Abraham was only about ten years old. However, the influence of that mother on Abraham Lincoln was terrific. You will remember the immortal words of Lincoln in reverence to his mother when he said, "All that I am and all that I ever hope to be, I owe to my angel mother." Where in American History do you have a man, of the words of Lincoln, who can speak straight from the heart and in language the people can understand? Nobody can fail to understand those tender words. They showed exactly what was in the man's makeup and which enabled him later on to fight with all his might the struggles which he had to face.

Abraham Lincoln, as a boy, worked hard. He was six feet, four inches, in stature and be possessed considerable physical strength and power. He earned his early money by rail splitting. He ran a flat boat down the Mississippi, and this was one of the incidents in the life of Abraham Lincoln that shapped his destiny. When he got to the city of New Orleans on several occasions, he witnessed some of the things which shocked the man from head to foot, that caused him to blush in shame because mothers and children were torn from each other; husbands were torn from wives, chained from hand to foot and sold in abject slavery. This so impressed Lincoln—and I know a great many of you have heard this statement—that he said at that time, as a flat boatman, "If I ever have the opportunity to hit this institution, before my God, I will hit it hard." And hit it hard, he did.

To show the nature of the man, when he was asked to write his biography, he said, "I am only poor, humble Abraham Lincoln and I come from two undistinguished families. I know that my ancestors came from Pennsylvania." Those words stand out in strange and singular significance.

Lincoln later decided that he wanted to be a little something more than a flat boatman, and a rail splitter, and a clerk in the country store and a merchant in New Salem. So, he studied law. His parents went from Kentucky to Indiana and it was in Indiana where his elder sister, Sarah, who was two years his senior, passed away at the age of twenty-one. Lincoln, at that time was nineteen. The family moved to Illinois where Lincoln spent most of his time studying, reading law, if you please. He finally was admitted to the Bar. He decided on a political career. He entered the Illinois Legislature; he served four successive biennial terms, from 1834 to 1842. It was in that capacity that he first attracted Nation-wide attention by his remark that a house divided against itself cannot stand, and also before the Illinois Convention when he said, "A Nation cannot exist half slave and half free."

Lincoln ran for Congress in 1842 and lost. In 1846, he tried it again and this time he was successful. In his short career in Congress, he attracted Nation-wide attention through the espousal of those principles which lie at the roots of American liberty and American prestige, the fight for the abolition of slavery. During those periods when he was in Congress, there was a young man by the name of David Wilmot, who represented the northern tier of counties in the neighborhood now represented in this Senate by Senator Madigan. David Wilmot had a great deal to do with shaping the life of Lincoln. Through the Wilmot Proviso, which abolished slavery in the territory that was acquired from Mexico, Lincoln voted, as he said, against that Proviso he believed forty times. Although it never passed, it showed exactly that he was on the cause of right, that he championed the ground of the common people, that he espoused the doctrine of equality and equal opportunity before God.

Lincoln's rise was remarkable in such a brief, short space of time, from 1846 to 1860. In those fourteen years of hard labor, struggling for what he thought was right, speaking in the language of the common people, with the common touch, he was able to make himself impressive with every audience that he faced. It was only natural, therefore, that when it came to the selection of the first Republican candidate for President, from the five candidates who were nominated in the Wigwam in Chicago in 1860, Lincoln was nominated for the Presidency on the third ballot.

I am not going to go into some of the pathetic incidents of Lincoln's life, other than having mentioned the death of his mother and the death of his sister. However, one of his early boyhood friends was a girl whom he loved and revered, Ann Rutledge. She passed away during Lincoln's early life and left a cloud of darkness to shadow over Abraham Lincoln. All these influences had a ten-

dency to prepare him for the great task which befell him when he was nominated and elected as the first Republican President of the United States.

I am not going to delve into the time when he came to Pennsylvania again on that immortal November 19, 1963, after he was extended an invitation but not expected to arrive, and when the orator of the day was Edward Everett, who delivered an hour's address. After the conclusion of Lincoln's twenty line speech, Lincoln went up to Edward Everett and congratulated him on his wonderful oration. Everett looked at Lincoln and he said, "I wish I could have been the author of those twenty lines."

I could speak here for hours on the worth and merit of Abraham Lincoln. However, I am not going to do it. I am going to say this. He had a heart that was full of pity; he was humble; he was simple; he had humanitarianism in every fiber of his body; he was bursting forth with kindness and compassion through his whole life. At the close of the Civil War, he did not want to deal with his enemies as some would have him do. He used those memorable words in his second inaugural address, "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to carry on where we have begun, to bind up our Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphans; and to do all to achieve and cherish a just and lasting peace among ourselves and among all nations."

How true these words of Lincoln are today. There are a great many countries in the world where equality and equal opportunity are denied. If Abraham Lincoln were living today, he would probably espouse those principles on a world-wide scale. It behooves us, in closing, in deference to this great emancipator, to see that we are alert and vigilant so that the price of heritage, of liberty and freedom, which was so hard to win, is absolutely and permanently secured.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Mr. Stiefel.

Mr. STIEFEL. Mr. President and Gentlemen of the Senate, I am at a disadvantage to follow so matchless an orator as Senator Blass. No wonder the Committee on Forests and Waters, Game and Fish is booming with business. Senator Blass is emerging now as a historian. The whirl of his speeches exuded is so powerful that many times it sets back the chill breezes and blasts from Canada.

Mr. President, what I am going to say is only supplementary to what Senator Blass already mentioned. The thesis of my remarks will deal with Lincoln in Pennsylvania. Senator Blass already dwelt on some of its phases. There is a beautiful pattern emerging now in the United States that each year, the newspapers of the Nation select the most timely and effective editorial pertaining to Lincoln. I am going to quote from an editorial which appeared in 1947 in the Indianapolis Star and was selected as the outstanding editorial on Lincoln throughout the Nation. Here is what it said:

"The paintings of some men are timeless. The music of others reveals its beauty to each generation as though it were new. Great poetry, great sculpture or great oratory is great in any age and at any time. And so it is with the speeches of Abraham Lincoln, who was born on a farm in Kentucky just 139 years ago today."

Today, it is 146 years since he was born.

"Lincoln's speeches contained a distilled political wisdom of free men everywhere and at any time. His understanding of people, how they feel and think and aspire, is still unsurpassed. Not only did he clearly see the meaning of liberty and of democracy, but he was able to express it to the rest of us so that we, too, could understand and glory in its bright hope."

The editorial is much longer, but I just pointed out the highlight of it.

I remember, when visiting Oxford University, I saw on a huge bronze tablet the Gettysburg Address. It stated that together with King Charles' version of the Bible, the Gettysburg Address is probably one of the most glorious passages ever couched in the English language. It went on to marvel at its simplicity and beauty, because it has the majestic sweep of a Biblical pathos.

What I am interested in today, Mr. President and gentlemen of the Senate, is to make a little journey to Pennsylvania. Senator Blass already mentioned that Mordecai Lincoln established in Berks County, Pennsylvania, after coming here in 1730 from New Jersey, where he was the neighbor of Squire Boone. Later, the family migrated to Virginia, but Lincoln's great grandfather, John, sold his holdings in New Jersey and acquired land in Lancaster County. Here you have Senator Ruth, Senator Diehm and Senator Kessler's territory having a connection with the lore of Abraham Lincoln.

What I want to especially underscore are four great Pennsylvanians who had to do with the rise of Lincoln to power in the Presidency. One already was mentioned and that was David Wilmot, the father of the Wilmot Proviso. That brings us to Senator Madigan's territory. Wilmot was a judge in Bradford County. If you ever visited Towanda and you stop at the Court House, you will see a special tablet dedicated to Wilmot. When he became a Congressman, in 1846, he submitted the Wilmot Proviso which provided that all the territory acquired by the United States from Mexico should be free of slavery. Then, version after version, the Wilmot Proviso appeared before Congress. Lincoln stated that at least forty times, as a Congressman, he had to vote for versions of the Wimot Proviso.

Nine days from today, on February 22, 1956, will be the centennial of the birth of the Republican Party. The Republican Party was organized on February 22, 1856 in Pittsburgh. One of the men who was most helpful in establishing the Republican Party, and creating its cohesive force, was David Wilmot. As a matter of fact, David Wilmot was the first Republican State Chairman of Pennsylvania. In those days—and you know I am not holding a brief for the Republican Party—the Republican Party was considered the most progressive party. Witness an editorial which appeared in the New York Herald, denouncing the Republicans as the party—and listen to this—of socialism in its worst form, including women's rights, the division of land and free love.

Now Wilmot, by helping to organize the Republican Party, to a certain degree helped Lincoln to become his apostle. Of course, the first Republican Convention was held in Philadelphia and the second was held in a Wigwam in Chicago. There was a man by the name of Jesse Fell, of Bloomington, Illinois, who was a great friend of Lincoln. Here I am coming to one of the most decisive

moments in Lincoln's life and that brings us to the territory of Senator Harney, of Chester County.

At that time, in West Chester, there lived a man by the name of Joseph Lewis, who was the publisher of the Chester County Times. Mr. Fell prevailed upon Mr. Lewis to publish the first known biography of Abraham Lincoln. Of course, Abraham Lincoln, when asked to supply the biographical material, supplied only about 600 words. Then Mr. Fell and Mr. Lewis expatiated on it and thus the biography was published in the Chester County Times. When this biography began circulating throughout Pennsylvania, people started asking, "Who is Lincoln?" That biography helped a lot to have Pennsylvania go for Lincoln.

Also, another Pennsylvanian who had a lot to do with Lincoln and his rise to power was Simon Cameron. Simon Cameron was a Pennsylvania tycoon and an ironmaster who was the first proponent of a high tariff. The Governor of Pennsylvania, Andrew Gregg Curtin, and David Wilmot did not like Cameron. Neither did Wilmot like Seward of New York. So, when the Convention began selecting its candidate in 1860, Curtin, Lewis and Wilmot were behind Lincoln. Lincoln was nominated on the third ballot. On the first ballot, Simon Cameron had quite a block of Pennsylvania votes. Cameron was persuaded by Judge Davis, who was Lincoln's manager, in exchange for a position in the Cabinet, to throw his votes behind Lincoln. This is how Lincoln prevailed upon Seward and was nominated on the third ballot.

We can safely then foresay that Joseph Lewis, of Chester County, David Wilmot, Andrew Gregg Curtin and Simon Cameron were the four political stalwarts who helped Lincoln to reach the Presidency. Then you know the story of February 2, 1861, when Pinkerton discovered that there was a plot on foot in Baltimore to assassinate Abraham Lincoln. On that day, Lincoln visited Harrisburg. He reviewed the militia and then attended a banquet given on Market Street Square here in Harrisburg. From this banquet, he was whisked, in the darkness of the night, to Philadelphia and from there he went to Washington.

Lincoln came back to Pennsylvania on November 18, 1863, to dedicate the Gettysburg Battlefield. Judge Wills, of Gettysburg, sent an invitation to Lincoln to attend. The story in the legend that Lincoln scribbled the Gettysburg Address while proceeding to Gettysburg on the Maryland Railroad is not true.

On the evening of November 18, 1863, Lincoln was seated in the parlor of Judge Wills in Gettysburg. He excused himself and went to another room, and there he prepared his inaugural address. Finally, there was one more visit that Lincoln paid to Pennsylvania. He paid it when his coffin was proceeding to Springfield, Illinois. Here at Harrisburg, multitudes of Pennsylvanians stood and mourned the death of this martyred President.

Mr. President, I just pointed out in a few remarks what Pennsylvania did to elevate Lincoln to the Presidency. However, more than anything else, it was Governor Andrew Gregg Curtin who brought the Governors of the Union to Altoona, where they passed a resolution to support the union. That brings us to Senator Mallery's territory. There, in Altoona, was made that fatal decision to support the Union .

Harrisburg was known in those days as the rendezvous of the North. Senator Taylor gave me once a book which I cherish, called "The Rendezvous of the North." It shows what Harrisburg did for the Union. As a matter of fact, Senator Taylor related to me that his grandfather, living on the outskirts of Harrisburg, saw the first tidal waves of the great army reaching the environs of Harrisburg and Carlisle. It was here on the sacred soil of Pennsylvania that this tide was turned back and the Union was saved.

Today, Senator Leroy Chapman and I introduced a bill to create a study whereby the Historical and Museum Commission will prepare a series of volumes dealing with old phases of Pennsylvania's contribution to the victory of the North. There is no phase of war, or social activity or industrial effort that can match Pennsylvania's contribution to the preservation of the Union. We may all be proud that it was here in Pennsylvania, the arsenal of the North, that a victory over the South was forged.

Let us all proceed in the traditions of Lincoln. I do not know what party he would belong to if he were alive today. Maybe he would be registered as a Democrat. However, so long as we all agree that he was the greatest American, whose fame will outlive marble, and in the warmth of his leadership we are still basking and shall continue to bask.

Mr. MAHANY. Mr. President, I feel that all of the Members of the Senate are deeply grateful to our colleagues, Senator Stiffel and Senator Blass, for the fine presentations they have made today. I know that they must have spent considerable time on research in order to bring us all the facts which they gave us today relative to Abraham Lincoln.

I want to say to Senator Stiefel that he might have some doubt as to whether Abraham Lincoln would be a Republican or a Democrat, but I hope he will not take our Patron Saint. However, there is not much doubt in my mind about Thomas Jefferson, the Democrat's Patron Saint. I think he would be a registered Republican if he were here.

Mr. STIEFEL. Mr. President, to a certain degree I am guilty today of a modicum of plagiarism, because the information which I obtained about Lincoln in Pennsylvania was published by the new Acting Director of the Historical and Museum Commission, Doctor Stevens. I obtained today from Doctor Stevens this pamphlet which will be distributed with his compliments, and my compliments, to each one of the Senators of the General Assembly.

PETITIONS AND REMONSTRANCES

Mr. MAHANY. Mr. President, I feel that one of the qualities which we all should admire in Abraham Lincoln, and which was touched on some here, was his ability to forgive his enemies. During his term in office, he had a Secretary of War by the name of Stanton. Stanton never thought very much of Abraham Lincoln. He used to refer to him as the ignoramus from Illinois and also referred to him as a baboon on several occasions. When Lincoln was saked to comment about Stanton's statements he said, "Mr. Stanton is the best Secretary of War there is in America." Strangely enough, it is Stanton's words, after Abraham Lincoln died, that are now inscribed on the sarcophagus of Abraham Lincoln and these words were, "Now he belongs to the ages."

I think we should all take lessons from these great men in our own daily lives. So often we revere some quality in some person who has gone beyond and say what a great man they were because they had those qualities, but yet we sometimes hesitate to adopt them as part of our daily life. So many times people get disturbed because some one refers to them in a derogatory manner. They get themselves all excited and then, in turn, they try to get back at the fellow who made the statement by making some derogatory remark about that man. All this does, I think, is cause us a lot of ulcers and shortens our lives considerably. I think we can all be as religious as Abraham Lincoln. I think he was very religious because, although he did not belong to any organized church as I understand, yet he was not hesitant to turn to his Creator whenever he was in trouble and he believed in the power of prayer. I think that his great quality of respecting and loving his fellow man is the thing which made Abraham Lincoln great. He loved his fellow man regardless of race, creed or color. I think if we did the same, why we, too, could be religious regardless of the particular denomination of the church which we attend.

Speaking of churches, Mr. President, perhaps they could get us out of the trouble which we are in right now. I personally right now do not see when or how this whole tax problem is going to be settled. Perhaps next week the House might settle it; I do not know. We, over here in the Senate, have tried to keep as much as possible out of that discussion over there so that they would have more or less a free domain in which to operate and not put any reins on it.

Mr. President, I remember, When Dwight D. Eisenhower was striken by a serious heart attack, that the churches throughout America offered up a prayer for Dwight D. Eisenhower and I think that prayer did a great deal of good in aiding Mr. Eisenhower to a recovery. Perhaps the churches of Pennsylvania, next Sunday morning, can help us if they, as part of their deliberations and devotions, would offer up a prayer to the Creator to aid us next week in trying to solve this great problem which affects every citizen of Pennsylvania. This move might determine whether the schools are going to close down, hospitals be curtailed, and all the other things in Pennsylvania will have to grind slowly to a halt or whether we are going to be able to resolve this thing. I believe this is up pretty much to maybe some Supreme Being, somebody who is more supreme than we are. I would suggest that all of us from now on, and especially next Sunday morning, ask the citiens of Pennsylvania to help us in trying to solve our difficulties by offering a prayer that we might be guided down herein the Halls of the Legislature to do the right thing for the people of Pennsylvania and our beloved Commonwealth.

Mr. LANE. Mr. President, if I am in order, I would like to interrogate the Majority Leader, Senator Mahany, for just one question.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. LANE. Senator Mahany, now that we have adopted a really serious tone in regard to our problems here in Pennsylvania, I have one question on my mind which is not clear. When I ask you this question, I do not mean to be sarcastic or I do not mean to be partisan.

I would like to know, for the information of the Membership on this side of the aisle, whether in the event the Republican and Democratic House compromise and adopt a tax program, will that action be binding upon the Republican Majority in the Senate? Will you respect their operations, and their compromise and their conclusions?

Mr. MAHANY. To answer your question, Senator, I could not speak for the Republicans on this side of the aisle in connection with that statement. I think we would give any program that they come up with very serious consideration. I, for one, would certainly be glad to do whatever I could to discuss this in a most favorable light with my colleagues on this side of the aisle. However, as you know, there are some Senators over here who do not like an income tax and whether or not there would be sufficient votes over here, in the light of a compromise program in the House, for such a bill as that, I cannot tell you right now. Certainly, I think every Member of this Senate should give very serious and careful consideration to any compromise program which is adopted by the House.

Mr. LANE. Believe you me, my interrogation is not malicious and not political, but I want to know just where we stand on this. Now you just made a statement that you would recommend that your side give very serious consideration to any compromise which is adopted by the Republican and Democratic Members in the House. However, we on the Democratic side here today have no definite assurance from your side that should they adopt a compromise tax program, the Republican Majority in the Senate will accept it. Therefore, I am wondering whether we might not have the cart before the horse.

Why do we not do this, in order to kill this thing off? Why do we not include in the compromise talks the leaders on the Republican side in the Senate and the leaders on the Democratic side in the Senate in order to bring about an agreement of both houses and then we will know exactly what we are doing? Otherwise, they may adopt a tax program, send it over here and we may get into another battle. Naturally, you have the votes and we might be defeated again. I think we should do something concrete and incorporate into the compromise talks representatives from your side, who have the authority to speak, and representatives from our side who have the authority to speak. What do you think of that?

Mr. MAHANY. Well, Senator, right now I do not think that will be possible and I do not think it would be advisable. I think that the House should be allowed to work out their differences and try to pass the best possible tax bill they can without any interference from us.

I understand that last week when this tax bill was up before the House, there were certain union leaders who were opposed to it and others who were opposed to it. They were working on Members of the House and members of your party not to vote for this particular program. Until such time as the Democratic mapority in the House, plus the Republicans, can get together and formulate a program which they feel is the best possible tax program that they can give the Senate, I do not think we should interfere with their deliberations.

If you have noticed, there have been no newspapers quoting any comment from me either for or against that particular program, and I have made no comment and I do not intend to until such time as it gets here. However, I do feel that if by any chance this Senate would turn down their compromise program, certainly we would have the responsibility to, I think, raise the money on some type of a program of our own. Now I do not envision that and say that it might happen, but certainly it would put a terrific responsibility on us in the Senate for a tax program if we do not accept the compromise program coming from the House.

Mr. LANE. Probably you noticed in the metropolitan papers, at least I did, that during the process of the negotiations some of the metropolitan papers were stating, "Opposition to a compromise program arises in the Senate on the Republican side." In other words, there were Republican Members in the Senate, according to the newspapers, who were already opposed to the programs they were negotiating.

The point I am trying to make is this, Senator Mahany. I do not think we should go into a Session for two years. We have gone into one for one year and we should not go into it for two years, because I feel that I have a responsibility. I know that you fellows on the other side should feel that way. If we are going to compromise in the House, with no assurance from the Senate, then I think we are back where we started from because we had two tax programs pass the House, although they were not compromise tax programs, and they failed in the Senate. If there is a compromise and it comes over here, and you say there are some members on your side who feel that they could not vote for an income tax, well, we would be in the same position, would we not?

I still feel, Senator Mahany, if we are all sincere, that both houses should get together and agree upon what we can vote for, and get this thing over with as quickly as possible for the betterment of the Republicans, the Democrats and the State of Pennsylvania.

Mr. MAHANY. Senator, that is no doubt true. However, the trouble with that suggestion is that if we had a meeting or a Caucus in which the members were polled and certain ones said, "Yes, I can be for an income tax," and others said, "No, I cannot be," you would find that this news would leak out and the Senators who might say right now that they would be for an income tax—we will say that it may be two weeks from now when we get the tax plan—would be so bombarded with opposition from people in their own Districts, who are against the income tax, that maybe by then they might have to change their minds and say, "Well, I cannot just be for it." It seems to me if we are going to get votes over here for any kind of a tax plan, we should keep out of it until such time as we get the plan.

Mr. President, that is the unfortunate thing about the delay which happened in the House last week. You will find that everybody who is affected by this tax plan since last week, through this week and until next week when the House gets to vote on it, will be bombarding every Member of that House to be against one or all of the bills which they have on the program. That is the unfortunate part of the thing that happened in the House last week. I feel that on that particular day, when they did have the plan before them, I believe they did have sufficient votes to pass it. Now whether or not the forces that be have worked against a sufficient number of House Members to change their minds, I do not know. I do not know about the labor leaders, whether or not they have withdrawn their objection. I do not know about others. For instance, your hotel people are very much opposed to one particular part of that package. I have tried my best to explain to the hotel people that they would not be hurt very much. I have an interest in a hotel myself, so certainly I would not want to do anything which would hurt myself.

Mr. President, I feel that the hotel owner, or the restaurant owner, has the right to add whatever tax is put on onto the customer's bill, and I understand that the legislation is drawn that way and he should not be hurt very much, because all he will do is total up the customer's bill and then add a two per cent tax on top of it and the customer will pay it. After a month or two, I do not think you are going to get very much objection from the customer. When I drive my car down through the South once in awhile, in many of the States that I go through, when I get the bill for the motel or the hotel or the restaurant meal there is a tax added onto the amount of the bill and I pay it without saying anything and I have not noticed any of the other customers saying much about it. I, therefore, think that this tax should be very easy to collect and I hope that the hotel people will withdraw their objection to it.

Mr. LANE. Mr. President, I would like to ask the Majority Leader one other question and then I will finish.

Senator Mahany, I listened to your discourse there, but I think you are getting away from the point. The point I am trying to make is this. If you, on the Republican side, will not support actions by your Republican House Members in the House, do you not think that you are sort of making guinea pigs out of them? Do you not feel that they have a lack of confidence? If they support a certain tax program and are not sure that their colleagues in the Senate will do likewise, they have a lack of confidence and are not sure of their way.

I would say that if our Democratic House Members said they were going to support a tax program, we Democratic Members should have the intestinal fortitude to at least back up their action. Over on your side, I would think that if your Republican House Members went down the line for a tax program and you fellows on the other side would leave them high and dry, it would be unfair, do you not think? You have not bound anyone yet.

Mr. MAHANY. Senator, I think perhaps it would be. I have no doubt that before the House Members vote on this program, a great many of them will at least take the opportunity to consult their Senator to see if he is going to back them up. I do not believe you are going to find a whole lot of them over there voting contrary to what their Senator does. It may be there will be some exceptions. Certainly, if I were a Member of the House and I was called upon to vote for taxes, I would come over here to the Senate and find out how my Senator was going to vote.

Mr. LANE. Then, Senator Mahany, if what you say is true, any compromise between the Republican Members and the Democratic Members is purely a farce, because they still would not act until they received the approval of their colleagues in the Senate, is that correct?

Mr. MAHANY. They would not necessarily obtain their approval. I do not think we would tell those people how to vote over there, but out of self-protection, politically, I presume they would ask that because a lot of those House Members, although they look down their nose at times at the Senate, all have a little bit of aspiration, you know, to come over here and occupy one of these seats and they would hesitate, I would think, to vote for some tax program that their Senator might not be willing to vote for.

Mr. LANE. Well then, Senator Mahany, since you have made that statement, it sort of bolsters my argument that before we go through all that rigmarole of having your House Members come over and consult with the Senators, do you not think that the Senators on your side, and the Senators on our side, should sit down with the House Members on both sides and tell them what we want, what we will go for and what we will not go for and in that way we will have the problem wrapped up? Otherwise, they are not going to vote anyway until they talk to their Senators on the Republican side, and a compromise between the House Members will not amount to anything unless they talk with you fellows on your side. I feel that my argument is sound and it should be a negotiation by both Chambers, on both sides, in order to wrap this thing up and get out of here.

Mr. MAHANY. Senator, I cannot quite agree with you under the circumstances. It might work out in theory but as a practical matter, I do not think it would work out. I just feel that right now, for instance, I do not know how many Democratic Senators will vote for this program. I do not have any idea, for instance, how many Democratic House Members will vote for the program. The fact of the matter is, since the delay of a week or so, I do not even know whether the program is going to go through or whether it is not.

I thought that the best thing we could do in connection with this program was for the Senators to stay out of it unless our House Members happened to get a hold of one of the Senators, who happened to be his Senator, and wanted to ask him how he might vote on it. The decision would then be up to those particular Members.

Mr. LANE. Senator Mahany, the way to find out how many votes you are going to have on either side would be fore the leadership on both sides to meet with the leadership in the House, come back to our respective Caucuses and say, "Now, boys, this is what the proposition is. I am laying it on the table. Will you be for it or will you not? Give us a vote and let us know how you stand."

We then could go back to the negotiating group and say, "I have the votes on my side," or "I do not have the votes." Senator Dent will be in the same position. Then, in this way, we could wrap this matter up.

I am very much afraid, Senator Mahany, that any negotiating between the House Members is going to fall flat over in the Senate unless we are in on it; unless you people are in on it; unless you are well informed and talk to your Members. Unless you and Senator Taylor, and the other leaders over there participate, I feel that this is going to fall flat and we are going to be back where we started. I am very much afraid of this situation.

Mr. MAHANY. I hope not, Senator, but I still do not feel that it is a good idea right now to poll the Members of the Senate on this particular tax package because the tax might change. Maybe they are going to take one tax out of the package and substitute something else for it. I do not know that, but I want to find out what their finished product is before I find out over here how many Senators on the Republican side I have to vote for this program. This is unlike the classified income tax program, which we acted on a year ago. At that time, I said definitely that I did not feel there would be one Republican vote for the classified income tax. Now, I have not said that in connection with this program and that is as far as I want to go.

Mr. LANE. Senator Mahany, if you were participating in the negotiations, as a leader on the Republican side, you would be well informed as to what is going on. You could come back and advise your Caucus and very easily find out their sentiment. If they do not agree, you can go back and renegotiate. If they say it is a classified income tax, and you come back to your Caucus and the boys on your side say they cannot go for it, you could very easily go back to the negotiating committee and say, "I cannot get the votes for this type of tax," and then they would know where to go from there. That is the point I am trying to make.

I think that what we are doing is sort of putting the cart before the horse, because we are not sure of our ground. You stand over there right now and you are not sure of your ground. You are not sure of your ground, because you do not know what your men are going to vote for. After those fellows in the House negotiate for weeks in order to come up with a tax program, and a number of your men on that side will not go for it and maybe some on our side will not go for it as we do not know what it is, but if we all participate that is the only way we can wrap this thing up because you must be informed as to what is going on.

Mr. MAHANY. Senator, I would say that, if a majority of the Members of the House vote for a tax program and get it through the House, both Republicans and Democrats, there would be a lot more pressure on Senators over here to vote for the program than any pressure that I, personally, could put on right now. Not that I am figuring on putting on pressure because I cannot. There is nothing I can give a Senator to vote for a program in the way of a reward or there is nothing I can do to penalize him.

As I told you before, each one of these Senators over here is pretty much on their own. If there is going to be any argument that the Senators should vote for a tax program which is produced by the House and sent over here, that argument and urging will no doubt have to come from the Members of the House who are Members from that particular Senator's District. I think if we are going to get any kind of a program, that is the way it will have to be done. However, as I said a little while ago, if we ask the aid of the Lord in this connection, perhaps He will help us come to some solution.

Mr. LANE. Senator Mahany, I do not think that arguments are going to accomplish anything. We have argued here for months. As a matter of fact, we have argued here for over a year. Arguments are not going to accomplish anything because you people are going to have to agree on a tax program. There is no question of that.

We, on this side, have voted for tax programs which we did not like. However, we voted for them for taxes. I think we are ready and willing to vote again on a tax program. It is foolish, however, to have the House negotiate, week after week, on a tax program and have it come over here and then find out that we cannot get the votes. The way to expedite it—and I have not changed my mind; I am sorry I must disagree with you—is for you, your Caucus Chairman and Senator Taylor to sit down with our leaders and the House Member and work the problem out and say, "This is what we will go for and this is it." Then, of course, if your Members will go along, all right. If not, you are going to have to renegotiate. There is no use in having the House Members work day in and day out, send the bill over here, have it go into the Finance Committee, probably amended again and then perhaps the House will not even concur in the amendments.

If your House Members are going to go on the spot and vote for a tax program, I would say that surely the Members of the Senate should at least back them up and assure them they are going to do it. That is the only way you will get them to vote for it. If you tell them that you will back them on what they do, then those fellows will feel like going out and voting for a tax bill. However, you are going to have to be back of them.

Mr. DENT. Mr. President, like every Member on this floor, I feel a very personal obligation in this matter. I feel an obligation to the people of the Commonwealth and an obligation to the institutions of this Commonwealth. I have refrained from getting into any public debate whatsoever on this matter since the House decided that it would go into bipartisan conferences. I am rather sorry that the subject was brought up at this moment. However, there is one very pertinent factor that was brought out in the discussions that may, at least, clear the air on one incident that happened last week.

Mr. President, all of us are too prone to try to grab any straw when we are drowning. Although we know that the straw cannot bear our weight, the simple effort toward self-preservation compels us to grasp it. So, last week, in the House, when someone conceived an idea that he could grasp a straw and find himself free from the obligation of voting for a tax bill and laying at the door of the Governor some kind of a charge which, in my mind, had no more durability behind it than a will-o'-the-wisp in a hurricane, we found that the Members on both sides were glad to grasp an opportunity to be exempt for that moment, that precious moment, from voting for tax legislation.

Senator Mahany pointed out one of the very serious consequences of this action in the House, and that is that those who now find themselves face to face with the realities of a sales tax have started to bombard the Membership of the House against it. Then we find that both pieces of legislation may be beyond the control, as it were, of a bipartisan committee to negotiate a compromise in the face of the individual opposition that is engendered by the pressures. However, Senator Lane put it very coldly and plainly upon the table when he said that in order to, at least, give some help to the conferees, if there were assurance in the House that we in the Senate would assume our responsibility, those of us on this side would have to vote for a sales tax in order to make up for the delinquency on the other side and those on the other side would have to give us a vote to make up for the delinquency on the vote on the income tax. He said that it is wrong for them to inject themselves into it. Yet, what was the result of last week's action? Not only was our Membership suckered into a position where it did not know what the Senate was going to do, but they allowed themselves to be placed into a position where they demanded to know what the Governor was going to do. Yet, legislatively, the biggest hurdle must be the hurdle of the Senate vote. Let us just see what the Governor did say. I want to plead participation in the conferences at that point.

The Governor said this, and I believe that the News Room has a release to this effect. It was said before the vote and and it was common knowledge. The Governor cloaked his position, in the first instance, in very much the same language as the gentleman who is the leader on the other side has cloaked his position. He said, "Due to the essential needs of this Commonwealth, I will sign the package before the House of Representatives if it is part of a tax program that will meet the essential needs of this Commonwealth." He could not have said it in any other language. To have said it in any other language would have pronounced the Governor derelict in his duties to the Commonwealth.

Let us look at the program. When we first proposed it, or when the Governor proposed that each Party assume a fifty-fifty percentage of the responsibility, it was deemed that we would need approximately $465,000,000. There was an argument to the contrary and it was suggested that $400,000,000 was the figure more near what this group on this side would support. So, in the early conferences it was decided that each side would then have to produce approximately $200,000,000 worth of taxation. When the Governor was approached on the question of predetermining his position on legislation that was not passed, he refused in the first instance on the same exact plane that the gentleman on the other side refused. He said, "This legislation may arrive in the Senate and be reduced to nothing but a title and a number." He said, "Look what you have done in the House. Even on the restricted budgetary terms about which you have talked, you have cut the sales tax from $208,000,000 in its first two per cent estimate to $150.000,000. The Democrats have come up with their half by accepting the responsibility for $210,000,000. The Republicans are short about $50,000,000 of their half in the first instance."

The Governor could not take any position except to say, "Yes, I will sign the bills, but only if they are coupled with sufficient revenue measures to meet the needs of this Commonwealth. You can establish the needs anywhere you want." However, no person in this Senate, or in the House of Representatives or any editorializing newspaper can possibly stand up and say that $36,000,000 would meet the needs of this Commonwealth this biennium. The Governor could take no other position.

As I said, when a drowning man finds the water swirling over his head and on his last trip down he sees a straw floating toward him, he grabs it in a vain hope that it will save his life. So, the House Members visualized a great opportunity to lay at the door of the Governor the blame for the failure of the conferences and the compromise. They grabbed at the straw that I term

a will-ó-the-wisp. In the long run, whether it is over this week, next month or next year, before it is over, the House Members will still have to vote for taxes and so will we. I deplore that we have allowed another month to go by. I am afraid that the month of February is fast slipping into oblivion. We will find ourselves in a position where a three per cent sales tax and a theree per cent income tax will not do the job, if we do not soon go to work.

Mr. President, I can state here my position and I state it without equivocation. My position, Members of this Senate, is this. The needs of this Commonwealth far transcend any of my personal feelings in the matter. If I were to decide to run, I would perhaps have to face an enraged electorate, but I would still vote at the earliest opportunity for taxes aggregating somewhere near $465,-000,000, no matter what form these taxes take. I believe that the welfare of this Commonwealth is more deserving of my personal consideration than any false ambition, false pride or false modesty on my part. I believe that the needy who, through no fault of their own, find themselves on relief, that the incapacitated who are incarcerated in our mental institutions, that our local hospitals, with their growing problems, that our educational system, with its responsibility to the future and its needs in the present, that our institutions of higher learing, with their growing and vexing problems of meeting increasing costs and still trying to maintain a level of educational cost which will not bar other than the rich, that all of these problems go far and above what any individual Senator in this Senate Chamber may say about any particular tax program.

I say to the House Members this afternoon that to delay any longer may be fatal. I promise the Membership of the House that I will give them a vote on the entire package, no matter what it contains, if that is the only solution that the conferencees can arrive at. I believe that on this side of the aisle there are sufficient men of good will and political courage to stand alongside of me and give the necessary votes for a compromise program. I am hopeful that the Republican leadership in the House will not grasp again at a floating straw. I hope it will face up to its share of the responsibility and will not allow its thinking to be beclouded or confused by certain detractors of the truth.

Mr. President, every lobbyist on this Hill has a job to do. If he can exempt his particular interest from taxation, he will probably be complimented upon a job well done. However, we who are the unfortunate in this case, unfortunate representatives of the people, cannot look with favorable eyes upon any segment of our people and allow them to be exempt from the cost of government.

Although there is opposition on the part of labor, and rightfully so when you analyze the picture, that, too, must be place din that sphere of the greater good for the greater number. If we can stand up and face those who have been our militant friends through the years, then I call upon the Republican leadership at this time to stand up and say, too, that somewhere on that side there is a man of courage who will stand up and say, "I, for one, will vote for the measure that the House compromises on." Compromises are not always acceptable to everybody. In many instances, compromises are not to the liking of anybody. Many times in labor disputes when an organization representing the workers asks for certain demands and the employers take a position against these demands, after long and terrible heartaches—and strikes are heartaches—lockouts, strikes and sometimes a great deal of suffering, they come to a compromise and the leaders of both the unions and the industries have to go back and settle on the basis of a compromise, not on the basis of what they started out to get or on the basis of being acceptable to what they are receiving.

This is a late day in this year of our Lord 1956, and so far as joining with Senator Mahany in asking the guidance of One far superior to us in His knowledge of the ways of men, I would say that the best way we can get that guidance is for each and every one of us to search our own conscience and then, in speaking to Him above, speak in a clear and honest voice and say to Him, "Here I am at fault. I will not make a decision which I am asking You to Make." If the Lord, Himself, came down here in the last thirteen months, He would have had a hard time getting through the Republican Caucus. If you act on the basis of Caucus action, there will never be any legislation passed. It has now come to the point where it is an individual responsibility, far beyond the desires of Party, far beyond the desires of leadership. It is an individual responsibility of the Members of the House and Senate to see to it that this State of ours does not become the object of ridicule in the various States of the Nation.

I think one of the most preposterous things that I have read about in all the years I have served in public life took place in New Jersey last week. The New Jersey Legislature had the plain, unmitigated gall—the Republican-controlled Legislature of New Jersey passed a resolution condemning the sales tax in the Commonwealth of Pennsylvania because the people of New Jersey who came to the fair State of Pennsylvania would have to pay it. We are becoming, if you please, Mr. President, the laughing stock of other States. You cannot blame it upon Party any more. It has long gone beyond that day. This is a personal responsibility. I accept my responsibility. How will the rest of you act?

Mr. MAHANY. Mr. President, I again want to remind my colleague, Senator Dent, that there is no Caucus action as far as the Republican Party is concerned. I have said that time and time again. On no bill that I know of have we taken any Caucus action which would bind all the Members of our Caucus. I assure Senator Dent that as far as I am concerned, there will be no Caucus action on any tax bill that comes out here.

Mr. President, I also want to remind the Senator that if there is Caucus action, the evidence would make it look as though the Democrats are guilty of that on many occasions. There were several individual Senators, for instance, who told me before we voted on the sales tax, which we had here a week or so ago, when we fixed up the manufacturers' excise tax to make a sales tax out of it and made it at three per cent, that they thought they would like to vote for that bill. However, when it came before us and we had a roll call on it, there was not one Democratic Senator who voted for it. I do not know whether they had Caucus action and bound all the Members of their Caucus on that, but it would appear quite likely that is what happened.

There have been numerous other occasions, Mr. Presi-

dent. For instance, Senator Dent and I at one time co-sponsored a Chesterman Committee Report recommendation about two years ago. It was not a Chesterman Committee recommendation; I will take that back. It was in connection with those bills which he and I sponsored to economize in State government, and one of the things we thought should be done was to abolish the Tax Equalization Board and put those duties over into some other office. I believe, from the floor, that he got up and said although he was a sponsor of that bill ,yet he was forced to vote against it because of Caucus action. Therefore, I wish he would finally get it through his otherwise very intelligent brain that we do not have Caucus action over here and if he has it over there, he knows that better than I do.

Mr. SCHMIDT. Mr. President, I had intended just sitting back and listening today until the talk started on this tax matter. I do not think there is a single Senator on either side of this Hall who has not, within the last two or three weeks, known the wrath of his constituents back home in so far as the tax program is concerned.

Just two weeks ago, I commenced to get letters from youngsters in the seventh and eighth grade of a joint school district in the most Democratic section of my Democraitc Senatorial District. These letters came in and I want to tell you that they were not stereotyped letters. They were letters written in the handwriting of these youngsters and each and every one expressed a thought along the tax line; the question of whether or not they were going to be deprived of a high school education because of the fact that we, here in Harrisburg, were shirking an unpleasant duty in supplying sufficient funds for the maintenance of the schools.

Mr. President, when I got back home the week before last, I decided that I was going to contact that school district and just find out what was going on. As a result, I arranged to meet at that school. A session was held on Friday, a week ago, at ten-thirty in the morning, at which all the members of the seventh and eighth grades were called into that auditorium, along with the teachers of the school and representative parents from various P.T.A.'s. It was my pleasure to talk to that group for one hour. I want to tell those who have participated in assemblies of youngsters that, as you know, there is always a lot of commotion or something like that, but on a subject as dry as taxes there was not a single youngster in that auditorium that morning who as much as did anything to distract the attention of the other youngsters or the speaker.

After I finished my talk, I told the youngsters that I wanted to have questions from them and that I wanted them to shoot them straight from the shoulder and I would try to answer them. We got questions and those questions, let me tell you, gentlemen, were a compliment to the youngsters of today. They were all interested in how their school was going to be financed and what was going to happen to the future of education of Pennsylvania. Mr. President, I want to say here that I assured that assembly that no matter what tax program might be sent to the Senate, in order to provide funds I was going to vote for it.

Mr. President, I say we can clear up a lot of this confusion with the House by this Senate taking action itself. The action that I propose to suggest to the Members of both houses is to revive the tax bill that we turned down here two weeks ago, which was originally intended as an excise tax and then came back out of committee as a sales tax. We should revive that bill at three per cent and remove the exemptions which were written into this bill. It is too serious at this time to think of individual industries and invidiual businesses.

Let us bring that bill out, Mr. Majority Leader, and I as a Member of this side, will vote to waive the rules of this house so that we can reconsider that bill. Let us put that bill back on this Calendar and let us insert the exemptions. Yes, I may be sympathetic toward a certain type of industry, but I am more sympathetic toward the schools of Pennsylvania. Let us pass that bill and send that bill back to the House. The House will then know where the Senate stands, and then let us have the House take the action that will be appropirate. I assure you of my vote on that bill.

REPORT FROM COMMITTEE

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations, re-reported as committed, House Bill No. 1786, entitled:

An Act providing for cooperation by the Commonwealth of Pennsylvania in conjunction with the State of New Jersey with the United States of America in the improvement and maintenance of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and makig an appropriation.

BILL INTRODUCED AND REFERRED

Mr. CHAPMAN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. CHAPMAN and DENT read in place and presented to the Chair Senate Bill No. 976, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

Which was committed to the Committee on Appropriations.

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

JUDGE OF THE SUPERIOR COURT OF THE COMMONWEALTH OF PENNSYLVANIA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Philip O. Carr, 58 East Berkly Street, Uniontown, Fayette

County, for appointment as Judge of the Superior Court of the Commonwealth of Pennsylvania, to serve until the first Monday of January 1957, vice Hon. F. Clair Ross, deceased.

GEORGE M. LEADER.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE SENATE BILL No. 729

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 729, entitled:

A Joint Resolution proposing an amendment to article two, section four of the Constitution of the Commonwealth of Pennsylvania by providing for annual sessions of the General Assembly.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 729

Mr. MAHANY. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 729, and that a Committee of Conference on the part of the Senate be appointed.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 813

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Seate Bill No. 813, entitled:

An Act amending the act of , one thousand nine hundred fifty-five (Act No.) entitled "Pennsylvania Fair Employment Practice Act," providing that termination of employment under a bona fide retirement or pension plan shall not constitute an unfair employment practice.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 813

Mr. MAHANY. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 813, and that a Committee of Conference on the part of the Senate be appointed.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 18, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

ALLEGHENY COUNTY

Samuel H. Weitzner (Dem.), 1 James Street, Parkside Manor, McKeesport, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Charles Silver, Pittsburgh, resigned.

FOREST COUNTY

William Harvey Taylor (Dem.), Marienville, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Ben T. Huggler, Marienville, whose term expired.

Charles R. Daubenspeck (Rep.), Tionesta, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Sarah Moore, East Hickory, whose term expired.

Mrs. Lura Newson (Prohibition), Tionesta, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

SOMERSET COUNTY

Nicholas Bruno (Dem.), Lynn Street, Central City, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Martin L. Markel, Somerset, whose term expired.

Robert C. Kurtz (Dem.), 812 Charles Street, Confluence, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Nathaniel S. Friedline, Meyersdale, whose term expired.

Mrs. Allison Uhl Kelley (Dem.), Somerset, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE BEDFORD COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 23, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Bedford County Board of Assistance:

Conrad K. Hughes (Dem.), East Watson Street, Bedford, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Ralph Moyle, Saxton, whose term expired.

Miss Mary Hughes(Rep.), 131 East Penn Street, Bedford, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Rev. E. Albert Rich (Dem.), 309 South Richard Street, Bedford, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE CARBON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Carbon County Board of Assistance:

James Billet (Dem.), Tresckow, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Joseph E. Sniscak (Dem.), 81 East Catawissa Street, Nesquehoning, to serve until December 31, 1958, and until his successor is duly appointed and qualified (Reappointment)

Rev. William T. Longsdorf (Rep.), 434 Franklin Avenue, Palmerton, to serve until December 31, 1958. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

HUNTINGDON COUNTY

Mrs. Lillian Minna Friedman (Rep.), 1009 Mifflin Street, Huntingdon, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Dorothy Mainzer, Huntingdon whose term expired.

MIFFLIN COUNTY

Mrs. Janet Sweigart (Dem.), 104 West Main Street, Belleville, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Lantz A. Harry, McVeytown, whose term expired.

James A. Dalton (Dem.), 129 Juniata Street, Lewistown, to serve until December 31, 1958. (Reappointment)

David M. Barron, Esq. (Rep.), 123 Market Street, Lewistown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 6, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for reappointment as members of County Boards of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

GREENE COUNTY

Charles L. Carpenter (Dem.), Graysville.

Ezra D. Hoge (Dem.), R. D. 2, Dunns Station.

Andrew T. Urda (Dem.), 371 Sherman Avenue, Nemacolin.

JEFFERSON COUNTY

Samuel P. Hewlett (Dem.), 202 Hill Street, Reynoldsville.

G. Emery Schwartz (Rep.), Anita.

Mrs. Katherine P. Shaw (Dem.), Big Run.

SULLIVAN COUNTY

Mrs. Gladys Hallabuk (Dem.), Muncy Street, Laporte.

Mrs. Juniata Burnasky (Dem.), Lopez.

Roscoe Burgess (Rep.), R. D. 1, Forkville.

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

LACKAWANNA COUNTY

Mrs. Regina W. Rehner (Dem.), 907 Lackawanna Avenue, Mayfield. (Reappointment)

David W. Lewis (Rep.). 120 Powell Street, Old Forge. (Reappointment)

Michael M. Menichiello (Dem.), 611 Sanderson Street, Throop. (Reappointment)

SUSQUEHANNA COUNTY

Mrs. Anne Bertholf (Rep.), South Montrose, vice Byron Benninger, Dimock, whose term expired.

Delbert Hitchings (Rep.), R. D. 3, Montrose, vice Mrs. Velma Potts, Forest Lake, whose term expired.

Philip F. Chamberlain (Dem.), Montrose. (Reappointment)

VENANGO COUNTY

Miss Harriet Richardson Bleakley (Rep.), 410 Fifteenth Street, Franklin, vice Ray Painter, Franklin, whose term expired.

Father Lawrence J. Antoun (Rep.), 101 East Front Street, Oil City. (Reappointment)

Ned M. Hartsell (Dem.), 244 Bissell Avenue, Oil City. (Reappointment)

GEORGE M. LEADER.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Comomnwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Francis S. Duffy, 426 Raspberry Street, Erie, Erie County, for appointment as Alderman in and for the Fourth Ward of the City of Erie, Erie County, until the first Monday of January 1958, vice Edwin Bowes, deceased.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Jaunary 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Ethel Brooks, Covington, Tioga County, for reappointment as Justice of the Peace in and for the Township of Covington, Tioga County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Comonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Rinaldo V. Sidoli, R. D. 2, New Milford, Susquehanna County, for appointment as Justice of the Peace in and for the Township of New Milford, Susquehanna County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to to nominate for the advice and consent of the Senate Walker W. Squier, 17 Jackson Street, Montrose, Susquehanna County, for appointment as Justice of the Peace in and for the Borough of Montrose, Susuquehanna County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to to nominate for the advice and consent of the Senate Charles L. Blough, R. D. 1, Washington, Washington County, for appointment as Justice of the Peace in and for the Township of Chartiers, Washington County, to serve until the first Monday of January 1958, vice Anthony Spin, resigned.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to to nominate for the advice and consent of the Senate Max R. Croddy, 303 East Smith Street, Topton, Berks County, for appointment as Justice of the Peace in and for the Borough of Topton, Berks County, to serve until the first Monday of January 1958, vice Raymond P. Werst, Jr. resigned.

GEORGE M. LEADER.

PERMISSION TO ADDRESS SENATE

Mr. YOSKO asked and obtained unanimous consent to address the Senate.

Mr. YOSKO. Mr. President, an announcement was made last week by the American Psychiatric Association that following a survey of the Allentown State Hospital, refusal to place that hospital on the accredited list followed. This announcement by the American Psychiatric Association disturbed some of the medical-surgical hospitals in the area and, in particular, those which had nursing schools. It disturbed them, Mr. President, because each of the hospitals in the area send a certain number of nursing students to the Allentown State Hospital for partial training so that they can meet the requirements of the law for the granting of a registered nurse certificate.

Mr. President, I wrote to St. Luke's Hospital, for example, and asked them what affect that announcement would have on St. Luke's hospital. In answer, the manager, R. L. Suck, wrote me and I want to read a paragraph from his letter in so far as the nursing school is concerned. He said and I quote:

"To answer your specific question as to the effect on St. Luke's hospital of this disapproval, I would like to quote Bulletin 634, page 19, of the Handbook for Schools of Nursing in the Commonwealth of Pennsylvania, issued by the Pennsylvania State Board of Nurse Examiners in 1952:

"'As of January 1st, 1953, an experience in psychiatric nursing will be required for all students admitted to schools of nursing.'

"An alternative psychiatric affiliation cannot easily be arranged and we are most concerned as to the effect on the future of our nurses' training program of this disapproval of the Allentown State Hospital."

This means, Mr. President, that unless the Allentown State Hospital is placed on the accredited list, the hospitals that are now affiliated with the Allentown State Hospital in the nurses' training program will find it necessary to either look to other mental institutions to send their nurses or, if they send them to the Allentown State Hospital, these nurses will not be given credit for the training they get in a hospital which is not accredited. Therefore, they will not be given credit for the subject and they will not be able to qualify as an R.N.

I, therefore, Mr. President, believe that this is a serious situation because it involves the training of these nurses, as well as a supply of nurses to care for the patients at the hospital. I further believe that this resolution which I am about to present should be adopted immediately so that we can find out exactly what the deficiencies are at the Allentown State Hospital, with the hope of having them corrected so that the hospital could be placed on the accredited list.

Accordingly, Mr. President, I present the following resolution, on behalf of my colleagues, Senator Mcmenamin, Senator Scott, Senator Van Sant, and myself.

SENATE RESOLUTION

SENATE COMMITTEE TO INVESTIGATE AND STUDY THE REASONS FOR THE DISAPPROVAL OF THE ALLENTOWN STATE HOSPITAL BY THE AMERICAN PSYCHIATRIC ASSOCIATION

Messrs. YOSKO, McMENAMIN, SCOTT and VAN SANT offered the following resolution, which was twice read as follows:

In the Senate, February 13, 1956.

Following a survey, the American Psychiatric Association has refused to place Allentown State Hospital on its accredited list.

The disapproval reflects discredit not only on the hospital but on the Commonwealth and its people. The nursing program was hurt in that nursing students require training at accredited nursing schools.

Institutions hurt by the disapproval are St. Lukes, New Kensington, Allentown General and Citizens Hospitals; therefore be it

Resolved, That the President pro tempore of the Senate is hereby directed to appoint a committee of three members of the Senate to investigate and study the reasons for the disapproval of the Allentown State Hospital by the American Psychiatric Association; and be it further

Resolved, That the committee make a report of their findings and recommendations to the General Assembly as soon as possible.

RULE 39 SUSPENDED

Mr. YOSKO. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, for the last few months two bills have been lingering on the Second Reading Postponed Calendar, Senate Bill No. 672 and Senate Bill No. 673. These bills deal with the subject of historical zoning.

Since the time of the introduction of these two bills, Mr. President, two more colonial mansions were razed in Philadelphia. Unless something is done and done soon, many gems of Pennsylvania's priceless historical heritage will be destroyed by the sledge hammers and crowbars of unscrupulous speculators and manipulators.

Mr. President, I have prepared a list of all of the colonial mansions and Federal mansions which have been destroyed within the last 150 years in Germantown. The list is very formidable and that is the reason why I call this resolution a Philadelphia jeremiad, because we have to lament over that pillage and rape of historic Philadelphia. The reason why I am urging the Membership of the Senate to pass these two bills and send them over to the House is because it is of utmost urgency. Unless something is done, everything that we have will be wiped out.

Mr. President, this resolution is a lengthy resolution and I do not expect it to be read, but it merely expresses the sentiments of the Senate, that historical zoning is of utmost importance and that Senate Bill No. 672 and Senate Bill No. 673 be rushed to final passage.

SENATE RESOLUTION REFERRED TO COMMITTEE URGING ACTION ON SENATE BILL No. 672 AND SENATE BILL No. 673

Messrs. STIEFEL and CHAPMAN offered the following resolution, which was twice read as follows:

In the Senate, February 13, 1956.

As the theme-center of this Resolution deals with the wanton destruction and demolition of Pennsylvania's priceless gems of Colonial and Federal architecture during the last 150 years, which is deplored and mourned by all Pennsylvanians who, without exception are proud of their unparallelled historical heritage, the title hereof shall be A Pennsylvania Jeremiad since only the passage from Jeremiah's Lamentations can describe the pillage of historical Philadelphia by irresponsible people ". . . She that was great among the Nations and princess among the provinces, how is she became tributary."

A Partial List of Historic Buildings Destroyed in Germantown and Vicinity Before the Middle of the Nineteenth Century

Rittenhouse paper mill, c. 1702	Colonial	
Christian Lehman House	Colonial	5524 Germantown Road
Christopher Meng House	Colonial	5708 Germantown Road

From the Middle to the End of the Nineteenth Century Approximately

Toland House	Colonial	4810 Germantown Road
Wagner-Mechlin House	Colonial	4840 Germantown Road
Shermer House	Colonial	4921 Germantown Road
Dedier House	Colonial	4925 Germantown Road
McGuire House	Colonial	4931 Germantown Road
Mechlin House	Colonial	4935 Germantown Road
George Dannehower House	Colonial	4937 Germantown Road
Muller House	Colonial	4939 Germantown Road
Duy's Tavern	Federal	5031 Germantown Road
Thones Kunder House	Colonial	5109 Germantown Road
Roebuck Tavern	Colonial	5122 Germantown Road
Bringhurst House	Colonial	5231-37 Germantown Road
Christopher Sower House	Colonial	5253 Germantown Road
Isaac Shoemaker House	Colonial	5311 Germantown Road
John Ashmead House	Colonial	5454 Germantown Road
Hans George Bensell House	Colonial	5500 Germantown Road
Charles Bensell House	Colonial	5504 Germantown Road
DeLaplaine House	Colonial	Market Square, Germantown
Kurtz House	Colonial	5700 Market Square, Germantown
Old Town Hall	Colonial	S. W. corner of Haines St.
First Presbyterian Church	Federal	5905 Germantown Road
Keyser House	Colonial	5918 Germantown Road
Francis D. Pastorius	Colonial	6019 Germantown Road (near)
Warner Houses	Colonial	6021 Germantown Road
Matthias Knor	Colonial	6100 Germantown Road
Blair House	Federal	6105 Germantown Road
Samuel Keyser House	Colonial	6133 Germantown Road
Gerrett Hendrick Dewees House	Colonial	6200 Germantown Road
"Pomona," Samuel Shoemaker	Colonial	6327 Germantown Road
"Ship House," 1690	Colonial	6338 Germantown Road (demolition date uncertain might be later!)
John Keyser House	Colonial	6345 Germantown Road
Heivert Papen House, 1698	Colonial	6400 Germantown Road
Philip Weaver's	Colonial	6611 Germantown Road
"Buck Hotel"	Colonial	6700 Germantown Road
Thomas Godfrey's House	Colonial	North side Church Lane and Limekiln Road
"Phil-Ellena," G. W. Carpenter	Federal	West side of Germantown Road at Carpenter's Lane (demolition date uncertain might be later!)

George Hesser House	Colonial	6749 Germantown Road
"Farmer's and Drover's Hotel"	Colonial	6900 Germantown Road
Gorgas House and barn	Colonial	7238 Germantown Road
"Mt. Airy," William Allen	Colonial	Germantown Road, east at Allen's Lane
Joseph and William Rex House	Colonial	8121 Germantown Road

A Partial List of Historic Buildings Destroyed in Germantown and Vicinity

"Gold's Hotel," Hart Tavern	Federal	8223 Germantown Road
John Jacoby House	Colonial	8317 Germantown Road
Elizabeth Detwiler House	Federal	8437 Germantown Road
Ship House	Colonial	Germantown Road, above Highland Avenue
Barge House	Colonial	8502 Germantown Road
"Donat's Hotel"	Federal	Germantown Road, S.W. corner Highland Avenue
Yeakle-Schultz House	Colonial	8600 Germantown Road, nearby
Schultz	Colonial	8602 Germantown Road
"Maple Lawn Inn," "Dust Pan Inn"	Colonial	8701 Germantown Road
Edward Scull's Inn	Colonial	Germantown Road, above Highland
"Sweetland," Michael Schlatter	Colonial	Stenton Ave. above Graver's
"Barges Grist Mill"	Colonial	Spruce Mill Road and the Wissahickon Creek
"Pauls Grist Mill"	Colonial	S.E. corner Bells Mill Road and the Wissahickon Creek
Henry Dewees Paper Mill	Colonial	Northwestern Avenue and the Wissahickon Creek

Destroyed Since 1900, Approximately

Gilbert Stuart's Studio	Colonial	5140 Germantown Road, rear
"The Indian Queen Inn"	Federal	5242 Germantown Road
"Carlton," House	Colonial & Federal	Midvale Ave. and Stokeley
"King of Prussia Inn"	Colonial	5516 Germantown Road
George Engle House (currently)	Colonial	5938 Germantown Road
Morris-Littell House	Colonial	Germantown Road, and Highstreet
Dirch Keyser House	Colonial	6205 Germantown Road
"Wigwam Tavern," Inn	Colonial	6207 Germantown Road
Washington Hotel	Colonial & Federal	6239 Germantown Road
Jacob Knorr House	Colonial	6307 Germantown Road

Guard House at Valley Forge—Destroyed in 1927

The aforegoing list is necessarily incomplete, as exhaustive research would require unavailable facilities. The list is divided into three groups: those demolished before the middle of the nineteenth century, those demolished after the middle of the nineteenth century and those demolished since about 1900. The period of their construction is noted in accord with the recommendations of the National Trust for Historic Preservation; Colonial refers to the period terminating in 1783; Federal to the period from 1783 to 1812.

An important publications entitled "Historic Germantown" was followed in Philadelphia by studies, anticipating the preservation of the remaining important buildings. It is a large conception, warranted by the unusual historic importance of Germantown. To use the words of a prophet it is a "firebrand plucked from the fire" and transcends Williamsburg in importance for two reasons alone. One is the primary importance of the historical events that took place in Germantown as the battle that raged there is now considered to be the turning point in the fortunes of the Continental Army; the other is the fact that the remaining buildings are generally entact—they are the original structures which makes them invaluable from the historian's and archeologist's point of view. On the contrary many of the buildings in Williamsburg are complete reconstructions and while well done, they have a lesser value.

Not only in Philadelphia but elsewhere in Pennsylvania there are numerous historical buildings and sites (witness the exhaustive "Catalog" prepared by the Joint State Government Commission of Pennsylvania and approved by the General Assembly in 1949) that are in imminent danger of the crowbars and sledges—banners of unscrupulous speculators and manipulators seeking sites for new buildings and modern apartment mastodons.

Only Historical Zoning measures can rally public opinion and thus by impeding the machinations of those who disregard the priceless historical heritage of Pennsylvania safeguard our historical structures and sites.

Be It Therefore Resolved, That it is the sense of the Senate of the General Assembly that historical zoning is now the crying need of the hour in Pennsylvania and that Senate Bills 672 and 673 now lingering on the Second Reading Postponed Calendar be speeded forthwith to final passage.

REQUEST THAT RULE 39 BE SUSPENDED

Mr. STIEFEL. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

REQUEST THAT RULE 39 BE SUSPENDED WITHDRAWN

Mr. STIEFEL. Mr. President, I wish to withdraw my request that Rule 39 be suspended, and ask that the resolution be sent to an appropriate committee.

The PRESIDENT. The resolution is referred to the Committee on Forests and Waters, Game and Fish.

PERMISSION TO ADDRESS SENATE

Mr. McMENAMIN asked and obtained unanimous consent to address the Senate.

Mr. McMENAMIN. Mr. President, last week I spoke on the problem of the Farview Hospital for the Criminally Insane, where twenty-seven inmates have escaped in the past seven months. Today I intend to introduce a resolution, asking for a Senatorial investigation of the situation there.

Mr. President, it is getting so that a good deal of our

time here in the Senate is taken up investigating various institutions under the jurisdiction of the Department of Welfare. However, I think this one is entirely justified and in support thereof, I would read just two editorials as a sample of what the newspapers in the Scranton area think about this situation.

The first of these editorials comes from the Scranton Tribune of Wednesday, February the 1st, and reads as follows:

"In this space yesterday The Tribune took occasion to comment for a second time in recent months on the frequency of the escape of insane criminals from the Farview State Hospital.

"We pointed out that since last June some twenty-seven criminals walked out of this institution to jeopardize the safety and even the lives of the people of our area. Several of these were cold-blooded murders. Two of these murderers are still at large.

"In our comments we quoted what we had previously said about the security conditions at this institution as far back as last October 8, 1955, shortly after six inmates made their way to freedom.

" 'We don't profess to know,' we said at that time, 'the reason or reasons why escapes from Farview are so numerous, but obviously something is radically wrong. It may be ineffective security measures; it may be inefficient personnel; it may be insufficient guards or a combination of these factors. We do know that the people of our area want it corrected and not nonchalantly accepted as a matter of course.'

"Within a few hours after the publication of our comments the Board of Trustees of the institution went into special session to discuss the latest jailbreak at Farview—the escape of three prisoners, one of whom murdered his mother.

"Following that meeting a statement was issued to the press by the board in which it was promised that 'The board has every confidence that the Department of Welfare will pursue a policy that will lessen the number of escapes in the future.'

"The board confirmed at least one conjecture expressed in our editorial of last October by saying that 'there is inadequate personnel at both the professional and security levels.'

"Well, if there is insufficient personnel it just didn't happen overnight. And if the board 'has every confidence' that it will be corrected the board is more optimistic than the people of our area who have seen a parade of escapees over the past several months.

"What we'd like to know, and 'we' are the residents of this community who are first and immediately endangered by these escapes, is what the Department of Welfare intends to do about it, not what the board hopes will be done.

"We think it's time that Secretary of Welfare Harry Shapiro would tell us. Last Fall, when we had occasion to contact Mr. Shapiro and his Department of Welfare, we were told that he saw nothing unusual about the situation.

"Does Mr. Shapiro still think there's nothing unusual about triple murders roaming our country side—for one still at large is a triple murderer and is on the list of the 'most wanted' by the FBI?

"Or is it necessary, as we stated yesterday, that 'there be a general jail delivery at Farview before something is done about security measures there?"

Mr. President, the second editorial is from the Scranton Times, the afternoon paper, of February the 8th, 1956. It is entitled "Shapiro's Shifting Stand," and reads:

"Secretary of Welfare Harry Shapiro has had to do some nimble shifting of position to save face in the recently renewed demand for an investigation of conditions existing at the Farview State Hospital for the Criminal Insane.

"Last October, after twenty-four criminal inmates had escaped from the institution in four months, Secretary Shapiro could find 'nothing unusual' or 'nothing alarmnig' in the situation, even though residents in this area found their safety jeopardized every time a dangerous criminal was permitted to flee and roam their neighborhoods.

"Last week, when three more Farview inmates made their getaway, Secretary Shapiro claimed that inadequate personnel on the security guard staff was the major factor in the wholesale escapes. And he blamed the stalemate in the Legislature over the tax program for the situation, contending that his department was left without fund to hire more people or offer the guards more attractive pay.

"This week, after Senator Hugh J. McMenamin introduced a bill which would take Farview out of the Welfare Department's control and transfer it to the Justice Department and then announced that he would ask for a Senate investigation of the Farview situation, Secretary Shapiro suddenly finds that he can afford to hire thirty more guards and increase the pay of the 304 attendants now on duty.

"Why this couldn't have been done last year when this series of escapes began just as easily as it can be done now will be difficult for most people to understand. And there are a great many people who still believe that there is need for a tightening up of Secretary Shapiro's policy which prohibits any physical restraint on the Farview inmates, despite the fact that they are criminals, many officially listed as 'dangerous and homicidal.' "

Mr. President, I think the people in the area of Wayne and Lackawanna Counties, surrounding this institution, would be more satisfied with an impartial investigation by both Republican and Democratic Senators than they would with the spectacle of the Secretary of Welfare investigating himself.

Therefore, I am introducing the following resolution.

SENATE RESOLUTION

SENATE COMMITTEE TO MAKE INVESTIGATION WITH REFERENCE TO SECURITY MEASURES AT THE STATE HOSPITAL FOR THE CRIMINAL INSANE AT FARVIEW

Mr. McMENAMIN offered the following resolution, which was twice read as follows:

In the Senate, February 13, 1956.

The Farview State Hospital for the Criminal Insane at Farview is an institution which houses hundreds of patients, guilty of vicious and serious crimes, who but for their mental conditions, would be incarcerated in state penitentiaries.

Many of these patients are emotionally unstable and extremely dangerous. Citizens of the Commonwealth who live in the vicinity of the institution are understandably

fearful for their lives and property should any of these persons escape.

The Farview State Hospital must be concerned not only with psychiatric treatment and rehabilitation of patients where it is feasible, but also with security, so that its patients do not harm each other or escape to harm citizens of the Commonwealth.

Since July 1955, several separate outbreaks, a total of twenty-seven persons, have escaped from the Institution. Many of these escapees had committed capital offsenses and other serious crimies and one was a triple murderer. This large number of escapes in so short a period of time would seem to indicate that lax or improper security methods are in force at the Institution. Such laxity is inexcusable and places in jeopardy the safety and lives of all the citizens of the Commonwealth particularly those who live in the City of Carbondale and the municipalities in the immediate area of the Institution.

The Department of Welfare has been aware of this outbreak of escapees and until recently has made no public expression of its awareness of the seriousness of the situation nor has taken any remedial steps. Within the past month, the Department has conducted some investigation and recommended an additional thirty guards.

There is reason to feel that the Department's steps are not adequate nor sufficiently aggressive to cope with the situation. Therefore, be it

Resolved, That the President pro tempore of the Senate appoint six members of the Senate, three of whom shall be Republicans and three Democrats, who together shall constitute a Commission and be authorized and directed to make an immediate investigation of the situation with reference to security measures at the State Hospital for the Criminal Insane at Farview and such other matters as shall appear to be relevant and material thereto and to hear all suggestions for an enlightened and progressive program for the proper operation of this institution.

The committee shall have the power to issue subpoenas under its hand and seal requiring and commanding any person or persons to appear before them and answer questions touching matters properly being inquired into and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. The committee shall have the power to administer oaths and affirmations to witnesses appearing before them. Any person who shall wilfully neglect or refuse to testify before the committee or to produce books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and be it further,

Resolved, That the committee make a report of its findings, together with its recommendations for appropriate legislation at the earliest possible date before the adjournment of this session of the General Assembly.

RULE 39 SUSPENDED

Mr. McMENAMIN. Mr. President, I ask unanimous consent that Rule 39, which requires resolution be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

RESOLUTION ADOPTED

Mr. LANE. Mr. President, I move that the resolution just read by the Clerk be adopted.

Mr. SCOTT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

Mr. SEYLER. Mr. President, we have had two similar resolutions which eventuated in investigations. I opposed both of them because it was my position, at the time, that we were spending a considerable amount of the Commonwealth's money and dissipating a considerable amount of the Senators and, in those cases, House Members' energies. It was my feeling that we were not going to get results to justify that expenditure.

Mr. President, I believe experience has proved that my position at that time was correct. I certainly see no reason to change my position now and, therefore, I wish to be recorded as voting "no" on this resolution.

Mr. LANE. Mr. President, the reason I moved the adoption of this resolution was because, first, Senator McMenamin is an old and distinguished Member of this Senate. Senator McMenamin would not maliciously submit to this Senate a resolution unless there were some foundation of fact. Therefore, I have confidence in his integrity and I am going to support the resolution.

And the question recurring,

Will the Senate agree to the resolution?

(A voice vote having been taken, the question was determined in the affirmative.)

SENATE CONCURRENT RESOLUTION

LAID ON TABLE

TIME OF NEXT MEETING

Mr. WHALLEY offered the following resolution, which was twice read as follows:

In the Senate, February 13, 1956.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, February 20, 1956, at a time to be fixed by the Senate, and when the House of Representatives adjourns this week, it reconvene Monday, February 20, 1956, at a time to be fixed by the House of Representatives.

REQUEST FOR IMMEDIATE CONSIDERATION OF RESOLUTION

Mr. WHALLEY. Mr. President, I request the immediate consideration of the resolution just read by the Clerk.

Mr. MAHANY. Mr. President, I do not want to object to immediate consideration. I think if Senator Whalley will withdraw his request for immediate consideration, I would like to ask that this adjournment resolution rest on the table until tomorrow.

The House is not in session at the present time, but they will reconvene tomorrow and perhaps we would like to have a conference with them as to when they want to come back next week and that might affect our thinking as to when we want to return.

REQUEST WITHDRAWN FOR IMMEDIATE CONSIDERATION OF RESOLUTION

Mr. WHALLEY. Mr. President, I withdraw my request for the immediate consideration of this resolution.

The PRESIDENT. At the request of the gentleman from Crawford, Senator Mahany, the resolution will lie upon the table.

COMMITTEE APPOINTED PURSUANT TO SENATE RESOLUTION, SERIAL No. 2a

The PRESIDENT. The Chair wishes to announce that the President pro tempore has appointed the following committee in conformity with Senate Resolutoin, Serial No. 2a: the gentleman from Lehigh, Mr. Van Sant; the gentleman from Chester, Mr. Harney; and the gentleman from Northampton, Mr. Yosko.

BILL INTRODUCED AND REFERRED

Mr. LANE. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE, on behalf of Mr. DENT, read in place and presented to the Chair Senate Bill No. 977, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242), entitled "State Highway Law," authorizing the department to provide for certain work on public utilities owned by municipality authorities.

Which was committed to the Committee on Highways.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nominations reported at today's Session.

EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. WATKINS,

That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

The nominations were read as follows:

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 18, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

ALLEGHENY COUNTY

Samuel H. Weitzner (Dem.), 1 James Street, Parkside Manor, McKeesport, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Charles Silver, Pittsburgh, resigned.

FOREST COUNTY

William Harvey Taylor (Dem.), Marienville, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Ben T. Huggler, Marienville, whose term expired.

Charles R. Daubenspeck (Rep.), Tionesta, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Sarah Moore, East Hickory, whose term expired.

Mrs. Lura Newson (Prohibition), Tionesta, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

SOMERSET COUNTY

Nicholas Bruno (Dem.), Lynn Street, Central City, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Martin L. Markel, Somerset, whose term expired.

Robert C. Kurtz (Dem.), 812 Charles Street, Confluence, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Nathaniel S. Friedline, Meyersdale, whose term expired.

Mrs. Allison Uhl Kelley (Dem.), Somerset, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE BEDFORD COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 23, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Bedford County Board of Assistance:

Conrad K. Hughes (Dem.), East Watson Street, Bedford, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Ralph Moyle, Saxton, whose term expired.

Miss Mary Hughes (Rep.), 131 East Penn Street, Bedford, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Rev. E. Albert Rich (Dem.), 309 South Richard Street, Bedford, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE CARBON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Carbon County Board of Assistance:

James Billet (Dem.), Treskow, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Joseph E. Sniscak (Dem.), 81 East Catawissa Street, Nesquehoning, to serve until December 31, 1958, and until his successor is duly appointed and qualified (Reappointment)

Rev. William T. Longsdorf (Rep.), 434 Franklin Avenue, Palmerton, to serve until December 31, 1958. (Reappointment) D

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

HUNTINGDON COUNTY

Mrs. Lillian Minna Friedman (Rep.), 1109 Mifflin Street, Huntingdon, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Dorothy Mainzer, Huntingdon whose term expired.

MIFFLIN COUNTY

Mrs. Janet Sweigart (Dem.), 104 West Main Street, Belleville, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Lantz A. Harry, McVeytown, whose term expired.

James A. Dalton (Dem.), 120 Juniata Street, Lewistown, to serve until December 31, 1958. (Reappointment)

David M. Barron, Esq. (Rep.), 123 Market Street, Lewistown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment.

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 6, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of County Boards of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

GREENE COUNTY

Charles L. Carpenter (Dem.), Graysville.

Ezra D. Hoge (Dem.), R. D. 2, Dunns Station.

Andrew T. Urda (Dem.), 371 Sherman Avenue, Nemacolin.

JEFFERSON COUNTY

Samuel P. Hewlett (Dem.), 202 Hill Street, Reynoldsville.

G. Emery Schwartz (Rep.), Anita.

Mrs. Katherine P. Shaw (Dem.), Big Run.

SULLIVAN COUNTY

Mrs. Gladys Hallabuk (Dem.), Muncy Street, Laporte.

Mrs. Juniata Burnasky (Dem.), Lopez.

Roscoe Burgess (Rep.), R. D. 1, Forksville.

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

LACKAWANNA COUNTY

Mrs. Regina W. Rehner (Dem.), 907 Lackawanna Avenue, Mayfield. (Reappointment)

David W. Lewis (Rep.), 120 Powell Street, Old Forge. (Reappointment)

Michael M. Menichiello (Dem.), 611 Sanderson Street, Throop, (Reappointment)

SUSQUEHANNA COUNTY

Mrs. Anne Bertholf (Rep.), South Montrose, vice Byron Benninger, Dimock, whose term expired.

Delbert Hitchings (Rep.), R. D. 3, Montrose, vice Mrs. Velma Potts, Forest Lake, whose term expired.

Phillip F. Chamberlain (Dem.), Montrose. (Reappointment)

VENANGO COUNTY

Miss Harriet Richardson Bleakley (Rep.), 410 Fifteenth Street, Franklin, vice Ray Painter, Franklin, whose term expired.

Father Lawrence J. Antoun (Rep.), 101 East Front Street, Oil City. (Reappointment).

Ned M. Hartsell (Dem.), 244 Bissell Avenue, Oil City. (Reappointment).

GEORGE M. LEADER.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Francis S. Duffy, 426 Raspberry Street, Erie, Erie County, for appointment as Alderman in and for the Fourth Ward of the City of Erie, Erie County, until the first Monday of January 1958, vice Edwin Bowes, deceased.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Ethel Brooks, Covington, Tioga County, for reappointment as Justice of the Peace in and for the Township of Covington County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Rinaldo V. Sidoli, R. D. 2, New Milford, Susquehanna County, for appointment as Justice of the Peace in and for the Township of New Milford, Susquehanna County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Walker W. Squier, 17 Jackson Street, Montrose, Susquehanna County, for appointment as Justice of the Peace in and for the Borough of Montrose, Susquehanna County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles L. Blough, R. D. 1, Washington, Washington County, for appointment as Justice of the Peace in and for the Township of Chartiers, Washington County, to serve until the first Monday of January 1958, vice Anthony Spin, resigned.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate Max R. Croddy, 303 East Smith Street, Topton, Berks County, for appointment as Justice of the Peace in and for the Borough of Topton, Berks County, to serve until the first Monday of January 1958, vice Raymond P. Werst, Jr., resigned.

GEORGE M. LEADER.

A motion was made by Mr. WOLFE and Mr. WATKINS,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—5

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. WATKINS. Mr. President, I second the motion.

The motion was agreed to.

COMMITTEE APPOINTED PURSUANT TO SENATE RESOLUTION, SERIAL No. 4a

The PRESIDENT. The Chair wishes to announce that the President pro tempore, pursuant to Senate Resolution, Serial No. 4a, relative to an investigation of Farview State Hospital, has appointed the following committee: the gentleman from Carbon, Mr. Scott; the gentleman from Allegheny, Mr. Fleming; the gentleman from Bradford, Mr. Madigan; the gentleman from Lackawanna, Mr. McMenamin; the gentleman from Washington, Mr. Lane; and the gentleman from Philadelphia, Mr. DiSilvestro.

HOUSE BILL No. 173 TAKEN FROM TABLE

Mr. WATKINS. Mr. President, I call from the table House Bill No. 173, Printer's No. 1247, which failed of final passage on February 6, 1956.

RECONSIDERATION OF HOUSE BILL No. 173

Mr. WATKINS. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 173, entitled:

An Act providing for the establishment of police pension funds or pension annuities in boroughs, towns and townships, and the regulation and maintenance thereof; providing for continuance of existing funds or transfer thereof to funds herein established; prescribing rights of beneficiaries; and repealing certain acts.

failed on final passage.

The PRESIDENT. How did the Senator vote?

Mr. WATKINS. Mr. President, I voted with the prevailing side.

Mr. SEYLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

The PRESIDENT. The bill will appear on tomorrow's Final Passage Calendar.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 215, Printer's No. 466, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 696, Printer's No. 448, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 728

The Senate proceeded to the consideration of the report of Committee of Conference on House Bill No. 728, as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 728, entitled: "An act amending the act of April 9, 1929 (P. L. 177), entitled 'An act providing for and rerganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges; ***,' authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park Areas situate within the city."

Respectfully submit the following bill as our report:

G. ROBERT WATKINS,
HENRY J. PROPERT,
ISRAEL STIEFEL,
(Committee on the part of the Senate.)

LEON J. KOLANKIEWICZ,
HERMAN TOLL,
JOHN N. POMEROY, JR.,
(Committee on the part of the House of Representatives.)

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions

and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park Areas situate within ihe city

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1806 act of April 9 1929 (P L 177) known as "The Administrative Code of 1929" is amended by adding at the end thereof a new clause to read

Section 1806 Parks The Department of Forests and Waters shall have the power and its duty shall be

* * *

(i) For the purpose of providing parking facilities and incidental services within the borders of any State Park Area situate in the City of Philadelphia to lease or grant by and with the written approval of the Governor any portion of any such State Park Area underground aboveground or both to the city or to any parking authority now or hereafter existing in the city pursuant to the provisions of the act of June 5 1947 (P L 458) known as the "Parking Authority Law" as the same may now or hereafter be amended if

(1) The City of Philadelphia or the parking authority agrees that the lands and interests and privileges therein shall be used by the city or parking authority or any lessee or sub-lessee holding under either of them pursuant to any lease or sub-lease granted by the city or parking authority as may be permitted by law to promote the establishment of parking services and facilities but portions of the street level or lower floors of the parking facilities may be leased for commercial use including emergency automobile repair service an dthe sale by the lessee of any commodity of trade or commerce or any service except the sale of gasoline or automobile accessories and

(2) the Department with the written approval of the Governor determines that the lease or grant

(i) will aid in promoting the public safety convenience and welfare of the people of Philadelphia by aiding in the establishment of adequate parking services for the convenience of the public and otherwise promoting the public policy of the Commonwealth in authorization for the creation of parking authorities and

(ii) will not unduly interfere with the promotion of those public objects for which the State Park Area was acquired and for which it is held

Any lease or grant shall be upon the terms and conditions and for the period or periods of time the Department with the written approval of the Governor may prescribe The Department shall execute and deliver and is empowered to receive deeds or other legal instruments necessary to effectuate any lease or grant All deeds and instruments shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

Section 2 This act shall take effect immediately

On the question,

Will the Senate adopt the report of the Committee of Conference?

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 728

Mr. MAHANY. Mr. President, I move that the Senate adopt the report of the Committee of Conference on House Bill No. 728.

Mr. STIEFEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that House Bill No. 949, Printer's No. 1351, on final passage, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

THIRD READING CALENDAR

BILL ON THIRD READING AND FINAL PASSAGE, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 284, as follows:

An Act amending the act of April 9 1929 (P L 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" creating the State Board of Chiropody Examiners as a departmental administrative board in the Department of Public Instruction

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 So much as relates to the Department of Public Instruction of section 202 act of April 9 1929 (P L 177) known as "The Administrative Code of 1929" amended May 22 1951 (P L 323) May 24 1951 (P L 353) July 19 1951 (P L 1144) and August 17 1951 (P L 1245) is amended to read

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

* * *

In the Department of Public Instruction
State Council of Education
State Real Estate Commission
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Board of Trustees of Thaddeus Stevens Trade School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Scotland School for Veterans' Children
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney State Teachers' College
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Nurse Examiners
State Board of Barber Examiners
State Board of Cosmetology
State Board of Veterinary Medical Examiners
State Board of Chiropractic Examiners
State Board of Chiropody Examiners
State Board for the Examination of Public Accountants
State Board of Examiners of Architects
State Registration Board for Professional Engineers
Public Service Institute Board
State Board of Private Academic Schools
State Board of Private Business Schools
State Board of Private Trade Schools
State Board of Private Correspondence Schools

* * *

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 2 Article IV of the act is amended by adding after section 461 a new section to read

Section 462 State Board of Chiropody Examiners A State Board of Chiropody Examiners is hereby created and shall consist of the Superintendent of Public Instruction and six members appointed by the Governor four of whom shall be chiropodists who possess the requisite qualifications to practice chiropody under the laws of this Commonwealth and who have been practicing chiropody in this Commonwealth for five years immediately preceding their appointment and two of whom shall be physicians licensed to practice medicine and surgery in this Commonwealth The terms of members of the board shall be four years from the respective dates of their appointment No member of the board shall be a member of the faculty of any school or college teaching chiropody Four members of the board shall constitute a quorum and the board shall select from its membership a chairman and secretary The members of the board other than the Superintendent of Public Instruction shall receive fifteen dollars ($15) per diem for each day devoted to the work of the board

Section 3 Section 1310 of the act amended May 22 1951 (P L 323) and July 19 1951 (P L 1144) is amended to read

Section 1310 Professional Examining Boards The professional examining boards within the Department of Public Instruction shall respectively exercise the rights and powers and perform the duties by law vested in and imposed upon them Provided however That all boards shall be issued by the Department of Public certificates and official documents of such examining Instruction but may be signed by the members of the appropriate board or any of them as determined by such board

Subject to the preceding provisions of this section and to any other inconsistent provisions in this act contained The State Board of Medical Examination and Licensure shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Bureau of Medical Examination and Licensure in the Department of Public Instruction

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law invested in and imposed upon the said board

The State Dental Council and Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board the State Dental Council and the Board of Dental Examiners for the Commonwealth of Pennsylvania

The State Board of Optometrical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the Board of Optometrical Education Examination and Licensure

The State Board of Osteopathic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Osteopathic Examiners of Pennsylvania

The Osteopathic Surgeons' Examining Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Nurse Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board and the State Board of Examiners for Registration of Nurses

The State Board of Barber Examiners shall exercise powers and perform the duties by law vested in and imposed upon the said board

The State Board of Cosmetology shall exercise the the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Veterinary Medical Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examination of Public Accountants shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Examiners of Architects shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board.

The State Registration Board for Professional Engineers shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Chiropractic Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board

The State Board of Chiropody Examiners shall continue to exercise the powers and perform the duties by law vested in and imposed upon the licensing board

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING RECALLED FROM THE GOVERNOR, AMENDED

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 285, entitled:

An Act relating to and defining the practice of chiropody conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction requiring licensure providing for the granting cancellation suspension and revocation of licenses preserving the rights of existing licenses providing for the promulgation of rules and regulations transfer of jurisdiction and records to the Board regulation of Schools of Chiropody reciprocity and providing penalties and remedies.

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill on third reading?

Mr. WEINER. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WEINER. Mr. President, the amendments which I am offering are clarifying amendments or, actually, editorial changes.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 2, by striking out "1856" " and inserting in lieu thereof: "1956' "; Amend Sec. 4, page 5, line 4, by inserting after "the": "Board"; Amend Sec. 6, page 6, line 1, by striking out "and"; Amend Sec. 10, page 8, line 2, by striking out "any" and inserting in lieu thereof: "Any"; Amend Sec. 13, page 10, line 6, by inserting after "Sixty": "days"; Amend Sec. 16, page 11, line 19, by striking out "of" and inserting in lieu thereof: "if".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the quetsion,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. WEINER. Mr. President, I ask unanimous consent that Senate Bill No. 285, Printer's No. 508, on third reading, recalled from the Governor, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 773, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highway peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships wtihin the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting the operation of motor vehicles with certain types of mufflers or exhaust systems and changing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 819 act of May 1 1929 (P. L. 905) known as "The Vehicle Code" amended June 22 1931 (P. L. 751) is amended to read

Section 819 Prevention of Noise

(a) No person shall operate a motor vehicle except fire department and fire patrol apparatus on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise

(b) It shall be unlawful to use a muffler cut-out or a bi-pass in a muffler on any motor vehicle except fire department and fire patrol apparatus

(c) No person shall operate a motor vehicle on any highway (1) equipped with a muffler from which the baffles plates screens or other original internal parts have been removed and not replaced or (2) equipped with an exhaust system which has been modified in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emited by the muffler originally installed on the vehicle

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine [of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days] not to exceed twenty-five ($25) dollars or to undergo imprisonment not to exceed fifteen (15) days or both

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 223, Printer's No. 64; and

Senate Bill No. 239, Printer's No. 495.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 382, as follows:

An Act amending the act of May 7, 1937 (P. L. 589) entitled as amended "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets providing for the taking opening relocation widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and any such city or either of them and authorizing agreements between cities and the Commonwealth for the opening taking relocating widening or change of grade of said streets and designating the city as agent of the Commonwealth in such opening taking relocating widening or change of grade and the determination of damages to private property arising therefrom imposing duties on such cities and on public utility companies using such streets authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" changing or deleting certain routes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (3) (6) and (14) of the second paragraph of section 2 act of May 7, 1937 (P. L. 589) entitled as amended "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets providing for the taking opening relocation widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and any such city or either of them and authorizing agreements between cities and the Commonwealth for the opening taking relocating widening or change of grade of said streets and designating the city as agent of the Commonwealth in such opening taking relocating widening or change of grade and the determination of damages to private property arising therefrom imposing duties on such cities and on public utility companies using such streets authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" amended August 19, 1953 (P. L. 1195) are amended to read as follows

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

In the City of Philadelphia

* * *

[(3) Beginning at the intersection of Thirty-ninth Street with Woodland Avenue thence northeasterly over Woodland Avenue to an intersection with Chestnut Street near Thirty-third Street a distance of about 0.65 miles]

* * *

(6) Beginning at the intersection of Thirty-ninth Street and Lancaster Avenue thence southeasterly over Lancaster Avenue to an intersection with Saunders Avenue thence southerly on [Thirty-ninth Street] Saunders Avenue Filbert Street and Thirty-ninth Street to the intersection of Thirty-ninth Street and Balitmore Avenue thence southeasterly on University Avenue to an intersection with Thirty-fourth Street thence southerly over Thirty-fourth Street to an intersection with Vare Avenue thence southeasterly over Vare Avenue to an intersection with [Oregon Avenue thence easterly over Oregon Avenue to an intersection with South Broad Street beginning again at the intersection of Thirty-ninth and Filbert Streets thence northerly over Filbert Street Saunders Avenue and Lancaster Avenue to the intersection of Thirty-ninth Street and Lancaster Avenue] Passyunk Avenue and Twenty-sixth Street thence southerly over Twenty-sixth Street to an intersection with Penrose Avenue a distance of about [4.65] 3.95 miles

* * *

(14) Beginning at a point at the intersection of Roosevelt Boulevard and Harbison Avenue thence southwesterly on Harbison Avenue to Aramingo Avenue thence southwesterly on Aramingo Avenue to Norris Street thence southeasterly on Norris Street to Dyott Street thence southeasterly on Dyott Street to Delaware Avenue thence southwesterly on Delaware Avenue to Swanson Street thence [southwesterly on Swanson Street] southerly on Delaware Avenue to Oregon Avenue thence southwesterly on Oregon Avenue to an intersection with Moyamensing a distance of [12.1] 12.8 miles

* * *

Section 2 The second paragraph of section 2 of the act amended August 19, 1953 (P. L. 1195) is amended by adding after clause (23) the following new route

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the secretary of highways and are situate and described as follows

In the city of Philadelphia

* * *

(24) Beginning at the intersection of Woodland Avenue with Thirty-third Street thence southerly and southwesterly over Thirty-third Street and over Curie Avenue to an intersection with Curie Avenue and University Avenue a distance of about 1.0 mile

* * *

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 388, as follows:

An Act amending the act of June 3, 1937 (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" extending voting rights to bedridden or hospitalized veterans when not absent from county of residence

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1301-A act of June 3, 1937 (P. L. 1333) known as the "Pennsylvania Election Code" added March 6 1951 (P. L. 3) is amended to read

Section 1301-A Qualified Electors who are beridden or Hospitalized Veterans Any qualified electors who is bedridden or hospitalized due to illness or physical disability contracted or suffered in connection with or as a direct result of his military service may vote under the provisions of this act in any election held in this Commonwealth if he is (1) unavoidably absent from the State or county of his residence regardless of whether he is registered or enrolled or (2) in the county of residence and is registered or enrolled

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 420, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehcles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" providing additional enforcement procedures on traffic violations in first second and second class A cities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" is amended by adding after section 1202 three new sections to read

Section 1202.1 Enforcement in Cities of the First and Second Class In addition to and notwithstanding any other provisions in this act relating to procedures dealing with enforcement the filing of informations the institution of summary proceedings and the issuance of warrants for arrest of alleged violators cities of the first second and second class A shall have authority to provide by ordinance for the enforcement of the provisions of this act or any local traffic ordinance by the issuance of traffic violation citations the institution of summary proceedings and the issuance of warrants for arrest of alleged violators

Section 1202.2 Requirements of Local Ordinances No ordinance for the enforcement of the provisions of this act or any local traffic ordinance shall be legal or enforceable unless the ordinance provides inter alia as follows

(1) Traffic violation citations charging violations of any of the summary provisions of this act or violations of any local traffic ordinance within any city of the first second or second class A may be handed by a police officer of the city when in uniform on his own view of an offense

being committed to the violator The traffic violation citation shall be in form prescribed by the Board of Magistrates in first class cities and by the Mayor in second and second class A cities and after being sworn to shall have the same force and effect throughout the Commonwealth as a sworn information charging a violation of the summary provisions of this act or any local traffic ordinance If a police officer observes an unattended vehicle parked or standing in violation of the provisions of this act or any local traffic ordinance the officer may affix to the vehicle a true copy of the traffic violation citation

(2) If a police officer of a city of the first second or second class A observes a violation of any of the summary provisions of this act or any local traffic ordinance and has reasonable ground to believe that the violator is a non-resident of this Commonwealth and may not appear in the traffic court of the city in response to a traffic violation citation handed to him and that the offender will not be available for service of a warrant which may thereafter be issued for his arrest for the violation the police officer is authorized to arrest the offender forthwith in accordance with the authority of police officers of any city of the first second or second class A to arrest on view persons violating any ordinance of the city

(3) Any police officers of any city of the first second or second class A handling a traffic violation citation to an alleged violator as provided above shall write on the notice and all copies thereof the name address and operator's license plate number of the alleged offender if they are available the registration license number make and type of vehicle the date time and place of the violation and a brief description of the offense and such other information as may be required on the traffic violation citation

Section 1202.3 Hearings and Summonses

(a) Traffic violation citations handed by any police officer to any violator or affixed to any vehicle in accordance with the provisions of section 1202.2 above may have noted thereon by the police officer issuing the traffic violation citation a date and time certain for a hearing on the traffic violation to be held in the traffic court of the city

(b) If the offender is charged with a violation of section 1020 of this act or a violation of the provisions of any local traffic ordinance controlling and regulating the parking of vehicles upon the streets of a city the offender may upon signing a waiver of hearing and admission of guilt which shall be imprinted upon the traffic violation citation pay the fine for the violation to the traffic court of the city within three days after receipt of the citation

(c) For violations of all other sections of this act and for violations of the provisions of any local traffic ordinance not dealing with the control or regulation of the parking of motor vehicles the violator shall appear at a hearing in the traffic court of the city on the date and at the time noted on the traffic violation citation Provided That the hearing date shall be set not less than seven (7) days nor more than twenty-one (21) days after the commission of the alleged offense If the violator fails to appear for the hearing on the date noted on the traffic violation citation a warrant shall be issued according to law for the person's arrest and a hearing shall be had and disposition of the case made in accordance with existing law

Section 2 This act shall take effect in thirty days

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Harney,	McPherson, Jr.,	Silvert,
Berger,	Hays,	Miller,	Stevenson,
Camiel,	Kessler,	Mullin,	Stiefel,
Chapman,	Kopriver, Jr.,	Pechan,	Taylor,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
Haluska,	McMenamin,		Yosko,

NAYS—2

Blass,	Van Sant,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 590, Printer's No. 504, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 802, Printer's No. 452, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 811, as follows:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" adding a new route in the Borough of Carnegie

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 of the act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" is amended by adding a new route in the Borough of Carnegie to read

CARNEGIE BOROUGH

Route 02038 Extending Route 02038 Beginning at a point on Chestnut Street Borough of Carnegie State Highway Route 02038 at its intersection with Ridge Avenue thence over Ridge Avenue to Forest Avenue thence over Forest Avenue to the easterly intersection of Grandview Avenue with Forest Avenue thence over Grandview Avenue to the intersection with Summit Street thence over Summit Street to Chestnut Street State Highway Route 02038 in the Borough of Carnegie Allegheny County a distance of about .4 of a mile

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,

Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that House Bill No. 857, on third reading, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" authorizing the establishment of speed limits in cities of the first class under certain terms and conditions and imposing penalties.

be recommitted to the Committee on Highways.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LANE. Mr. President, I ask that our Members on this side vote "no" on this motion to recommit.

Mr. MAHANY. Have you taken Caucus action on this?

Mr. LANE. No, we agreed among ourselves that this bill should pass as of today.

Mr. MAHANY. Okay, I just wanted to keep the record clear.

And the question recurring,

Will the Senate agree to the motion?

Mr. LANE. I ask for a roll call, Mr. President.

Mr. RUTH. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. LANE and Mr. RUTH and were as follows, viz:

YEAS—20

Berger,	Harney,	Peelor,	Van Sant,
Blass,	Kessler,	Propert,	Wade,
Chapman,	Madigan,	Scott,	Wagner,
Diehm,	Mahany,	Stevenson,	Whalley,
Fleming,	Mallery,	Taylor,	Wolfe,

NAYS—11

DiSilvestro,	McGinnis,	Schmidt,	Stiefel,
Lane,	McMenamin,	Seyler,	Yosko,
McCreesh,	Ruth,	Silvert,	

So the question was determined in the affirmative.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 864, as follows:

An Act directing the Highway & Bridge Authority in cooperation with the City of Harrisburg and at the expense of the Commonwealth to construct a by-pass through the southwest corner of Capitol Park

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to facilitate traffic and promote safety at the intersection of Third and Walnut Streets in the City of Harrisburg the Highway & Bridge Authority in cooperation with the City of Harrisburg shall at the expense of the Commonwealth construct a by-pass through the southwest corner of Capitol Park from the intersection of Dewberry Street with Walnut Street to the intersection of Locust Street with Third Street The plans therefor shall be approved by the Board of Commissioners of Public Grounds and Buildings and by the City of Harrisburg

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

Mr. LANE. Mr. President, just to keep the record straight, we have agreed among ouselves, with a few exceptions, to vote for Senate Bill No. 864, Printer's No. 490. I wish to so advise the Majority Leader.

Mr. MAHANY. Senator Lane, that is good. I am glad you did not take Caucus action on this bill.

Mr. SEYLER. Mr. President, it is I who had asked to have this bill put over for several days so that I could get information. I still have not succeeded in penetrating all the ramifications. However, I am not going to ask for it to go over any longer.

I merely wish to be sure to be recorded as voting "no."

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barr,	Fleming,	McCreesh,	Stevenson,
Berger,	Harney,	McGinnis,	Stiefel,
Blass,	Kessler,	Pechan,	Taylor,
Chapman,	Kopriver, Jr.,	Peelor,	Van Sant,
Dent,	Lane,	Propert,	Wade,
Diehm,	Madigan,	Ruth,	Wagner,
DiSilvestro,	Mahany,	Scott,	Watkins,
Flack,	Mallery,	Silvert,	Whalley,
			Wolfe,

NAYS—4

Schmidt,	Seyler,	Weiner,	Yosko,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 1406, Printer's No. 833, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1773, as follows:

An Act further amending the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due to the Commonwealth the collection and recovery of fees and other money or property due or

belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" making certain information regarding refunds available for public inspection changing certain provisions as to the imposition and remission of penalties and granting of refunds and clarifying provisions as to settlements

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clauses (a) (b) and (c) section 503 of the act of April 9, 1929 (P. L. 343) known as "The Fiscal Code" as last amended by the act of January 19, 1952 (P. L. 2178) is hereby further amended to read as follows

Section 503 Refunds of State Taxes License Fees Et Cetera The Board of Finance and Revenue shall have the power and its duty shall be

(a) To hear and determine any petition for the refund of taxes license fees penalties fines bonus or other moneys paid to the Commonwealth and to which the Commonwealth is not rightfully or equitably entitled and upon the allowance of any such petition to refund such taxes license fees penalties fines bonus or other moneys out of any appropriation or appropriations made for the purpose or to credit the account of the person association corporation body politic or public officer entitled to the refund A list of the final amounts of any such refunds or credits in excess of five thousand dollars ($5000.00) hereafter granted for corporation taxes the names of the corporations entitled thereto and a brief summary of the reasons therefor and a list of the names and final amounts of any such refunds or credits in excess of two hundred dollars ($200.00) hereafter granted to any persons or corporations shall be available for public inspection The jurisdiction of the Board of Finance and Revenue to hear and determine a petition for refund as aforesaid shall not be affected or limited (1) by the fact that proceedings under sections 1103 or 1104 of this act involving the same tax or bonus and period for which a refund is sought are pending have been withdrawn or have been otherwise closed provided such proceedings relate to other objections than those raised in the petition for refund or provided such petition for refund is based upon a final judgment or decision of a court of competent jurisdiction holding the Act of Assembly under which the petitioner paid the tax or other money involved to be unconstitutional or to have been erroneously interpreted or (II) or the fact that a petition under section 1102 of this act involving the same tax or bonus and period and involving either the same or different questions than those raised in the petition for refund is pending has been withdrawn or has been otherwise closed All such petitions for refund must be filed with the board within two years of the payment of which refund is requested or within two years of the settlement in the case of taxes or bonus whichever period last expires except

(1) Where a petition for refund filed by a domestic or foreign corporation involves the valuation of its capital stock or in case of a foreign corporation the valuation of its tangible property for bonus purposes or where a petition for refund filed by a bank title insurance or trust company involves the valuation of its shares of stock such petition must be filed with the board within one year of the payment of which refund is requested or within one year of the settlement of such taxes or bonus whichever period last expires

(2) When the estate upon which any transfer inheritance tax has been paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an overvaluation of that portion of the estate on which the tax has been assessed and paid which overvaluation could not have been ascertained within said period of two years In such case the application for repayment shall be made to the Board of Finance and Revenue within one year from the termination of such litigation or ascertainment of such overvaluation

(3) When a court of record has adjudged a person to be legally dead and thereafter in the settlement of his or her estate a transfer inheritance tax shall have been paid on such estate and after such payment has been made such person shall reappear and the court shall rescind its order and adjudication In such case the petition to the board shall be filed within six months after the court shall have rescinded its order and adjudication

(4) When any tax or other money has been paid to the Commonwealth under a provision of an Act of Assembly subsequently held by final judgment of a court of competent jurisdiction to be unconstitutional or under an interpretation of such provision subsequently held by such court to be erroneous In such case the petition to the board may be filed either prior or subsequent to such final judgment but must be filed within five years of the payment of which a refund is requested or within five years of the settlement of such taxes bonus or other moneys due to Commonwealth whichever period last expires The board shall have jurisdiction to hear and determine any petition for refund filed prior to such final judgment only if at the time of the filing thereof proceedings are pending in a court of competent jurisdiction wherein the claims of unconstitutionality or erroneous interpretation made in the petition for refund may be established and in such case the board shall not act upon the petition for refund until the final judgment determining the question or questions involved in such petition has been handed down

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within thirty days after it was due and that the amount of tax or bonus exclusive of penalty admitted to be due was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may allow the petition and refund the amount of the penalty or any part thereof out of any appropriation or appropriations made for the purpose or credit the account of the person association corporation body politic or public officer by whom or which the penalty was paid but no such petition shall be considered unless it be filed within two years after the penalty was paid

In the case of petitions for the remission of penalties imposed and paid for failure to file tentative reports for the year 1953 or fiscal years beginning in 1953 under Section 4 (b) of the Corporation Income Tax Law as reenacted and amended the Board may allow such petitions if it is satisfied that the failure to file the tentative report was not wilful that the tentative report was actually filed within one (1) year after it was due and that the amount of tax required to be paid with such tentative report was paid to the Commonwealth within one (1) year after the date when payment of such tax became due but no such petition shall be considered unless it is filed prior to the first day of July 1956

(c) To hear and determine petitions for the remission of penalties imposed but not paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within

thirty days after it was due and that the amount of tax or bonus exclusive of penalty admitted to be due was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may strike off the penalty or any part thereof but no such petition shall be considered unless it be filed within two years after the penalty was imposed

In the case of petitions for the permission of penalties imposed but not paid for failure to file tentative reports for the year 1953 or fiscal years beginning in 1953 under Section 4 (b) of the Corporate Net Income Tax Act as reenacted and amended or under Section 4 (b) of the Corporation Income Tax Law as reenacted and amended the Board may allow such petitions if it is satisfied that the failure to file the tentative report was not wilful that the tentative report was actually filed within one (1) year after it was due and that the amount of tax required to be paid with such tentative report was paid to the Commonwealth within one (1) year after the date when payment of such tax become due but no such petition shall be considered unless it be filed prior to the first day of July 1956

Section 2 Clause 730 renumbered 731 of the act as last amended by the act of July 9, 1941 (P. L. 305) is further amended to read as follows

Section 731 Confidential Information Any information gained by any administrative department board or commission as a result of any returns investigations hearings required or authorized under the statutes of the Commonwealth imposing taxes or bonus for State purposes or providing for the collection of the same shall be confidential except for official purposes and except that such information may be given to any other state or to the Government of the United States where such state or the United States by law authorizes the furnishing of similar information to the Commonwealth of Pennsylvania Any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

For purposes of this section information regarding refunds or credits and the names of the persons or corporations entitled thereto which is available for public inspection under the provisions of this act shall not be deemed confidential

Section 3 Section 806 of the act as last amended by the Act of August 19,(1953 (P. L. 1146) is hereby further amended to read as follows

Section 806 Interest on Taxes and Bonus Due the Commonwealth All tax and bonus due the Commonwealth as provided by law shall bear interest at the rate of six per centum per annum from the date they are due and payable until paid Provided That in the case of all taxes and bonus which other provisions of this act require taxpayers to compute and pay at the time of filing the report or return if a settlement is not made within one year after the date upon which the report or return was filed no interest whatsoever shall be imposed for the period between the end of such one year and sixty days after the date of the approval of the settlement unless the taxpayer has filed a written waiver permitting interest to run after the end of said one year Provided further That no penalties imposed under sections 1701 [and] 1702 and 1705 of this act for failure to file bonuses or tax reports on time shall bear any interest whatsoever The payment of interest as aforesaid shall not relieve any person association or corporation from any of the penalties or commissions prescribed by law for neglect or refusal to furnish reports to the Department of Revenue or to pay any claim due to the Commonwealth from such person assiciation or corporation

Whenever the tax or bonus liability of a taxpayer is so affected by any settlement or resettlement as to change the interest liability which has been settled against such taxpayer such interest liability shall be adjusted by the Department of Revenue and the Department of the Auditor General so as to correspond to the tax or bonus liability as changed without the necessity for the filing of any petition or request by the taxpayer or by said departments

Section 4 Section 1705 of the act is hereby amended to read as follows

Section 1705 Failure of Bank Savings Institution Title Insurance Company or Trust Company to Make Report Pay Tax or Post Notice of Settlement If any bank or savings institution having capital stock incorporated by or under any law of this Commonwealth or under any law of the United States and located within this Commonwealth or any title insurance company or trust company as defined in section 712 of this act shall fail or refuse to make the report required by section seven hundred eleven or section seven hundred twelve of this act at the times therein specified or shall make any false statement in such report or shall fail or refuse by its officers to appear before the Department of Revenue or shall fail or refuse to produce its books for examination when required to do so by the Department of Revenue the department shall after having ascertained the actual value of each share of the capital stock of such company from the best information it can obtain add the following percentages thereto [ten percentum] as a penalty assess the tax and proceed according to law to collect the same from such company On the first one thousand dollars of tax ten per centum on the next four thousand dollars five per centum and on everything in excess of five thousand dollars one per centum [and] If the president secretary or treasurer of any such company shall neglect or refuse to post a copy of the settlement in a conspicuous place in such company's place of business immediately upon the receipt of the same so as to give notice to the shareholders such president secretary or treasurer shall be adjudged to be in default and as a penalty for such default such company shall be responsible to the Commonwealth for the amount of the tax assessed against the shareholders of such company

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1795, Printer's No. 1086, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1947, as follows:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

Whereas Under the Constitution and the laws of this Commonwealth the State Treasurer may not pay out any moneys unless they be specifically appropriated by Act of the General Assembly therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the sum of fifty million ($50,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the State Treasurer of the Commonwealth of Pennsylvania for the purpose of paying the salaries and wages of the officers and employes and other ordinary and general expenses of the State government in the interim between the third-first day of May one thousand nine hundred fifty-five and such time as moneys appropriated by the General Appropriation Act and other appropriation acts of one thousand nine hundred fifty-five may become available for such purposes and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

Section 2 Payments out of the appropriation of this act shall be made by the State Treasurer upon requisitions by the several departments boards commissions or officers in the same manner as payments are ordinarily made

Section 3 All amounts paid by the State Treasurer in accordance with this act shall be charged against the appropriations made for the salaries and wages of the officers and employes and other ordinary and general expenses of the State government in the General Appropriation Act and other appropriation acts of one thousand nine hundred fifty-five

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SECOND READING CALENDAR

BILL ON SECOND READING, AMENDMENTS OFFERED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 407, entitled:

An Act amending the act of August 10, 1951 (P. L. 1182) entitled "Chiropratic Registration Act of 1951" extending the period for application for limited examination clarifying certain provisions thereof establishing further standards of educational conference and requiring board approval thereof providing for branch office certificates and prohibiting branch office practice without such certificate

The first section was read and agreed to

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. SCHMIDT offered the following amendments:

Amend Sec. 2, page 4, line 12, by striking out "sections 11 15 and 20" and inserting: "section 11"; Amend Sec. 2 (Sec. 15), page 6, lines 1 to 19, and page 7, lines 1 to 7, both inclusive, by striking out all of said lines, and inserting: "Section 3. Section 14 of the act, amended June 19, 1953 (P. L. 295), is amended to read: "Section 14. Term of License and Registration.—All licenses and all registrations granted under this act shall expire on the first day of September following their issuance. Registration may be effected at any time during the month of August following by the filing of such application with the board, together with such registration fee as may be fixed by the department. [and satisfactory evidence that the applicant has attended, during the preceding license year, and educational conference as hereinafter provided: Provided, That the] The board may, at its discretion, register any licensee who has failed to make application for registration before the first day of September; "Section 4, Section 15 of the act is repealed; "Section 5. Section 20 of the act is amended to read:"

On the question,

Will the Senate agree to the amendments?

Mr. SCHMIDT. Mr. President, these amendments, if adopted, would remove from the bill the necessity of the members of this profession taking certain courses each year so that they would be eligible for retaining their certificate. If this bill passes as it is, this will be the first profession in Pennsylvania that requires the members of that profession to pass each year, or take each year, additional studies or courses in that profession in order that they might remain in good standing in the profession.

I am one who does believe in maintaining standards in a profession. I believe that a profession should require higher standards from new persons coming into the profession, in law or in medicine or wathever it may be. The professional standards should be raised and the examinations taken by those coming into the profession should maintain higher standards. As for those who are already in the profession, to require them to continue on studying and just pick out one profession, I think is asking something that is unjust.

Therefore, Mr. President, I ask that these amendments which I have offered be adopted.

Mr. FLEMING. Mr. President, I would call to the attention of the Senate, and of the Members on both sides, that I do not believe this changes the existing law, but it is a further detraction from the existing law. Do I understand it correctly? Is that right?

Mr. SCMIDT. These amendments, if adopted, would not only remove from the bill that which is now placed in the bill under this bill, but also that which was previously in the bill. The act, as originally passed, did require a certain amount of educational studies to be taken by the members of the profession.

I might say to those of you here that I fought, along with other Members of the House, for the enactment of the licensure bill. At the time, I am very frank in saying that I did not realize the bill which we passed did require these studies to be taken. I have since found out that it is incorporated in the act as it now stands. However, also, there is added thereto this requirement of additioinal studies to be taken at these conventions of the chiropractors which are to be held annually. Failure to attend these conventions, or some other conference where they would get these educational studies, would give the board the right to refuse a chiropractor who has been licensed a renewal certificate each year. As I said before, if this is enacted, it will be the first profession in Pennsylvania that will require members of the profession, those who are licensed, to take additional studies each year in order to continue in their profession.

Mr. FLEMING. Mr. President, it is my understanding that this provision has been in the law for five years, is that correct? Now, if I understand Senator Schmidt's amendments correctly, he wishes to remove that requirement.

Mr. SCMIDT. That is correct. Not only would I remove that provision which is already in the act, but the additional part thereto, added in this bill, House Bill No. 407 As I previously stated, at the time the original licensure act was passed, that provision was in. I, at that time, did not realize it was in the bill.

At this time, my amendments would take that out of the bill. In other words, I say it is unjust to say it to chiropractors only in Pennsylvania. It is not said to doctors, lawyers, certified public accountants, that in order that they may have their licenses renewed each year, they must attend, as is provided in this bill, a convention at which certain studies or certain courses are given. I would say to the members of the professions that they should advance themselves and voluntarily take these courses. However, I do not believe in forcing them to do it.

Mr. FLEMING. Mr. President, we certainly do not have any type of Caucus action on this, contrary to what some of these gentlemen might think we have on every bill. However, I would call to the attention of the Members of the Senate that the amendments just offered by the Senator from Allegheny go far beyond the intent of the original sponsor when it came from the House. I want to draw that to the attention of every Member of the Senate, when you vote on these amendments.

I would suggest to Senator Schmidt that if he has in mind this type of legislation, he might put in a separate bill for it to cover that particular portion. However, he certainly is changing the whole intent of House Bill No. 407 by inserting that into it. Senator Schmidt at least is going far beyond the scope that was originally intended in House Bill No. 407.

Mr. SCHMIDT. Mr. President, the amendment that was offered by the proponents of this bill is, in a way, a clarifying amendment in that it sets forth what type of educational study and where it shall be taken, as was provided in the original bill. My intent is not only to remove that, but to remove the entire requirement. As I said, it was in the original bill and I feel that it should come out. I feel that we should not say to only the chiropractors, "You must do this," when we do not say it to anyone else.

And the question recurring,

Will the Senate agree to the amendments?

Mr. FLEMING. I ask for a roll call, Mr. President.

Mr. SCHMIDT. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. FLEMING and Mr. SCHMIDT and were as follows, viz:

YEAS—5

Lane,	Seyler,	Silvert,	Stiefel,
Schmidt,			

NAYS—25

Berger,	Harney,	McMenamin,	Taylor,
Blass,	Madigan,	Peelor,	Van Sant,
Chapman,	Mahany,	Propert,	Wade,
Diehm,	Mallery,	Ruth,	Wagner,
DiSilvestro,	McCreesh,	Scott,	Whalley,
Fleming.	McGinnis,	Stevenson,	Wolfe,
			Yosko,

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the section?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. SCHMIDT offered the following amendments:

Amend Title, page 2, lines 2 and 3 of Title, by striking out "establishing further standards of" and inserting: "abolishing"; Amend Title, page 2, lines 3 and 4 of Title, by striking out "and requiring board approval thereof".

On the question,

Will the Senate agree to the amendments?

(A voice vote having been taken, the question was determined in the negative.)

And the question recurring,

Will the Senate agree to the title?

It was agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 651, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" changing the value of scholarships

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RE-REFERRED

Mr. FLEMING. Mr. President, I move that House Bill No. 655, on second reading, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304) entitled "Local Health Administration Law" extending the provisions thereof to counties of the first class and to municipalities located in counties of the first class be re-referred to the Committee on Public Health and Welfare, for the purpose of further study.

Mr. MAHANY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STIEFEL. Mr. President, I do not know whether I am in order to interrogate Senantor Fleming as to the reasons why this bill should be re-referred to committee.

The PRESIDENT. Will the gentleman from Allegheny, Mr. Flenming, permit himself to be interrogated?

Mr. FLEMING. I shall, Mr. President.

Mr. STIEFEL. Senator Fleming, am I correct in assuming that this is Caucus action and that the Republican Caucus recommended that this bill be re-referred to committee?

Mr. FLEMING. My purpose in making the motion was so that the Committee on Public Health and Welfare would have an opportunity to further study the bill and see whether or not there might be some amendments which might be necessary.

Mr. STIEFEL. Is it not a matter of fact that further study is sometimes a euphemism for killing a bill?

Mr. FLEMING. I would have to agree that there are times when that happens. However, it does not follow that it will happen on this one. This bill will definitely be further studied.

Mr. STIEFEL. I appreciate that because House Bill No. 655 is one of the keystones in the Philadelphia program. It is of vital importance to the citizens of Philadelphia. With your assurances that there will be further study—of course, once it is re-referred, I do not know what might happen to it. They may study it further and they may not.

I feel that Philadelphia has been discrimated against in the Act of 1951 when it was excluded from the purview of the Local Health Administration Law. Why one quarter of the State should be discriminated against, I fail to see.

For this reason, Mr. President, I am constrained to object to the motion to re-refer.

Mr. LANE. Mr. President, I think this is good legislation and I do not think there is any necessity for re-referring it. It is on the Second Reading Calendar and if they wish, they can carry it over in order and let the committee go ahead and prepare the amendments and offer them here. If they are satisfactory, they will be adopted. If not, of course, they will be rejected. I feel a re-referral is not appropriate at this particular time for this legislation. Therefore, I ask the Members on both sides to oppose this motion to re-refer.

Mr. SILVERT. Mr. President, I do not have a copy of the bill on my desk; I looked for it. However, as I understand it, House Bill No. 655 places Philadelphia in the same position as other counties with regard to getting help for local health administration.

I also state that if you want further study, why not have the bill go over Why re-refer it? We have no faith in re-referrals. Therefore, Senator Fleming, if you really want further study, let us have the bill go over.

Mr. YOSKO. Mr. President, in my opinion, the local officials should have something to say about this bill. I recall when we conducted the hearings on the budget, Mayor Clark and other officials from Philadelphia came before that committee and testified that they were in favor of establishing a health unit in the city of Philadelphia. As a matter of fact, steps were taken at that time to qualify, under the law, just as Allegheny County did. I understand that Allegheny County, because it did qualify, is entitled to considerable funds from the Department of Health to join in financing its health unit.

Therefore, Mr. President, unless there is opposition here from Philadelphia officials or from the representatives who represent the people of Philadelphia, I do not think the bill should go back to committee. I think it should be passed in order to give the city of Philadelphia the same privileges that every other county in the State is given.

And the question recurring,

Will the Senate agree to the motion?

Mr. LANE. I ask for a roll call, Mr. President.

Mr. STIEFEL. I ask for a roll call, Mr. President.

(During the calling of the roll, the followinfi occurred:)

Mr. KESSLER. Mr. President, not having heard my name called, I wish to be recorded as voting "aye."

The PRESIDENT. The gentleman from Lancaster will be so recorded.

The yeas and nays were required by Mr. LANE and Mr. STIEFEL, and were as follows, viz:

YEAS—20

Berger,	Kessler,	Peelor,	Wade,
Blass,	Madigan,	Propert,	Wagner,
Diehm,	Mahany,	Scott,	Watkins,
Fleming,	Mallery,	Taylor,	Whalley,
Harney,	McMenamin,	Van Sant,	Wolfe,

NAYS—12

Chapman,	McCreesh,	Schmidt,	Stevenson,
DiSilvestro,	McGinnis,	Seyler,	Stiefel,
Lane,	Ruth,	Silvert,	Yosko,

So the question was determined in the affirmative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 826, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to edit illustrate and publish its new report on the Frontier Forts of Pennsylvania providing for the distribution and sale thereof and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 929, entitled:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "Liquor Code" providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 931, entitled:

An Act making an appropriation to the Department of Forests and Waters for use of the Valley Forge Park Commisison for the restoration of the Provost Guard House.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILL RE-REFERRED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 931, the bill just read, be re-referred to the Committee on Appropriations.

Mr. MAHANY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STIEFEL. Mr. President, I renew my inquiry as to whether this is for purposes of pickling the bill or for purposes of further study.

Mr. FLEMING. I might say, Mr. President, it is just to see if it is enough money or not. We may want to give them more money.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 961, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "The Game Law" authorizing the raising and disposition of nongame pheasants and eggs without propagating permits.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1221, Printer's No. 931, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. FLEMING. Mr. President, I move that House Bill No. 1224, on second reading, entitled:

An Act amending the act of April 3, 1947 (P. L. 55) entitled "An act authorizing cities boroughs towns and townships to regulate parking lots within their boundaries and to collect license or permit fees and require bonds from the operators thereof" authorizing certain political subdivisions to regulate motor vehicles parking garages.

be recommitted to the Committee on Local Government, for the purpose of further study and possible amendment.

Mr. MAHANY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SCHMIDT. Mr. President, for the information of the Senate, the city administration of the city of Pittsburgh has requested this type of law to give them an opportunity to properly police not only the parking lots which we now have the right to police, but also the parking garages. This is necessary, and I am asking all the Members of the Senate to vote "no" on this motion to recommit.

And the question recurring,

will the Senate agree to the motion?

Mr. SCHMIDT. I ask for a roll call, Mr. President.

Mr. SILVERT. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. SCHMIDT and Mr. SILVERT and were as follows, viz:

YEAS—21

Berger,	Harney,	Peelor,	Van Sant,
Blass,	Kessler,	Propert,	Wade,
Chapman,	Madigan,	Scott,	Wagner,
Diehm,	Mahany,	Stevenson,	Watkins,
Fleming,	Mallery,	Taylor,	Whalley,
			Wolfe,

NAYS—10

Lane,	McMenamin,	Schmidt,	Silvert,
McCreesh,	Ruth,	Seyler,	Stiefel,
McGinnis,			Yosko,

So the question was determined in the affirmative.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1340, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" further providing for payments to school districts on account of pupil transportation.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. LANE. Mr. President, the Members of the Committee on Labor and Industry, and representatives of industry and also of labor, are going to meet tomorrow morning at ten o'clock with regard to these two pieces of legislation. In all probability, there will be lots of amendments offered tomorrow or the next day.

Therefore, Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1397, Printer's No. 1345; and

House Bill No. 1398, Printer's No. 1346.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1857, entitled:

An Act amending the act of May 2, 1925 (P. L. 448) entitled "The Fish Law of 1925" authorizing refunds of fees fines and other moneys erroneously or unjustly collected.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1871, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "The Game Law" regulating refund of fees fines or other moneys erroneously or unjustly collected and deposited and appropriating moneys from the Game Fund for the refund of fees fines or other moneys unjustly collected

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILLS INTRODUCED AND REFERRED

Mr. McMENAMIN. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McMENAMIN read in place and presented to the Chair Senate Bill No. 978, entitled:

An Act amending the act of April 3, 1929 (P. L. 127), entitled "An act fixing the fees of the recorder of deeds in counties of the third and fourth class," changing fees.

Which was committed to the Committee on Local Government.

He also read in his place and presented to the Chair Senate Bill No. 979, entitled:

An Act amending the act of April 8, 1868 (P. L. 73), entitled "An act to authorize the recorder of deeds in the several counties of this Commonwealth to record the discharges of all honorably discharged officers and soldiers," increasing fees payable to recorders of deeds for recording final discharges, certificates of service and reports of separation of honorably discharged service personnel and providing for the payment of fees for issuing certified copies thereof.

Which was committed to the Committee on Local Government.

PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President, a few moments ago the Majority here voted to recommit House Bill No. 1224, which authorizes political subdivisions to regulate parking garages and so forth. I would say that I believe we have made a grave mistake, because if the Membership on either side of the Senate would read this writeup which was in the Philadelphia Inquirer,—I believe it was in this morning's paper—they will appreciate the fact that in the metropolitan areas especially, parking lots and storage places for automobiles should be regulated by the political subdivisions and there should be bonds placed upon them. There seems to be a lot of thievery, overcharging and so forth. It seems to me that this is constructive legislation. It may not be perfect, but I do say that it is a step in the right direction, especially in the metropolitan areas.

Mr. President, I know for a fact that in Pittsburgh you do have some operators there who are unscrupulous. I do not say all of them are, but I believe they should be regulated. I would like for you to study this bill and maybe in a day or two we can reconsider our vote and do something about this; maybe not in this form but let us get some amendments in it because I believe this is good legislation.

PERMISSION TO ADDRESS SENATE

Mr. MALLERY asked and obtained unanimous consent to address the Senate.

Mr. MALLERY. Mr. President, on page 9 of our Calendar, Senate Bill No. 929, Printer's No. 500, went over in its order. I think some more serious consideration should be given to this bill. When I read it, I recalled having read in the New York Times, I do not know whether it was even this last Sunday or the Sunday before, that billions of dollars are being lost in revenue to the Federal government and to many State governments through bootlegging.

The State of New York has acted in the matter in view of the fact that they have discovered that millions of dollars have been lost to the State of New York through bootlegging. If I recall that I read the article correctly, they have given the police of the State of New York similar authority to that exercised by the Federal enforcement officers in apprehending stills and bootleggers.

I do not know fully the intent of this bill. I spoke to one of the sponsors, the other sponsor is not here today, but I think in view of the great need for money, we in Pennsylvania should consider the problem of taking greater steps in enforcing the liquor laws, particularly to catch up with those who are unfair to the licensed dealers and have no consideration for the Federal Government or our Commonwealth.

The PRESIDENT. The Chair would like to state, in answer to the statement of the Senator from Blair, that the bill was not passed over, but that it passed Second Reading and will be on Third Reading tomorrow.

ADJOURNMENT

Mr. FLEMING. Mr. President, I move that the Senate do now adjourn until Tuesday, February 14, 1956, at 1:30 o'clock, p. m., Eastern Standard Time.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:50 o'clock, p. m., Eastern Standard Time, until Tuesday, February 14, 1956, at 1:30 o'clock, p. m., Eastern Standard Time.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., TUESDAY, FEBRUARY 14, 1956. No. 139.

SENATE

TUESDAY, February 14, 1956.

The Senate met at 1:30 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

Almighty God, our Heavenly Father, we thank Thee for another opportunity to serve our fellowmen. We pray that Thou wilt give us the wisdom and the understanding to do it in the spirit of this day when we express our love for our fellowman through flowers(candy, cards and letters.

May we have the spirit of love toward our fellowmen that Sam Walter Foss had when he said:

"Let me live in a house by the side of the road,
Where the race of men go by;
The men who are good and the men who are bad,
As good and as bad as I.
I would not sit in the scorner's seat, nor hurl the cynic's ban;
Let me live in a house by the side of the road,
And be a friend to man."

We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BERGER and Mr. DIEHM, further reading was dispensed with, and the Journal was approved.

STUDENTS FROM ST. ALOYSIUS, ST. GABRIELE, ST. EDMOND AND AUDERIED JUNIOR HIGH SCHOOLS, PHILADELPHIA, PRESENTED TO SENATE

Mr. DiSILVESTRO. Mr. President, I wish to present, with pleasure, fifty students from Philadelphia, under the leadership of Mother Cyrena, Sister Leonis and Miss Shirley Solop. They are from Saint Aloysius, Saint Gabriele, Saint Edmond and Auderied Junior High Schools. They are the guests of a Member of the House of Representatives, the Honorable Mary A. Varallo. Will they please rise?

The PRESIDENT. The Chair, on behalf of the other Members of the Senate, wishes to extend a welcome to this distinguished group of citizens from the city of Philadelphia. We hope you will enjoy your visit with us.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBER AND CHAIRMAN OF THE BOARD OF ARBITRATION OF CLAIMS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 14, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. Alfred Wilner, Esq., 6104 Kentucky Avenue, Pittsburgh, Allegheny County, for appointment as a member and Chairman of the Board of Arbitration of Claims, to serve until July 21, 1961, and until his successor shall be duly appointed and qualified, vice Nathan Hyman, Esq., Wilkes-Barre, whose term expired.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 14, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert L. Fisher, Box 146, Millerstown, Perry County, for appointment as Justice of the Peace in and for the Borough of Millerstown, Perry County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

BILL SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 697, entitled:

An Act amending the act of April 18, 1949 (P. L. 512) entitled "Fiduciaries Act of 1949" revising and changing provisions relating to first complete advertisement of the grant of letters payment of accrued pensions without letters amount of estates distributed on petition family ex-

emptions place for grant of letters inventory and appraisement and objections thereto claims against decedents against personal representatives and against decedents' property awards to non-resident beneficiaries presumption of release or extinguishment amount of minors' estates administered without guardian and exercise of powers by foreign fiduciaries.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

GENERAL COMMUNICATION

The Chair cleared his table and laid before the Senate the following communication, which was read by the Clerk:

CIVIL AERONAUTICS BOARD

Washington

February 13, 1956.

Mr. G. Harold Watkins, Secretary
Senate of Pennsylvania
Harrisburg, Pennsylvania

Dear Mr. Watkins:

This will acknowledge your letter of February 7, 1956, attaching a Resolution introduced at a session of the Pennsylvania Senate, urging air transportation service between Pennsylvania cities and Detroit in Docket No. 6927.

This Resolution will be incorporated in the formal docket in that case as a presentation of your views. The matter is now before one of the Board's examiners who is engaged in the preparation of his initial decision, and you can be sure that most careful consideration will be given to all evidence of record with reference to the need of Pennsylvania for the proposed air service.

Sincerely yours,

/s/ ROSS RIZLEY, Chairman

REPORTS FROM COMMITTEES

Mr. MALLERY, from the Committee on Local Government, reported as amended, Senate Bill No. 970, entitled:

An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the height location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand the size of courts yards and other open spaces appurtenant thereto . . ., "further regulating the duties and functions of the board of adjustment in cities of the first class.

Mr. KOPRIVER, Jr., from the Committee on Local Government, reported as amended, House Bill No. 873, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code," prescribing duties and limitations for township supervisors as to holding other township offices the number of meetings to be held keeping of records and fixing compensation of certain township officers fixing officers of the State Association changing the expense allowance for delegates to supervisors' conventions and the eligible officer to attend fixing the procedure for selling township property making tax exempt properties liable for certain costs for fire protection prescribing duties of auditors and fixing compensation of members of zoning board of adjustment providing for the construction of sidewalks and curbs and the payment therefor changing the provisions relating to abandoned cemeteries the publication of ordinances connecting with sewers of adjacent municipalities and the dedication laying out opening improving changing relocating taking over and vacating roads and street and highways.

He also, from the Committee on Local Government, reported as committed, Senate Bill No. 957, entitled:

An Act amending the act of June 4, 1937 (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; . . .," providing for reinstatement of county employes and officers returning to county employment.

He also, from the Committee on Local Government, reported as amended, House Bill No. 1530, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code," prescribing an additional amount of tax which may be levied and collected for general revenue purposes upon order of court.

He also, from the Committee on Local Government, reported as committed, House Bill No. 1908, entitled:

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions.

Mr. BLASS, from the Committee on State Government, reported as committed, Senate Bill No. 944, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," requiring cotton fabrics used in State institutions to be flameproofed.

He also, from the Committee on State Government, reported as committed, House Bill No. 1514, entitled:

An Act amending the act of September 26, 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trademarks and to secure the rights property and interests therein * * *," further defining the right to registration.

He also, from the Committee on State Government, reported as amended, House Bill No. 1914, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 344, entitled:

An Act amending the act of June 10, 1897 (P. L. 139 No. 115) entitled "An act to limit the period of time within which suits may be brought against sureties of constables" providing that suits on constables' bonds shall be brought within six years from time at which cause of action arose.

He also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 415, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "Local Tax Enabling Law," requiring the filing of bonds for appeals to act as a supersedeas.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 491, entitled:

An Act adopting an interpleader compact for the complete and expeditious adjudication of adverse claims to property in the hands of a stakeholder where one or more claimants are in different jurisdictions; and entering into the compact with other states, territories and

possessions of the United States, the District of Columbia and states of the community of nations and component governmental units thereof that adopt the compact and are acceptable to this Commonwealth for the purposes of the compact.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 817, entitled:

An Act relating to the lien and operation of mortgages and their accompanying bonds and imposing duties on recorder of deeds.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 1025, entitled:

An Act authorizing the owners of cemeteries with the approval of the court of quarter sessions to improve neglected cemeteries without the removal of the dead therefrom in certain cases and conferring jurisdiction on courts of quarter sessions for such purposes.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 1507, entitled:

An Act amending revising clarifying and changing the act of April 6, 1953 (P. L. 3) entitled "Uniform Commercial Code."

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 1792, entitled:

An Act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 1804, entitled:

An Act authorizing photostating photographing microphotographing microfilming or other mechanical processing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the disposition destruction or transfer of custody of certain originals.

BILLS RE-REFERRED

Mr. WEINER, from the Committee on State Government, returned to the Senate, House Bill No. 1545, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929," establishing a Department of Recreation and defining its powers and duties.

Which was re-referred to the Committee on Forests and Waters, Game and Fish.

He also, from the Committee on State Government, returned to the Senate, House Bill No. 1546, entitled:

An Act relating to and providing for, the promotion and development of a State-wide recreation program in the Commonwealth, conferring powers and duties upon the Department of Recreation.

Which was re-referred to the Committee on Forests and Waters, Game and Fish.

BILLS INTRODUCED AND REFERRED

Messrs. STIEFEL and WEINER read in place and presented to the Chair Senate No. 980, entitled:

An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances; . . . ," regulating appeals based on invalidity of zoning ordinances.

Which was committed to the Committee on Local Government.

Messrs. McMENAMIN, McPHERSON, Jr., SCOTT and McGINNIS read in place ond presented to the Chair Senate Bill No. 981, entitled:

An Act amending the act of June 24, 1895 (P. L. 212), entitled "An act to establish an intermediate court of appeal; . . . ," and its supplement of May 5, 1899 (P. L. 248), extending the jurisdiction of the Superior Court.

Which was committed to the Committee on Judiciary General.

SENATE CONCURRENT RESOLUTION

RECALLING SENATE BILL No. 332 FROM THE GOVERNOR

Mr. WEINER. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WEINER offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 14, 1956.

Resolved (if the House of Representatives concur), that Senate Bill No. 332, Printer's No. 315, entitled "An act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' authorizing the issuance of duplicate registration cards at the option of the owner and fixing the fee therefor," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL INTRODUCED AND REFERRED

Mr. YOSKO. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. YOSKO and SCOTT read in place and presented to the Chair Senate Bill No. 982, entitled:

An Act making an appropriation to the Department of Forest and Waters for the amicable acquisition of lands within the limits of the proposed Wallpack Bend Dam and Reservoir project.

Which was committed to the Committee on Appropriations.

PETITIONS AND REMONSTRANCES

Mr. STIEFEL. Mr. President and Members of the Senate. many of my constituents in the Fifth Senatorial District have been, time and time again, complaining about the menace of one-man clubs which continue to canker life in Philadelphia, whereas thousands of taproom keepers pay taxes to the Commonwealth and are law-abiding citizens and keep their places of establishment in accordance with the regulations of the Liquor Control Board. The circle of one-man clubs continue to flay the laws and cater to the opulent with the succulent. On Sundays, they are immune from the law and. thus, undermine legitimate taproom owners.

In order to cover this situation, Mr. President, I serve notice that I will prepare adequate legislation, empowering the Liquor Control Board of Pennsylvania to make a sweeping investigation of this menace.

Mr. MAHANY. Mr. President, I was in conference with some other Senators when Senator Stiefel took the floor. Therefore, I did not have the opportunity of hearing all of his remarks. However, from what I could glean, I understood that he was saying some of his constituents were objecting to one-man clubs down in Philadelphia.

I would like to suggest to Senator Stiefel that he should take this matter up with the Pennsylvania Liquor Control Board. I feel quite sure that they will be able to help him in his troubles. If there is anything being done in Philadelphia which is illegal, the Pennsylvania Liquor Control Board should investigate it. I have no doubt that the Liquor Control Board will be able to take care of it.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 1002, as follows:

An Act relating to conditional sales made prior to July 1 1954

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions As used in this act

(1) "Uniform Conditional Sales Act" means the act of May 12, 1925 (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended from time to time while the act was in effect

(2) "Conditional sale" means any contract for the sale of goods made prior to July 1, 1954 and which either was filed prior to that date pursuant to the Uniform Conditional Sales Act or was shown before that date on a certificate of title for a motor vehicle trailer or semi-trailer pursuant to the vehicle code of May 1 1929 (P. L. 905) as amended under which possession was delivered to the buyer and the property in the goods was to vest in the buyer at a subsequent time upon the payment of part or all of the price or upon the performance of any other condition or the happening of any contingency

(3) "Buyer" means the person who bought the goods covered by the conditional sale or any legal successor in interest of the person

(4) "Filing district" means the subdivision of the State in which conditional sale contracts or copies thereof were required to be filed by the Uniform Conditional Sales Act or are permitted to be filed by this act

(5) "Goods" means all chattels personal other than things in action and money and includes emblements industrial growing crops machinery and equipment attached to real estate and things attached to or forming a part of land which were agreed to be severed before sale or under the conditional sale

(6) "Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer whether the event is the performance of an act by the buyer or the happening of a contingency

(7) "Purchase" includes the creation of a security interest

(8) "Purchaser" includes a person in whose favor there is a security interest

(9) "Seller" means the person who sold the goods covered by the conditional sale or any legal successor in interest of the person

(10) "Filing officer" means a person in charge of the office for filing conditional sale contracts in a filing district

Section 2 Filing Records The filing officer shall continue to keep the separate book which he was required to keep by the Uniform Conditional Sales Act in which he was required to enter the names of the seller and buyer the date of the contract the day and hour of filing a brief description of goods the price named in the contract and the date of cancellation thereof

Section 3 Refiling The validity of a filing or refiling pursuant to the Uniform Conditional Sales Act or this act may be extended for successive additional periods of five years from the date of refiling in the proper filing district a copy of the original contract within six months preceding the expiration of each period with a statement attached signed by the seller showing that the contract is in force and the amount remained to be paid thereon The copy with statement attached shall be filed and entered in the book kept by the filing officer and shall be indexed in the index of financing statements maintained by the filing officer pursuant to the Uniform Commercial Code of April 6, 1953 (P. L. 3) showing the buyer as the debtor and the seller or his assignee as the secured party and noting in the index in place of the file number and addresses of such parties the book and page number where the conditional sale was originally entered the filing officer shall be entitled to a fee of two dollars ($2)

Section 4 Cancellation of Contract Any contract filed in the office of the prothonotary may be cancelled by satisfaction noted on the docket in the same manner as judgments at law are satisfied In lieu of satisfaction after the performance of the condition upon written demand delivered personally or by registered mail by the buyer or any other person having an interest in the goods the seller shall execute acknowledge and deliver to the demandant a statement that the condition in the contract has been performed If for ten days after demand the seller fails to mail or deliver a statement of satisfaction he shall forfeit to the demandant five dollars ($5) and be liable for all damages suffered Upon presentation of the statement of satisfaction the filing officer shall file it and note the cancellation of the contract and the date thereof on the margin of the page where the contract has been entered For filing and entering the statement of satisfaction the filing officer shall be entitled to a fee of seventy-five cents (75¢)

Section 5 Prohibition of Removal or Sale Without Notice Unless the contract otherwise provides the buyer may without the consent of the seller remove the goods from any filing district and create a security interest in the goods or sell or otherwise dispose of his interest in them but prior to the performance of the condition no buyer shall remove the goods from a filing district in which the contract or a copy thereof is filed except for temporary uses for a period of not more than thirty days unless the buyer not less than ten days before the removal shall give the seller personally or by registered mail written notice of the place to which the goods are to be removed and the approximate time of the intended removal nor

prior to the performance of the condition shall the buyer create a security interest in the goods or sell or otherwise dispose of his interest in them unless he or the secured party or the person to whom he is about to sell or otherwise dispose of the same shall notify the seller in writing personally or by registered mail the name and address of the secured party or the person to whom his interest in the goods is about to be sold or otherwise transferred not less than ten days before the creation of a security interest or sale or other disposal If any buyer does so remove the goods or does so create a security interest in them or sell or otherwise dispose of his interest in them without notice or in violation of the contract the seller may retake possession of the goods and deal with them as in case of default in payment of part or all the purchase price The provisions of this section regarding the removal of goods shall not apply however to railroad or street or interurban railway equipment or rolling stock

Section 6 Refiling on Removal When prior to the performance of the condition the goods are removed by the buyer from a filing district in this State to another filing district in this State in which the contract or a copy thereof is not filed the reservation of the property in the seller shall be void as to any purchaser from or creditor of the buyer who without notice of the contract purchases the goods or acquires by attachment or levy a lien uopn them unless the conditional sale contract or a copy thereof shall be filed in the filing district to which the goods are removed within ten days after the seller has received notice of the filing district to which the goods have been removed The provisions of this section shall not apply however to railroad or street or interurban railway equipment or rolling stock The filing shall be valid for a period of three years The provisions of section 3 regarding the necessity for refiling and the duration of the validity thereof shall apply to contracts or copies which are filed in a filing district other than where the goods are originally kept for use by the buyer after the sale

Section 7 Fraudulent Injury Concealment Removal or Sale When prior to the performance of the condition the buyer maliciously or with intent to defraud shall injure destroy or conceal the goods or remove them to a filing district where the contract or a copy thereof is not filed without having given the notice required by section 5 or shall sell mortgage or otherwise dispose of the goods under claim of full ownership he shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment for not more than one year or to pay a fine not exceeding five hundred dollars ($500) or both

Section 8 Retaking Possession When the buyer shall be in default in the payment of any sum due under the contract or in the performance of any other condition which the contract requires him to perform in order to obtain the property in the goods or in the performance of any promise the breach of which is by the contract expressly made a ground for the retaking of the goods the seller may retake possession thereof Unless the goods can be retaken without breach of the peace they shall be retaken by legal process but nothing herein shall be construed to authorize a violation of the criminal law

Section 9 Notice of Intention to Retake Not more than forty nor less than twenty days prior to the retaking the seller may serve uopn the buyer personally or by registered mail a notice of intention to retake the goods on account of the buyers default The notice shall state the default and the period at the end of which the goods will be retaken and shall briefly and clearly state what the buyer's rights under this act will be in case they are retaken If the notice is so served and the buyer does not perform the obligations in which he has made default before the day set for retaking the seller may retake the goods and hold them subject to the provisions of sections 11 12 13 14 and 15 regarding the sale but without any right of redemption

Section 10 Redemption If the seller does not give the notice of intention to retake as provided in section 9 he shall retain the goods for ten days after the retaking within the state in which they were located when retaken during which period the buyer upon payment or tender of the amount due under the contract at the time of retaking and interest or upon performance of any other condition as may be named in the contract as precedent to the passage of the property in the goods or upon performance or tender of performance of any other promise for the breach of which the goods were retaken and upon payment of the expenses of retaking keeping and storage may redeem the goods and become entitled to take possession of them and to continue in the performance of the contract as if no default had occurred Upon written demand delivered personally or by registered mail by the buyer the seller shall furnish to the buyer a written statement of the sum due under the contract and the expense of retaking keeping and storage For failure to furnish the statement within a reasonable time after demand the seller shall forfeit to the buyer ten dollars ($10) and also be liable to him for all damages suffered because of such failure If the goods are perishable so that retention for ten days as herein prescribed would result in their destruction or substantial injury the provisions of this section shall not apply and the seller may resell the goods immediately upon their retaking The provision of this section requiring the retention of the goods within the State during the period allowed for redemption shall not apply to railroad or street or interurban railway equipment or rolling stock

Section 11 Compulsory Resale by Seller If the buyer does not redeem the goods within ten days after the seller has retaken possession and the buyer has paid at least fifty per centum of the purchase price at the time of the retaking the seller shall sell them at public auction in the State where they were at the time of the retaking the sale to be held not more than thirty days after the retaking the seller shall give to the buyer not less than ten days' written notice of the sale either personally or by registered mail directed to the buyer at his last known place of business or residence The seller shall also give notice of the sale by at least three notices posted in different public places within the filing district where the goods are to be sold at least five days before the sale If at the time of the retaking five hundred dollars ($500) or more has been paid on the purchase price the seller shall also give notice of the sale at least five days before the sale by publication in a newspaper published or having a general circulation within the filing district where the goods are to be sold The seller may bid for the goods at the resale If the goods are railroad or street or interurban railway equipment or rolling stock the parties may fix in the conditional sale contract the place where the goods shall be resold

Section 12 Resale at Option of Parties If the buyer has not paid at least fifty per centum of the purchase price at the time of the retaking the seller shall not be under a duty to resell the goods as prescribed in section 11 unless the buyer serves upon the seller within ten days after the retaking a written notice demanding a resale delivered prsonally or by registered mail If the notice is served the resale shall take place within thirty days after the service in the manner at the place and upon the notice prescribed in section 11 The seller may voluntarily resell the goods for account of the buyer on compliance with the same requirements

Section 13 Proceeds of Resale The proceeds of the resale shall be applied (1) to the payment of the expenses thereof (2) to the payment of the expenses of retaking keeping and storing the goods and (3) to the satisfaction of the balance due under the contract Any sum remaining after the satisfaction of the claims shall be paid to the buyer

Section 14 Deficiency on Resale If the proceeds of the resale are not sufficient to defray the expenses thereof and also the expenses of the retaking keeping and storing the goods and the balance due upon the purchase price the seller may recover the deficiency from the buyer or from any one who has succeeded to the obligations of the buyer

Section 15 Rights of Parties Where There is No Resale Where there is no resale the seller may retain the goods as his own property without obligation to account to the buyer except as provided in section 17 and the buyer shall be discharged of all obligation

Section 16 Election of Remedies After the retaking of possession as provided in section 8 the buyer shall be

liable for the price only after a resale and only to the extent provided in section 14 Neither the bringing of an action by the seller for the recovery of the whole or any part of the price nor the recovery of judgment in such action nor the collection of a portion of the price shall be deemed inconsistent with a later retaking of the goods as provided in section 8 but the right of retaking shall not be exercised by the seller after he has collected the entire price or after he has claimed a lien upon the goods or attached them or levied upon them as the goods of the buyer

Section 17 Recovery of Part Payments If the seller fails to comply with the provisions of sections 10 11 12 13 and 15 after retaking the goods the buyer may recover from the seller his actual damages if any and in no event less than one-fourth of the sum of all payments which have been made under the contract with interest

Section 18 Waiver of Statutory Protection No act or agreement of the buyer before or at any time of the making of the contract nor any agreement or statement by the buyer in the contract shall constitute a valid waiver of the provisions of sections 10 11 12 13 and 15 except that the contract may stipulate that on such default of the buyer as is provided for in section 8 the seller may rescind the conditional sale either as to all the goods or as to any part thereof for which a specific price was fixed in the contract If the contract provides for rescission the seller at his option may retake such goods without complying with or being bound by the provisions of sections 9 to 17 inclusive as to the goods retaken upon crediting the buyer with the full purchase price of those goods So much of this credit as is necessary to cancel any indebtedness of the buyer to the seller shall be so applied and the seller shall repay to the buyer on demand any surplus not so required

Section 19 Validity of Conditional Sales Refiled on or after July 1 1954 Every provision in a conditional sale reserving property in the seller shall be valid as to any purchaser from or creditor of the buyer who after the effective date of this act purchases the goods or acquires by attachment or levy a lien upon them if the filing of the contract was valid under the uniform conditional sales act at 12:01 a m on July 1 1954 by reason of (1) having been filed (i) during the period beginning July 1 1951 and ending three years prior to the effective date of this act or (ii) in the case of railroad or street or interurban railway equipment or rolling stock during the period beginning July 1 1939 and ending fifteen years prior to the effective date of this act or (2) having been last refiled during the period beginning July 1 1953 and ending July 1 1954 and if the contract or a copy thereof was refiled on or after July 1 1954 and prior to the effective date of this act pursuant to the method prescribed by the Uniform Conditional Sales Act or is refiled within sixty days after the effective date of this act pursuant to the method prescribed by section three hereof any such refiling prior to the effective date of this act shall be valid for a period of one year from the date of refiling or sixty days from the effective date of this act whichever is longer any such refiling after the effective date of this act shall be valid for a period of five years from the date of refiling

Section 20 Effective Date This act shall take effect immediately

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL No. 1002, RECALLED FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 1002, recalled from the Governor.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Hays,	McPherson, Jr.,	Stevenson,
Blass,	Harney,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

Mr. SEYLER. Mr. President, I ask unanimous consent that Senate Bill No. 215, Printer's No. 466, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 235, Printer's No. 509, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chairs hears none.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 383, as follows:

An Act amending the act of May 20, 1949 (P. L. 1594) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of "ice cream" in section 1 act of May 20, 1949 (P. L. 1594) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream

french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" is amended to read

Section 1 For the purpose of this act "ice cream" is defined as any frozen sweetened milk product which is agitated during the process of freezing and includes every such frozen milk product which contains more than five per centum (5%) by weight of milk fat milk solids not fat or milk fat and milk solids not fat and which in any manner simulates the texture or characteristic of ice cream no matter under what coined or trade name it may be sold Ice cream shall be made from a combination of one or more of the following ingredients viz any clean and wholesome cream milk and all forms of milk fat and any clean and wholesome form of milk solids not fat with one or more of the following ingredients sucrose dextrose corn syrup invert surgar any of which may be in dry or syrup form water flavor stabilizer emulsifier egg or egg products harmless color which does not conceal either damage or inferiority each of which ingredients shall be wholesome edible material The finished product may contain not more than one-half of one per centum (½ of 1%) by weight of stabilizer and may contain not more than one-fifth of one per centum (1/5 of 1%) by weight of emulsified Provided however That the stabilizer and/or emulsifier has been approved by the Department of Agriculture The finished product shall contain not less than ten per centum (10%) of milk fat by weight except when fruit nuts cocoa or chocolate cakes or confections are added for the purpose of flavoring then it shall contain not less than ten per centum (10%) by weight of milk fat except for such reduction in milk fat as is due to the addition of such flavoring but in no such case shall it contain less than eight per centum (8%) by weight of milk fat and chocolate and cocoa flavored ice cream shall in no event contain less than ten per centum (10%) of total fat Ice cream manufactured prepared or processed for consumption by diabetics shall contain only those ingredients prescribed by this section but shall be sweetened with an artificial sweetening agent and contain edible carbohydrates other than sugar the artificial sweetening agent and the edible carbohydrates must be approved by the Department of Agriculture and no sugars other than those naturally present in the milk solids or fruit agent shall be added thereto

* * *

Section 2 The first clause of section 3 of the act is amended to read

Section 3 Any frozen sweetened product referred to in this act shall be deemed to be adulterated within the meaning of this act

First [If] Except as provided in section 3.1 of this act if it contains any added preservative any artificial sweetener including saccharin dulcin or any other substance or compound that is deleterious to health

Section 3 The act is amended by adding after section 3 a new section to read

Section 3.1 (a) Subject to the standards provided by law or prescribed by the Department of Agriculture pursuant thereto any person may manufacture or prepare ice cream containing an artificial sweetening agent approved by the Department of Agriculture to make the ice cream suitable diet for diabetics The manufacturer shall place the ice cream in packages or containers which shall be conspicuously labeled "artificially sweetened" immediately preceding the words "ice cream" in similar type at least one-half the size of the type used for the words "ice cream" and on the same contrasting background and in addition shall label thereon any other warning statement which the Department of Agriculture may prescribe The label shall also contain a statement in terms of per centage by weight of protein fat and carbohydrates the total number of calories per ounce the number of calories contributed by carbohydrates and any carbohydrate other than lactose and the name of each ingredient entering into the composition other than flavors The artificially sweetened ice cream shall not be sold in any quantity or in any manner other than in sealed or unbroken packages or containers from one or more separate compartments of a refrigerated container or cabinet

(b) Any person violating any of the provisions of this section shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) and costs of prosecution or in default of payment thereof shall undergo an imprisonment for not less than thirty (30) days nor more than sixty (60) days and for a third or subsequent offense shall be guilty of a misdemeanor and sentenced to pay a fine not exceeding one thousand dollars ($1000) or undergo imprisonment not exceeding one year or both in the discretion of the court

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 383

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 383.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming.	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 530, entitled:

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land, property or material or any interest therein by political subdivisions by authorities created by political subdivisions or by corporations in the exercise of their power of eminent domain.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE NON-CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 530

Mr. MAHANY. Mr. President, I move that the Senate do non-concur in the amendments made by the House to Senate Bill No. 530.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 696, as follows:

An Act relating to the administration and distribution of incompetents' estates (except in Philadelphia County) both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases the appointment bond removal and discharge of guardians of such estates their powers duties and liabilities the rights of persons dealing with such guardians and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning the determination of incompetency and the powers duties and liabilities of foreign guardians and also generally dealing with the jurisdiction powers and procedure of the orphans' court and the common pleas court relating to incompetents' estates

Table of Contents

Article I

Preliminary Provisions

Section 101 Short Title
Section 102 Definitions
Section 103 Title to Real and Personal Estate
Section 104 Effective Date
Section 105 Severability

Article II

Small Estates

Section 201 When Guardian Unnecessary
Section 202 Power of Person or Institution Maintaining Incompetent

Article III

Guardian Appointment Bond Removal and Discharge Evidence

A Appointment

Section 301 Petition and Hearing
(a) Resident
(b) Nonresident
Section 302 County of Appointment
(a) Resident Incompetent
(b) Nonresident Incompetent
(c) Exclusiveness of Appointment
Section 303 Nonresident Guardian

B Bond

Section 311 Necessity Form and Amount
Section 312 Fiduciary Estate
Section 313 When Bond Not Required
(a) Corporate Guardian
(b) Nonresident Corporation
(c) Other Cases
Section 314 Requiring or Changing Amount of Bond

C Removal and Discharge

Section 321 Grounds for Removal
Section 322 Procedure for and Effect of Removal
Section 323 Adjudication of Competency
Section 324 Discharge of Guardian and Surety

D Evidence

Section 331 Evidence of Mental Condition

Article IV

Guardian Powers Duties and Liabilities

A In General

Section 401 Possession of Real and Personal Property
Section 402 Inventory
Section 403 Abandonment of Property
Section 404 Liability Insurance
Section 405 Continuation of Business
Section 406 Incorporation of Business
Section 407 Claims Against Co-Guardian
Section 408 Proceeding Against Guardian
Section 409 Revival of Judgment Against Guardian
Section 410 Liability of Guardian on Contracts
Section 411 Investments
Section 412 Power of Attorney
Section 413 Voting Stock by Proxy
Section 414 Nominee Registration Corporate Fiduciary as Attorney-in-Fact
(a) Corporate Guardian
(b) Individual Guardian
(c) Corporate Fiduciary as Attorney-in-Fact
Section 415 Acceptance of Deed in Lieu of Foreclosure
Section 416 Compromise of Controversies
Section 417 When Guardian Dies or Becomes Incompetent
Section 418 Surviving or Remaining Guardians
Section 419 Disagreement Among Guardians
(a) Decision of Majority
(b) When No Majority
Section 420 Inherent Powers and Duties

B Sales Mortgages Leases Options and Exchanges

Section 441 Power to Sell Personal Property
Section 442 Power to Lease
Section 443 Order of Court
Section 444 Restraint of Sale
Section 445 Purchase by Guardian
Section 446 Title of Purchaser
Section 447 Collateral Attack
Section 448 Record of Proceedings County Where Real Estate Lies.

Article V

Property Rights and Obligations of Estates of Incompetents

A Control of Actions

Section 501 Substitution of Guardian in Pending Action or Proceedings
(a) Voluntary Substitution
(b) Compulsory Substitution
(c) Status of Guardian Continuance
Section 502 Death or Removal of Guardian

B Claims Rights of Creditors

Section 511 Effect of Determination of Incompetency
Section 512 Specific Performance of Contracts
(a) Application to Court
(b) Execution and Effect of Deed or Transfer
(c) Indexing in Judgment Index
Section 513 Notice to Commonwealth and Political Subdivisions

Article VI

Accounts Audits Reviews Distribution—Rights of Incompetent and Distributees

A Accounts

Section 601 Accounting Required
Section 602 Where Filed
Section 603 Notice to Parties in Interest

B Audits

Section 611 Audits in Counties Having Separate Orphans' Court
Section 612 Audits in Counties Having No Separate Orphans' Court
Section 613 Recognition of Claims
Section 614 Statement of Proposed Distribution
Section 615 Confirmation of Account and Approval of Proposed Distribution

C Review

Section 621 Rehearing Relief Granted

D Distribution

Section 631 Award Upon Final Confirmation of Account
(a) Guardian's Account
(b) Account of Personal Representative of Deceased Incompetent
Section 632 Recording and Registering Decrees Awarding Real Estate

E Rights of Incompetent and Distributees

Section 641 Liability of Guardian for Interest
Section 642 Transcripts of Balances Due by Guardian
(a) Filing in Common Pleas
(b) Satisfaction and Discharge
Section 643 Disposition of Trust Income
Section 644 Distributions of Income and Principal During Incompetency

Article VII

Foreign Guardians

A Powers and Duties

Section 701 In General
Section 702 Security Transfer
Section 703 Service of Process
Section 704 Proof of Authority in Court Proceedings
Section 705 Effect of Local Proceedings

B Distribution to Foreign Fiduciaries

Section 711 To Foreign Personal Representative
Section 712 To Foreign Trustee Guardian or Committee

C Transfer of Administration

Section 721 Award to Foreign Guardian When Incompetent Becomes a Nonresident

Article VIII

Repealer

Section 801 (a) Repeal
(b) Saving Clause

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

ARTICLE I

PRELIMINARY PROVISIONS

Section 101 Short Title This act shall be known and may be cited as the Incompetents' Estates' Act of 1955

Section 102 Definitions The following words when used in this act unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(1) "Clerk" means the clerk of the orphans' court having jurisdiction

(2) "Court" means the orphans' court having jurisdiction of the appointment of the guardian

(3) "Incompetent" means a person who because of mental infirmities of old age mental illness mental deficiency drug addiction or inebriety is unable to manage his property or is liable to dissipate it or become the vicitm of designing persons

(4) "Guardian" means a fiduciary appointed by a court of competent jurisdiction to have the care and management of the estate of an incompetent

(5) "Foreign guardian" means a guardian or one performing the function of a guardian who is subject primarily to the control of the court of another jurisdiction and has not received ancillary authority in the Commonwealth

Section 103 Title to Real and Personal Estate Legal title to all real estate and personal property of an incompetent shall remain in him subject however to all the powers granted to his guardian by this act and to all orders of the court

Section 104 Effective Date This act shall take effect April 1 1956 except that as to the estate of any incompetent person of which a Pennsylvania court of common pleas has acquired jurisdiction before that date the existing law on the topics included within this act shall remain in effect so long as that court retains jurisdiction

Section 105 Severability If any provision of this act or the application thereof to any person or circumstances is held invalid the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby and to this end the provisions of this act are declared to be severable

Section 106 Applicability this act shall not apply to Philadelphia County.

ARTICLE II

SMALL ESTATES

Section 201 When Guardian Unnecessary When the entire real and personal estate wherever located of a resident or nonresident incompetent has a gross value of one thousand five hundred dollars ($1500) or less all or any part of it may be received and held or disposed of by the person or institution maintaining the incompetent without the appointment of a guardian or the entry of secuirty in any of the following circumstances

(1) Award from Decedent's Estate or Trust When the court having jurisdiction of a decedent's estate or of a trust is awarding the interest of the incompetent shall so direct

(2) Interest in Real Estate When the court having jurisdiction to direct the sale or mortgage of real estate in which the incompetent has an interest shall so direct as to the incompetent's interest in the real estate.

(3) Other Circumstances In all other circumstances when the court which would have had jurisdiction to appoint a guardian of the estate of the incompetent shall so direct

Section 202 Power to Person Or Institution Maintaining Incompetent The court may authorize or direct the person or institution maintaining the incompetent to execute as natural guardian and receipt deed mortgage or other appropriate instrument necessary to carry out a degree entered under section 201 and in such event may require the deposit of money in a savings account or the care of securities in any manner considered by the court to be for the best interests of the incompetent The decree so made except as the court shall expressly provide otherwise shall constitute sufficient authority to all transfer agents registrars and others dealing with property of the incompetent to recognize the persons named therein as entitled to receive the property and shall in all respects have the same effect as an instrument executed by a duly appointed guardian under court decree

ARTICLE III

GUARDIAN APPOINTMENT BOND REMOVAL AND DISCHARGE EVIDENCE

A Appointment

Section 301 Petition and Hearing

(a) Resident The court upon petition and a hearing at which good cause is shown may find a person domiciled in the Commonwealth to be incompetent and appoint a guardian or guardians of his estate The petitioner may be the alleged incompetent's spouse a relative a creditor a debtor or any person interested in the alleged incompetent's welfare Notice of the petition and hearing shall be given in such manner as the court shall direct to the alleged incompetent to all persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the alleged incompetent if he died intestate at that time and to such other parties as the court may direct The alleged incompetent shall be present at the hearing unless (1) the court is satisfied upon the presentation of positive testimony that because of his physical or mental condition his welfare would not be promoted by his presence or (2) it is impossible for him to be present because of his absence from the Commonwealth It shall not be necessary for the alleged incompetent to be represented by a guardian ad litem in the proceeding

(b) Nonresident The court may find a person not domiciled in the Commonwealth having property in the Commonwealth to be incompetent and may appoint a guardian of his estate The appointment may be made after petition hearing and notice as in the case of a person domiciled in the Commonwealth or upon the submission of an exemplified copy of a decree establishing his incompetency in another jurisdiction The court shall give preference in its appointment to the foreign guardian of the nonresident incompetent unless it finds that such appointment will not be for the best interests of the incompetent

Section 302 County of Appointment

(a) Resident Incompetent A guardian of the estate of an incompetent may be appointed by the court of the county in which the incompetent is domiciled

(b) Nonresident Incompetent A guardian of the estate within the Commonwealth of an incompetent domiciled outside of the Commonwealth may be appointed by the court of the county having jurisdiction of a decedent's estate or of a trust in which the incompetent has an interest When the nonresident incompetent's estate is derived otherwise than from a decedent's estate or a trust within the Commonwealth a guardian may be appointed by the court of any county where an asset of the incompetent is located

(c) Exclusiveness of Appointment When a court has appointed a guardian of an incompetent's estate pursuant to subsection (a) or (b) no other court shall appoint a similar guardian for the incompetent within the Commonwealth

Section 303 Nonresident Guardian When a guardian is or becomes a nonresident of the Commonwealth the acceptance of his appointment or the act of becoming a nonresident as the case may be shall constitute the Secretary of the Commonwealth his attorney-in-fact upon whom service of process and notices may be made as to all causes of action relating to the incompetent's estate

B Bond

Section 311 Necessity Form and Amount Except as hereinafter provided every guardian of the estate of an incompetent shall execute and file a bond which shall be in the name of the Commonwealth with sufficient surety in such amount as the court considers necessary having regard to the value of the personal estate which will come into the control of the guardian and conditioned in the following form

(1) When One Guardian The condition of this obligation is that if the said guardian shall well and truly administer the estate according to law this obligation shall be void but otherwise it shall remain in force

(2) When Two or More Guardians The condition of this obligation is that if the said guardians or any of them shall well and truly administer the estate according to law this obligation shall be void as to the guardian or guardians who shall so administer the estate but otherwise it shall remain in force

Section 312 Fiduciary Estate The court in its discretion upon the application of any party in interest in addition to any bond required for the incompetent's individual estate may require a separate bond in the name of the Commonwealth with sufficient surety in such amount as the court shall consider necessary for the protection of the parties in interest in an estate of which the incompetent is a fiduciary and conditioned in the following form

(1) When One Guardian The condition of this obligation is that if the said guardian shall well and truly account for property held by the incompetent as fiduciary according to law this obligation shall be void but otherwise it shall remain in force

(2) When Two or More Guardians The condition of this obligation is that if the said guardians or any of them shall well and truly account for property held by the incompetent as fiduciary according to law this obligation shall be void as to the guardian or guardians who shall so account but otherwise it shall remain in force

Section 313 When Bond Not Required

(a) Corporate Guardian No bond shall be required if a bank and trust company or of a trust company incorporated in the Commonwealth or of a national bank having its principal office in the Commonwealth unless the court for cause shown deems it advisable

(b) Nonresident Corporation A nonresident corpration or a national bank having its principal office out of the Commonwealth otherwise qualified to act as guardian in the discretion of the court may be excused from giving bond

(c) Other Cases In all other cases the court may dispense with the requirement of a bond when for cause shown it finds that no bond is necessary

Section 314 Requiring or Changing Amount of Bond The court for cause shown and after such notice if any as it shall direct may require a surety bond or increase or decrease the amount of an existing bond or require more or less security therefor

C Removal and Discharge

Section 321 Grounds for Removal The court shall have exclusive power to remove a guardian when

(1) He is wasting or mismanaging the estate is or is likely to become insolvent or has failed to perform any duty imposed by law or

(2) He has been adjudged incompetent or

(3) He has become unable to discharge the duties of his office because of sickness or physical or metal incapacity and his disability is likely to continue to the injury of the estate or

(4) He has removed from the Commonwealth or has ceased to have a known place of residence therein without furnishing such security or additional security as the court shall direct or

(5) For any other reason the interests of the estate are likely to be jeopardized by his continuance in office or

(6) The incompetent of whose estate he is guardian is adjudged competent

Section 322 Procedure for and Effect of Removal The court on its own motion may and on the petition of any party in interest alleging adequate ground for removal shall order the guardian to appear and show cause why he should not be removed or when necessary to protect the rights of creditors or parties in interest may summarily remove him Upon removal the court may appoint a substituted guardian and may by summary attachment of the person or other appropriate orders provide for the security and delivery of the assets of the estate together with all books accounts and papers relating thereto Any guardian summarily removed under the provisions of this section may apply by petition to have the decree of removal vacated and to be reinstated and if the court shall vacate the decree of removal and reinstate him it shall thereupon make any orders which may be appropriate to accomplish the reinstatement

Section 323 Adjudication of Competency The court upon petition and after such notice as it shall direct may find after a hearing at which good cause is shown that a person previously adjudged incompetent has become competent.

Section 324 Discharge of Guardian and Surety After confirmation of his final account and distribution to the parties entitled a guardian and his surety may be discharged by the court from future liability

D Evidence

Section 331 Evidence of Mental Condition In any hearing relating to the mental condition of a person who competency is in question the deposition of or sworn statement by a superintendent manager physician or psychiatrist of any State-owned mental hospital or veterans administration hospital shall be admissible in evidence as to the condition of an inmate of such hospital in lieu of his appearance and testimony unless by special order the court directs his appearance and testimony in person

ARTICLE IV

GUARDIAN POWERS DUTIES AND LIABILITIES

A In General

Section 401 Possession of Real and Personal Property The guardian of the estate of an incompetent until it is distributed or sold shall have the right to and shall take possession of maintain and administer each real and personal asset of the incompetent collect the rents and income from it and make all reasonable expenditures necessary to preserve it He shall also have the right to maintain or defend any action with respect to such real or personal property of the incompetent

Section 402 Inventory Every guardian within three months after real or personal estate of his ward comes into his possession shall verify by oath and file with the clerk (1) an inventory of such personal estate (2) a statement of such real estate and (3) a statement of any real or personal estate which he expects to acquire thereafter

Section 403 Abandonment of Property When any property is so burdensome or is so encumbered or is in such condition that it is of no value to the incompetent the court may authorize the guardian to abandon it

Section 404 Liability Insurance The guardian at the expense of the estate may protect himself his employes and the incompetent by insurance from liability to third persons arising from the administration of the estate

Section 405 Continuation of Business The court aided by the report of a master if necessary may authorize the guardian to continue any business of the incompetent The order may be with or without notice If prior notice is not given to all persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the incompetent if he died intestate at that time and to any other persons directed by the court it shall be given to all such persons within five days after the order or within such extended time as the court for cause shown shall allow Any person to whom notice is required to be given may at any time petition the court to revoke or modify the order The order may provide

(1) For the conduct of the business by the guardian alone or jointly with others or as a corporation to be formed

(2) The extent of the liability of the estate or any part thereof or of the guardian for obligations incurred in the continuation of the business

(3) Whether liabilities incurred in the conduct of the business are to be chargeable solely to the part of the estate set aside for use in the business or to the estate as a whole

(4) The period of time the business may be conducted and

(5) Such other regulations including accountings as the court shall deem advisable

Section 406 Incorporation of Business After notice to all persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the incompetent if he died intestate at that time and to any other persons directed by the court the court aided by the report of a master if necessary may authorize the guardian alone or jointly with others to organize a corporation to carry on a business held in the estate whether the business is owned solely by the incompetent or with others and may contribute for stock of the corporation as capital all or part of the property of the estate which was invested in the business

Section 407 Claims Against Co-Guardian When one of two or more guardians shall be individually liable to the incompetent the other or others shall take any legal action against him necessary to protect the incompetent

Section 408 Proceeding Against Guardian Any proceeding may be brought against a guardian or the surety on his bond in the county of the court having jurisdiction of the incompetent's estate and if the guardian or surety does not reside in that county process may be served on either of them personally or as follows

(1) When Resident of Another County By a duly deputized sheriff of any other county of the Commonwealth in which he shall be found

(2) When a Nonresident of the Commonwealth By the sheriff of the county of the court having jurisdiction of the estate sending by registered mail return receipt requested a true and attested copy of the process to the Secretary of the Commonwealth accompanied by the fee prescribed by law and to the guardian or surety at his last known address with an endorsement thereon showing that service has been so made upon the Secretary of the Commonwealth

Section 409 Revival of Judgment Against Guardian When the incompetent holds a judgment which is a lien on real estate owned by the guardian individually any party in interest may suggest his interest in the judgment upon the record thereof and bring an appropriate action to revive it and to continue its lien Any judgment so revived shall remain for the use of all parties in interest

Section 410 Liability of Guardian on Contracts Unless he expressly contracts otherwise in writing a guardian shall not be personally liable on any written contract hereafter entered into which is within his authority as guardian and discloses that he is contracting as guardian of a named incompetent Any action on such a contract shall be brought against the guardian in his fiduciary capacity only or against his successor in such capacity and execution upon any judgment obtained therein shall be had only against property of the incompetent

Section 411 Investments The powers and duties of guardians in making retaining and managing investments shall be as prescribed by law generally for fiduciaries

Section 412 Power of Attorney A guardian may convey real estate transfer title to personal estate or perform any other act of administration by an attorney or attorneys-in-fact provided that this shall not authorize him to delegate the exercise of any discretionary power

Section 413 Voting Stock by Proxy The guardians or a majority of them either in person or by proxy may vote stock owned by the incompetent

Section 414 Nominee Registration Corporate Fiduciary as Attorney-in-Fact

(a) Corporate Guardian A bank and trust company or a trust company incorporated in the Commonwealth or a national bank with trust powers having its principal office in the Commonwealth may keep investments or fractional interests in investments held by it either as sole guardian or as co-guardian in the name or names of the guardians or in the name of a nominee of the corporate guardian Provided That the consent thereto of the co-guardians if any is obtained And provided further That all such investments shall be so designated upon the records of the corporate guardian that the estate to which they belong shall appear clearly at all times

(b) Individual Guardian A guardian serving jointly with a bank and trust company or a trust company incorporated in the Commonwealth or with a national bank having its principal office in the Commonwealth may authorize or consent to the corporate guardian having exclusive custody of the assets of the incompetent and

to the holding of such investments in the name of a nominee of such corporate guardian to the same extent and subject to the same requirements that the corporate guardian if it were the sole guardian would be authorized to hold such investments in the name of its nominee

(c) Corporate Fiduciary As Attorney-in-Fact An individual guardian may employ a bank and trust company or a trust company incorporated in the Commonwealth or a national bank with trust powers having its principal office in the Commonwealth to act as his attorney-in-fact in the performance of ministerial duties including the safe-keeping of estate assets Such attorney-in-fact when so acting may be authorized to hold such investments in the name of its nominee to the same extent and subject to the same requirements that such attorney-in-fact if it were the guardian would be authorized to hold such investments in the name of its nominee

Section 415 Acceptance of Deed in Lieu of Foreclosure The guardian may take for the incompetent from the owner of property encumbered by a mortgage owned by the incompetent a deed in lieu of foreclosure in which event the real estate shall be considered personalty to the same extent as though title had been acquired by foreclosure at sheriff's sale

Section 416 Compromise of Controversies Whenever it shall be proposed to compromise or settle any claim whether in suit or not by or against an incompetent or to compromise or settle any question or dispute concerning property of the incompetent the court on petition of the guardian or by any party in interest setting forth all the facts and circumstances and after such notice as the court shall direct aided if necessary by the report of a master may enter a decree authorizing the compromise or settlement to be made

Section 417 When Guardian Dies or Becomes Incompetent The fiduciary of the estate of a deceased or incompetent guardian by reason of such position shall not succeed to the administration of or have the right to possess any asset of an incompetent which was being administered by the deceased or incompetent guardian except to protect it pending its delivery to the person entitled to it The account of the deceased or incompetent guardian may be filed by he fiduciary of his estate and it shall be filed if the court shall so direct

Section 418 Surviving or Remaining Guardians Surviving or remaining guardians shall have all the powers of the original guardians

Section 419 Disagreement Among Guardians

(a) Decision of Majority If a dispute shall arise among guardians the decision of the majority shall control A dissenting guardian shall join with the majority to carry out a majority decision requiring affirmative action and may be ordered todo so by the court A dissenting guardian shall not be liable for the consequences of any majority decision even though he joins in carrying it out if his dissent is expressed promptly to all the other co-guardians Provided That liability for failure to join in administering the estate or to prevent a breach of trust may not be thus avoided

(b) When No Majority When a dispute shall arise among guardians as to the exercise or non-exercise of any of their powers and there shall be no agreement of a majority of them the court upon petition filed by any of the guardians or by any party in interest aided if necessary by the report of a master in its dicretion may direct the exercise or non-exercise of the power as the court shall deem for the best interest of the incompetent

Section 420 Inherent Powers and Duties Except as otherwise provided in this act nothing in this act shall be construed to limit the inherent powers and duties of a guardian

B Sales Mortgages Leases Options and Exchanges

Section 441 Power to Sell Personal Property A guardian may sell at public or private sale any personal property of the incompetent

Section 442 Power to Lease A guardian may lease any real or personal property of the incompetent for a term not exceeding five years after its execution

Section 443 Order of Court Whenever the court finds it to be for the best interests of the incompetent a guardian may for any purpose of administration or distribution and on the terms with the security and after the notice directed by the court (1) sell at public or private sale pledge mortgage lease or exchange any real or personal property of the incompetent (2) grant an option for the sale lease or exchange of any such property (3) join with the spouse of the incompetent in the performance of any of the foregoing acts with respect to property held by the entireties or (4) release the right of the incompetent in the property of his spouse and join in the deed of the spouse in behalf of the incompetent

Section 444 Restraint of Sale The court on its own motion or upon application of anyone in behalf of the incompetent in its discretion may restrain a guardian from selling or carrying out any contract of sale of any personal property of the incompetent The order may be conditioned upon the applicant giving bond for the protection of the incompetent's estate

Section 445 Purchase by Guardian A guardian in his individual capacity may bid for purchase take a mortgage on lease or take by exchange real or personal property belonging to the incompetent subject however to the approval of the court and under such terms and conditions and after such reasonable notice to relatives of the incompetent or to persons having an interest in the welfare of the incompetent as the court shall direct When the purchaser mortgagee or lessee is the sole guardian the court may make an order directing its clerk to execute a deed or other appropriate instrument to him

Section 446 Title of Purchaser If the guardian has given the bond if any reqiured in accordance with this act any sale pledge mortgage or exchnage by him whether pursuant to a decree or to a power under this act shall pass the full title of the incompetent therein free of any right of his spouse unless otherwise specified Persons dealing with the guardian shall have no obligation to see to the proper application of the cash or other assets given in exchange for the property of the incompetent Any sale or exchange by a guardian pursuant to a decree under section 443 shall have the effect of a judicial sale as to the discharge of liens but the court may decree a sale or exchange freed and discharged from the lien of any mortgage otherwise preserved from discharge by existing law if the holder of such mortgage shall consent by writing filed in the proceeding No such sale mortgage exchange or conveyance shall be prejudiced by the subsequent removal of the guardian

Section 447 Collateral Attack No decree entered pursuant to this act shall be subject to collateral attack on account of any irregularity if the court which entered it had jurisdiction to do so

Section 448 Record of Proceedings County Where Real Estate Lies Certified copies of proceedings of any court of the Commonwealth relating to or affecting the real estate of any incompetent may be recorded in the office of the recorder of deeds in any county in which the real estate lies

ARTICLE V

PROPERTY RIGHTS AND OBLIGATIONS OF ESTATES OF INCOMPETENTS

A Control of Actions

Section 501 Substitution of Guardian in Pending Action or Proceedings

(a) Voluntary Substitution The guardian of the estate of an incompetent party to a pending action or proceeding in the orphans' court may become a party thereto by filing of record a statement of the material facts on which the right to substitution is based

(b) Compulsory Substitution If the guardian does not voluntarily become a party the clerk upon the praecipe of an adverse party setting forth the material facts shall issue a citation upon the guardian to show cause why be should not be substituted as a party

(c) Status of Guardian Continuance If the guardian voluntarily becomes a party to the action or proceeding or if the citation upon him is made absolute he shall have all the rights and liabilities of a party to the action

or proceeding The court may order such continuances and extenisons as may be necessary to afford him a reasonable opportunity to appear and prosecute or defend the action or proceeding

Section 502 Death or Removal of Guardian An action or proceeding in the orphans' court to which a guardian is a party is not abated by his death or resignation or by the termination of his authority The successor of the guardian may be substituted in the action or proceeding in the same manner as though the incompetent were a party

B Claims Rights of Creditors

Section 511 Effect of Determination of Incompetency An incompetent shall be incapable of making any contract or gift or any instrument in writing after he is adjudged incompetent and before he is adjudged to have regained his competency This section shall not impair the interest in real estate acquired by a bona fide grantee of or bona fide holder of a lien on real estate in a county other than that in which the decree establishing the incompetency is entered unless the decree or a duplicate original or cetrified copy thereof is recorded in the office of the recorder of deeds in the county in which the real estate lies before the recording or entering of the instrument or lien under which the grantee or lienholder claims

Section 512 Specific Performance of Contracts

(a) Application to Court If any person makes a legally binding agreement to purchase or sell real or personal estate and is adjudged incompetent before its consummation his guardian shall have the power to consummate it but if he does not do so the court on the application of any party in interest and after such notice and with such security if any as it may direct in its discretion may order specific performance of the agreement if it would have been enforced specifically had their been no adjudication of incompetency

(b) Execution and Effect of Deed or Transfer Any necessary deed or transfer shall be executed by the guardian or by such other person as the court shall direct The title of any purchaser under an agreement in which the incompetent was the vendor shall be the same as though the incompetent had conveyed or transferred such property while competent

(c) Indexing in Judgment Index When any petition for specific performance of an agreement to purchase or sell real estate is filed the prothonotary of the court of common pleas of the county where the real estate or any part of it lies upon the receipt of a certificate of such fact by the clerk of the court where the petition was filed shall enter the petition upon the judgment index against the defendants and shall certify it as lis pendens in any certificate of search which he is required to make by virtue of his office

Section 513 Notice to Commonwealth and Political Subdivisions When the Commonwealth or a political subdivision thereof has a claim for maintaining an incompetent in an institution the guardian within three months of his appointment shall give notice thereof to the Department of Revenue or to the proper officer of such political subdivision as the case may be

ARTICLE VI

ACCOUNTS AUDITS REVIEWS DISTRIBUTION RIGHTS OF INCOMPETENT AND DISTRIBUTEES

A Accounts

Section 601 Accounting Required A guardian shall file an account of his administration of real and personal property promptly at the termination of his guardianship or at such earlier time or times as shall be directed or authorized by the court

Section 602 Where Filed All accounts of guardians shall be filed in the office of the clerk

Section 603 Notice to Parties in Interest The guardian shall give written notice of the filing of his account and of its call for audit or confirmation to the former ward if he has been declared competent and otherwise to his succeeding guardian or personal representative and to such other persons as the court by general rule or special order shall direct

B Audits

Section 611 Audits in Counties Having Separate Orphans' Court In any county having a separate orphans' court the account of a guardian shall be examined and audited by the court without expense to the parties except when all parties in interest in a pending proceeding shall nominate an auditor whom the court may in its discretion appoint

Section 612 Audits in Counties Having No Separate Orphans' Court In any county having no separate orphans' court the account of a guardian shall be confirmed by the court or by the clerk as local rules shall prescribe if no objections are presented within a time fixed by general rule of court If any party in interest shall object to the account or shall request its reference to an auditor the court in its discretion may appoint an auditor

Section 613 Recognition of Claims Upon the adult of the account of the guardian of a person who has died during incompetency the auditing judge or auditor passing on the account shall not pass upon any claims against the estate of the incompetent other than necessary administration expenses including compensation of the guardian and his attorney All claims remaining unpaid at the incompetent's death shall be presented to the personal representative

Section 614 Statement of Proposed Distribution A guardian filing an account shall file a statement of proposed distribution or a request that distribution be determined by the court or by an auditor as local rules may prescribe The statement of proposed distribution shall be in such form and such notice thereof shall be given by advertisement or otherwise and objections thereto may be made as local rules prescribe

Section 615 Confirmation of Account and Approval of Proposed Distribution No account shall be confirmed or judication or a decree of distribution is filed in conformity statement of proposed distribution approved until an adwith local rules by the court or by the clerk of the court expressly confirming the account or approving the statement of proposed distribution and specifying or indicating by reference to the statement of proposed distribution the names of the persons to whom the balance available for distribution is awarded and the amount or share awarded to each

C Review

Section 621 Rehearing Relief Granted If any party in interest shall within five years after the final confirmation of any account of a guardian file a petition to review any part of the account or of an auditor's report or of the adjudication or of any decree of distribution setting forth specifically alleged errors therein the court shall give such relief as equity and justice shall require Provided That this section shall not authorize review as to any property distributed by the guardian in accordance with a decree of court before the filing of the petition The court or master considering the petition may include in his adjudication or report findings of fact and of law as to the entire controversy in pursuance of which a final order may be made

D Distribution

Section 631 Award Upon Final Confirmation of Account

(a) Guardian's Account A guardian shall be relieved of liability with respect to all real and personal estate distributed in conformity with a decree of court or in accordance with A rule of court after confirmation of an account

(b) Account of Personal Representative of Deceased Incompetent A guardian shall be relieved of liability with respect to all real and personal estate distributed by him to the personal representative of a deceased incompetent and thereafter distributed by the personal representative in conformity with a decree of court or in accordance with A rule of court upon an accounting of such personal representative and confirmation thereof

Section 632 Recording and Registering Decrees Awarding Real Estate A certified copy of every adjudication or decree awarding real estate or an appropriate excerpt from either of them may be recorded at the expense of the estate in the deed book in the office of the recorder of deeds of each county where the real estate so awarded lies and if recorded shall be indexed by the recorder in the grantor's index under the name of the incompetent and in the grantee's indexed under the name of the distributee and shall be registered in the survey bureau or with the proper authorities empowered to keep a register of real estate in the county Provided That no adjudication or decree awarding real estate subject to the payment of any sum by the distributee shall be rceorded or registered unless there is offered for recording concurrently therewith written evidence of the payment of such sum

E Rights of Incompetent and Distributees

Section 641 Liability of Guardian for Interest A guardian who has committed a breach of duty with respect to estate assets shall in the discretion of the court be liable for interest not exceeding the legal rate on such assets

Section 642 Transcripts of Balances Due by Guardian (a) Filing in Common Pleas The prothonotary of any court of common pleas shall on demand of any party in interest file and docket a certified transcript or extract from the record showing that an orphans' court has adjudged an amount to be due by a guardian and such transcript or extract shall constitute a judgment against the guardian from the time of its filing with the same effect as if it had been obtained in an action in the court of comomn pleas If the amount adjudged to be due by the guardian shall be increased or decreased on appeal the prothonotary shall if the decree of the appellate court is certified to him change his records accordingly and if the appellate court has increased the amount the excess shall constitute a judgment against the guardian from the time when the records are so changed

(b) Satisfaction and Discharge If the orphans' court shall order the guardian to be relieved from any such judgment the prothonotary shall on demand of any party in interest enter on his records a certified copy of such order which shall operate as a satisfaction of the judgment

Section 643 Disposition of Trust Income Except as otherwise provided by the trust instrument the trustees of an inter vivos or testamentary trust with the approval of the court having jurisdiction of the trust may pay income distributable to an incompetent beneficiary for whose estate no guardian has been appointed directly to the incompetent or expend and apply it for his care and maintenance or the care maintenance and education of his dependents

Section 644 Distributions of Income and Principal During Incompetency All income received by a guardian of the estate of an incompetent in the exercise of a reasonable discretion may be expended in the care and maintenance of the incompetent without the necessity of court approval The court for cause shown may authorize or direct the payment or application of any or all of the income or principal of the estate of an incompetent for the care maintenance or education of the incompetent his spouse children or those for whom he was making such provision before his incompetency or for the reasonable funeral expenses of the incompetent's spouse child or indigent parent In proper cases the court may order payment of amounts directly to the incompetent for his maintenance or for incidental expenses and may ratify payments made for these purposes

Article VII

Foreign Guardians

A Powers and Duties

Section 701 In General A foreign guardian may institute proceedings in the Commonwealth (subject to the conditions and limitations imposed on nonresident suitors generally) and may exercise all the other powers of a local guardian Except in the case of powers with respect to securities for which special provision is made in section 702 the maintenance of a proceeding or the exercise of any other power by a foreign guardian shall be subject to the following additional conditions and limitations

(1) Copy of Appointment The foreign guardian shall file with the register of the county where the power is to be exercised or the proceeding is instituted or the property concerning which the power is to be exercised is located an exemplified copy of his appointment or other qualification in the foreign jurisdiction

(2) Affidavit The foreign guardian shall execute and file an affidavit with the register of said county stating that after diligent search and inquiry the estate of which he is guardian is not to his knowledge or so far as he has been able to discover indebted to any person in the Commonwealth and that he will not exercise any power which he would not be permitted to exercise in the jurisdiction of his appointment The affidavit shall be attached to the copy of appointment

(3) Taxes When the foreign guardian exercises a power to sell or mortgage any Pennsylvania real estate all taxes due thereon to the Commonwealth or to any subdivision thereof must be paid or provided for

Section 702 Security Transfers When there is no guardianship in the Commonwealth a foreign guardian upon submission of a certificate of his appointment shall have all the powers of a similar local guardian with respect to stock bonds and other securities of a Pennsylvania corporation of a federal corporation located in Pennsylvania and shall not be required to comply with the conditions and limitations of section 701

Section 703 Service of Process The acceptance by a foreign guardian of the privilege extended by the laws of the Commonwealth of exercising any of his powers within the Commonwealth shall constitute the Secretary of the Commonwealth his attorney-in-fact upon whom service of process and notices may be made in any suit or proceeding instituted in the courts of the Commonwealth arising out of or by reason of the exercise of any of his powers or the performance or nonperformance of any of his duties as such fiduciary

Section 704 Proof of Authority in Court Proceedings Upon commencing any proceeding in any court of the Commonwealth the foreign guardian in addition to the requirements of section 701 shall file with the court in which the proceeding is commenced an exemplified copy of his official bond if he has given a bond If the court believes that he should furnish security or additional security in the Commonwealth or in the domiciliary jurisdiction it may at any time order the action or proceeding stayed until sufficient security is furnished

Section 705 Effect of Local Proceedings No person who before receiving actual notice of local administration or of application therefor has changed his position by relying on the powers granted to foreign guardians by this act shall be prejudiced by reason of the application for or grant of local administration

B Distribution to Foreign Fiduciaries

Section 711 To Foreign Personal Representative When a share of an incompetent's estate administered in the Commonwealth is distributable to a deceased nonresident creditor or other distributee the court may award it to his domiciliary personal representative or to some other person performing the function of a personal representative unless it shall appear that the rights of any resident of the Commonwealth may be adversely affected or the court shall determine that for any reason ancillary administration within the Commonwealth is advisable

Section 712 To Foreign Trustees Guardian or Committee When a share of an incompetent's estate administered in the Commonwealth is distributable to a nonresident minor a trustee subject to the jurisdiction of a foreign court or a nonresident incompetent the court may award it to the guardian or committee of the nonresident appointed in the foreign jurisdiction or to such trustee Provided That the court shall be satisfied that adequate security or other protection has been provided in the domiciliary jurisdiction by the domiciliary law for the protection of the persons beneficially interested in the share so awarded

C Transfer of Administration

Section 721 Award to Foreign Guardian When Incompetent Becomes a Nonresident When the incompetent for whose estate a guardian has been appointed by the court is or becomes a nonresident of the Commonwealth the court upon satisfactory proof that it will be for the best interests of the incompetent and that no rights of a resident of the Commonwealth will be adversely affected and that removal of the property will not conflict with any limitations upon the right of the incompetent to such property may direct the locally appointed guardian to transfer the assets of the incompetent within his control to a duly qualified guardian or guardians in the jurisdiction where the incompetent resides

ARTICLE VIII

REPEALER

Section 801 (a) Repeal The act of June 28, 1951 (P. L. 612) known as the "Incompetents' Estates Act of 1951" and its amendments are repealed except as to Philadelphia County and except as to estates of incompetents in other counties of which a Pennsylvania court of common pleas has acquired jurisdiction before the effective date of this act.

(b) Saving Clause This act shall not repeal or modify any of the provisions of the following acts or parts of acts or any of their amendments

(1) The act of April 11, 1866 (P. L. 780) entitled "An act authorizing persons whose wives or husbands are non compos mentis to sell mortgage lease for years and convey upon ground rent real estate held in their own right"

(2) The act of April 6, 1921 (P. L. 99) entitled "An act relating to the jurisdiction powers and procedure of the court of common please as to sale mortgage conveyance upon ground rent and lease for years of real estate where the legal title is held by a married person whose spouse is an habitual drunkard and providing for the disposition of the proceeds thereof"

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 696

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 696.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of House Bill No. 173, entitled:

An Act providing for the establishment of police pension pension funds or pension annuities in certain boroughs towns and townships and the regulation and maintenance thereof providing for continuance of existing funds or transfer thereof to funds herein established prescribing rights of beneficiaries and repealing certain acts

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF HOUSE BILL No. 173

Mr. SEYLER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 173 passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

Mr. FLEMING. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FLEMING. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SEYLER. Mr. President, on behalf of Senator Fleming and myself, I ask unanimous consent to offer an amendment at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Sec. 1, page 3, line 7, by inserting after "shall": "not be for a sum exceeding two per centum of all taxes levied by the borough, town or township other than taxes levied to pay interest or to extinguish the debt of the borough, town or township or any part thereof. Within such limits the annual appropriation shall".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. SEYLER. Mr. President, I ask unanimous consent that House Bill No. 173, Printer's No. 1247, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of House Bill No. 949, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" providing for courses of study in first aid to be included during the last four years of any complete high school program

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF HOUSE BILL No. 949

Mr. MAHANY. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 949, passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. MAHANY. Mr. President, I voted with the prevailing side.

Mr. FLEMING. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FLEMING. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. MAHANY. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Sec. 1, (Sec. 1605), page 3, line 10, by inserting after "During" the following: "one or more of"; Amend Sec. 1, (Sec. 1605), page 3, line 19, by striking out the word "cource" and inserting the word: "course."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 949, Printer's No. 1351, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

THIRD READING CALENDAR

BILL ON THIRD READING AND FINAL PASSAGE, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 285, as follows:

An Act relating to and defining the practice of chiropody conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction requiring licensure providing for the granting cancellation suspension and revocation of licenses preserving the rights of existing licenses providing for the promulgation of rules and regulations transfer of jurisdiction and records to the board regulation of schools of chiropody reciprocity and providing penalties and remedies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Chiropody Act of 1956"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(a) "Chiropody" shall mean the diagnosis of foot ailments and the practice of minor surgery upon the feet the padding dressing and strapping of the feet the making of models of the feet and palliative and mechanical treatment of functional disturbances of feet not including the amputation of the leg foot or toes or the treatment of systematic diseases of the bones ligaments or muscles of the feet or any part of the body

(b) "Chiropodist" shall mean a practitioner of chiropody

(c) "Board" shall mean the State Board of Chiropody Examiners

(d) "Department" shall mean the Department of Public Instruction

Section 3 Status of existing licensees any person who has heretofore been licensed to practice chiropody in this Commonwealth and who is so licensed on the date of the approval of this act and who desires to continue the practice of chiropody must be licensed and registered under the provisions of this act and upon making application and payment of a fee of five dollars ($5.00) on or before the thirty-first day of December one thousand nine hundred fifty-six such person will be licensed under the provisions of this act without being required to take the examination provided by this act

Section 4 Except as hereinafter provided any person not heretofore authorized to practice chiropody in this Commonwealth desiring to be entitled to so practice shall file with the Board a written application for examination accompanied by a fee of twenty-five dollars ($25) and two unmounted finished photographs one of which shall be verified by the dean of the School of Chiropody which he attended and by satisfactory proof that the applicant is twenty-one years of age a citizen of the United State of America or his legally declared an intention to become such a resident of this Commonwealth of good moral character and not addicted to the intemperate use of alcohol or narcotic drugs and has obtained an education of not less than four years high school or its equivalent and actual pre-professional education of at least one year in a recognized college of liberal arts or of the sciences the fact that the instruction has been received by the applicant shall be evidenced by a certificate obtained from such institution satisfactory to the Board The applicant must be a graduate of a School of Chiropody approved by the Board The Board shall send to every applicant an admission card and one of his photographs marked with an assigned number for admission to examination

Section 5 Exclusive jurisdiction of Board From and after the effective date of this act the Board shall exercise exclusive jurisdiction over all persons licensed or to be licensed and registered to practice chiropody in this Commonwealth

Section 6 The Board shall hold examinations at a time and place as it shall specify The subjects for examination shall be determined by the Board and shall be on those subjects taught in a recognized school of chiropody No candidate shall indicate his name or the school where he obtained his education on his examination papers but shall identify his papers by the number assigned him on his photograph No candidate shall be admitted for examination without his marked photograph and admission card

Section 7 Curriculum The curriculum taught shall be confined to subjects covered by the definition of chiropody as contained in this act the Board shall or shall not approve schools of chiropody

Section 8 Every candidate for examination who obtains an average of not less than fifty-five per centum in any one subject and a general average of seventy-five per centum or more of a maximum of one hundred per centum in the examination shall be considered to have successfully passed the required examination In case of failure at any examination the candidate within two years may take a second examination without further application or the payment of an additional fee

Section 9 The Board shall issue a license to practice chiropody to those qualified under the provisions of this act All original registrations shall expire on the first day

of January next succeeding the issue thereof and thereafter each person so registered shall be required to register annually before the first day of January of each succeeding year The form and method of such registration shall be provided for by the Board in a manner enabling it to carry into effect the purposes of this act Each person who registers shall pay for each annual registration a fee of five dollars ($5) or the amount the Department may determine The fees required by this act shall be paid into the State Treasury for the use of the Commonwealth

Section 10 Any person may be exempt from examination if he holds a license or certificate to practice chiropody issued by any other state or territory of the United States which has requirements for licensure which are substantially equivalent to those of this Commonwealth and which extends similar privileges to persons licensed under the laws of this Commonwealth Application for license in these cases shall be made on forms supplied by the Board and shall be under oath The fee therefor shall be one hundred dollars ($100)

Section 11 Residence required of out of state licensees Any person who does not intend to become a resident of this Commonwealth will not be entitled to obtain a license to practice chiropody in this Commonwealth in accordance with Section 10 of this act and any person who obtains a license to practice chiropody in this Commonwealth in accordance with Section 10 of this act and does not become a resident of this Commonwealth immediately thereafter will not be entitled to retain said license

Section 12 Any person who is not a licensed and registered as a chiropodist shall not practice chiropody nor in any written or printed circular or in any business card letterhead or sign or otherwise assume the title "Chiropodist" "Podiatrist" "DSC" "G cp" "Ped G" "Foot Specialist" "Foot Correctionist" "Pedopractor" nor any other title name or description implying or calculated to lead to the belief that he is qualified to practice chiropody

Section 13 Penalties Any person violating any of the provisions of this act or any rule or regulation of the Board shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not less than fifty dollars ($50) nor more than two hundred dollars ($200) or undergo imprisonment for not less than thirty days nor more than six months for the first violation On the second and each subsequent conviction he shall be sentenced to pay a fine not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or undergo imprisonment for not less than sixty days nor more than six months in jail or both

Section 14 Disposition of fees All Fees fines and penalties specified and imposed under this art or any rule or regulation pursuant thereto shall be paid into the State Treasury

Section 15 Rules and Regulations The Board may make such reasonable rules and regulations as it deems necessary and proper in order to carry out the intent and purposes of this act within the scope of this act

Section 16 Refusal to Grant Suspension and Revocation The Board may refuse to grant and may suspend or revoke or cancel a license or a registration for the following reasons

(1) The practice of fraud or deceit in obtaining or attempting to obtain a license

(2) Pleading guilty or nolo contendre to or being found guilty of a crime involving moral turpitude by a court of competent jurisdiction or a jury

(3) Gross incompetency gross immorality negligence or misconduct in carrying on of such profession

(4) Violation of any of the provisions of this act or the rules and regulations of the Board

(5) Loaning borrowing or using the registration or license to practice chiropody of another or knowingly aiding or abetting in any way the granting of an improper license or registration

(6) That said applicant or licensee is an habitual drunkard or is addicted to the use of morphine cocaine or other drugs having a similar effect or if he or she is or shall become mentally incompetent

(7) Knowingly making substantial misrepresentations

(8) Unethical conduct or misleading fraudulent or unethical advertising

(9) Soliciting patronage other than by legitimate advertisement or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or like unprofessional conduct

Section 17 Procedure All actions of the Board shall be taken subject to the right of notice hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the administrative agency law approved the fourth day of June one thousand nine hundred forty-five (P. L. 1388) or any amendment or reenactment thereof relating to adjudication procedure

Section 18 Display of license and certificate every holder of a license or certificate of registration shall display the same in a conspicuous place wherein such person shall practice chiropody

Section 19 Injunction or Other Process The Board upon the advice of the Attorney General may maintain an action in the name of the Commonwealth for an injunction or other process against any person to restrain or prevent his practicing the profession of chiropody in a public or private capacity any such action shall be instituted in the Court of Common Pleas in any county where the alleged unauthorized practice was committed the court may issue a temporary restraining order or injunction under this act but shall determine any such action on its merits as soon as convenient whether in term time or in vacation Appeals from any final decision of the court to the Superior or Supreme Court shall be as in similar cases No bond shall be required of and no costs shall be taxed against the Board on account of any such action No action brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action provided by this act for violation thereof or of any rule or regulation of the Board promulgated thereunder

Section 20 Records All records and documents pertaining to persons licensed to practice chiropody shall be transferred to the Board

Section 21 Nothing in this act contained shall be construed to interfere with or affect regularly licensed physicians in the discharge of their professional duties and nothing herein contained shall be construed to prohibit or restrict the sale or fitting of shoes or commercial foot appliances No retail merchant shall be permitted to practice chiropody as provided for in this act unless duly licensed to practice chiropody

Section 22 The act of March 21 1945 (P. L. 51) entitled "An act defining and regulating the practice of Chiropody and providing penalties" is repealed as amended

Section 10 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays.	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of al lthe Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

THIRD READING CALENDAR

BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 223, Printer's No. 64; and

Senate Bill No. 239, Printer's No. 495.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 407, as follows:

An Act amending the act of August 10, 1951 (P. L. 1182) entitled "An act relating to and defining chiropractic and the right to practice chiropractic requiring licensure conferring powers and imposing duties upon the State Board of Chiropractic Examiners and the Department of Public Instruction providing for the granting suspension and revocation of licenses issued by the board preserving the rights of existing licensees and giving them certain personal choice as to jurisdiction conferring jurisdiction upon the court of common pleas of Dauphin County and prescribing penalties" extending the period for application for limited examination clarifying certain provisions thereof establishing further standards of educational conferences and requiring board approval thereof providing for branch office certificates and prohibiting branch office practice without such certificate

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 5 act of August 10, 1951 (P. L. 1182) known as the "Chiropractic Registration Act of 1951" amended June 19, 1953 (P. L. 295) is amended to read

Section 5 Licensing Present Practitioners (a) Any person of good character who has been engaged in the full-time practice of chiropractic for twenty-five (25) years or more the last five of which have been in this State prior to the effective date of this act and who was graduated from a legallv incorporated and reputable school or college of chiropractic shall be entitled to take a limited examination for licensure Any person of good character who has been engaged in the full-time practice of chiropractic for less than twenty-five (25) but more than (20) years the last five of which have been in this State prior to the effective date of this act and possessing a general education of not less than a standard four year high school course or its equivalent as approved by the Department of Public Instruction and in excess of eighteen hundred (1800) hours of classroom instruction in a legally incorporated and reputable school or college of chiropractic and has been graduated therefrom shall be entitled to take a limited examination for licensure Any person of good character who has been engaged in the full-time practice of chiropractic for less than twenty (20) years but more than ten (10) years the last five of which have been in this State prior to the effective date of this act and possessing a general education of not less than a standard four year high school course or its equivalent as approved bv the Department of Public Instruction and not less than two thousand one hundred and fifty (2150) hours of classroom instruction in a legally incorporated and reputable school of chiropractic and has graduated therefrom shall be entitled to take a limited examination for licensure Any person of good character who has engaged in the full-time practice of chiropractic in this State for at least one (1) year but less than ten (10) years prior to the effective date of this act and possessing general education of not less than a standard four year high school course or its equivalent and not less than one year of college credits in chemistry biology and physics as approved by the Department of Public Instruction and not less than two thousand five hundred and fifty (2550) hours of classroom instruction in a legally incorporated and reputable school of chiropractic and has graduated therefrom shall be entitled to take a limited examination for licensure Application to take any limited examination under the provisions of this act for licensure shall be made in such form as may be provided by the board and must be made by the applicant before the first day of [January one thousand nine hundred fifty-four] July one thousand nine hundred fifty-six

* * *

Section 2 Subsection (b) of section 10 and sections 11, 15 and 20 of the act are amended to read

Section 10 Examinations

* * *

(b) For the purpose of examining applicants for licensure the board shall hold at least two (2) [stated meetings] examinations each year due notice of which shall be made public the examinations to be held at such times and places as the board may determine [At such meetings] Such examinations may be conducted by a committee of two (2) or more members of the board authorized by the board Examinations shall be conducted in accordance with the rules and regulations prescribed by the board No license shall be granted to any applicant unless he or she has obtained a general average of not less than seventy-five per centum (75%) of a maximum of one hundred

Section 11 Failure in Examination Any applicant for licensure who shall fail in the examination authorized by this act shall have the privilege of a second examination without the payment of an additional fee In the case of failure at any standard examination the applicant after the expiration of six (6) months and within two (2) years shall have the privilege of taking a second examination In the case of failure of a limited examination as provided for in sections five and six of this act the applicant shall have the privilege of taking a second examination at such time as the board may determine In the event of [his] failure to pass [the] a second examination [he] the applicant shall thereafter cease to practice chiropractic in this Commonwealth The board may in its discretion permit an applicant to take more than two examinations but the applicant shall be required to pay the same fee as is required for the original examination

Section 15 Attendance at Educational Conferences No applicant for registration shall be granted a registration for the ensuing license year unless the applicant shall furnish to the board satisfactory evidence that he has attended not less than one two-day educational conference by the Pennsylvania Chiropractic Society [Inc] during the current license year or that he has attended an equivalent educational conference during the same period [An equivalent educational conference shall be one approved or ratified by the board as meeting the educational and professional requirements of the profession] The educational conference conducted by the Pennsylvania Chiropractic Society or an equivalent educational conference shall be approved by the board as meeting the educational and professional requirements of the profession and shall include no less than eight (8) hours of lecture or instruction by qualified persons in two or more of the following named subjects hygiene sanitation anatomy physiology physiological chemistry pathology histology symptomatology diagnosis chiropractic analysis and X-Ray ethical standards philosophy principles and technique of chiropractic

It shall be the duty of the board on or before the first day of February of each year to mail to every person licensed under this act a notice setting forth the pro-

visions of this section No licensee shall be registered for the ensuing license year if he fails to comply with the provisions of this section Provided That the board may at its discretion register any licensee upon subsequent compliance with the provisions of this section or upon excusing the licensee from complying with the provisions of this section for good cause

Section 20 Display of Certificate Branch Office Certificates (a) Every holder of a certificate granted by the board under the provisions of this act shall display the same in a conspicuous place in his or her office wherein such person shall practice chiropractic

(b) Any licensee desiring to practice chiropractic in a branch office other than the office where his certificate is displayed shall apply to and be granted by the board a branch office certificate for each such branch office or place of practice Applications therefor shall be on a form prescribed by the board and the applicant shall pay such fee therefor as may be fixed by the department Branch office certificates shall be subject to the same annual registration provisions as applicable to licensure No person shall practice chiropractic at a branch office other than the office where his certificate is displayed unless he shall have first applied for and received a branch office certificate which shall be displayed in such branch office

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SCHMIDT. Mr. President, at this time, I rise in opposition to the passage of this bill. The reasons that I set forth today for the defeat of this bill are the same reasons that I set forth yesterday at the time my amendments were offered.

Mr. President, if this bill is passed in the form in which it is now written, it will, for the first time, create in Pennsylvania a situation whereby anyone who has been licensed to practice a profession in Pennsylvania, no matter what that profession might be, will be required each year to submit himself to an examination, to studies, and so on, before he may have his license renewed for the ensuing year.

As I stated yesterday, and I state again, if this is going to be done with the practice of chiropractic, we might as well then say that it shall be done in every other profession, including the practice of law, the practice of medicine, nursing, where you have a broker's commission for the sale of real estate or whatever it may be. In all fairness to those professions and to the chiropractic profession, you should have the same rules applicable.

This bill, as it is written, does in a way set forth a procedure whereby these educational courses shall be given. It provides that they shall be taken at a convention held by the Chiropractic Association. A lot of the members of this profession see in this provision an attempt to compel their attendance at a convention which many of them may not see fit to attend.

Therefore, Mr. President, I ask the Members on both sides of the aisle to vote "no" on the passage of House Bill No. 407.

Mr. FLEMING. Mr. President, I certainly do not want to debate this bill, but I would call to the attention of the Members of the Senate the fact that the board does have the right to excuse any of their members from attendance at those sessions if they have good and sufficient reason for not attending.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. DENT. Mr. President, having voted under a misapprehension, I desire to change my vote from "no" to "aye."

The PRESIDENT. The gentleman from Westmoreland will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Berger,	Kessler,	McMenamin,	Taylor,
Dent,	Kopriver, Jr.	McPherson, Jr.	Van Sant,
Diehm,	Lane,	Miller,	Wagner,
DiSilvestro,	Madigan,	Propert,	Weiner,
Flack,	Mahany,	Ruth,	Whalley,
Fleming,	Mallery,	Scott,	Wolfe,
Haluska,	McCreesh,	Seyler,	Yosko,
Hays,	McGinnis,	Silvert,	

NAYS—4

Barr,	Blass,	Chapman,	Schmidt,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask uanimous consent that Senate Bill No. 590, Printer's No. 504, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 651, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the value of scholarships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1612 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" is amended to read

Section 1612 State Scholarships for Pupils of Secondary School For the purpose of assisting worthy young men and women graduates of secondary schools of the State to obtain higher education the State will award competitive scholarships of the value of [one hundred dollars ($100)] two hundred dollars ($200) per year for four years to enable selected students to attend any institution in the State of Pennsylvania approved by the State Council of Education

Appointments to such scholarships shall be made by the State Council of Education The persons entitled to such appointments shall be determined by competitive examinations to be conducted under the supervision of the State Council of Education Due notice of any examinations to be held under the provisions of this sec-

tion shall be given in such manner as the State Council of Education may prescribe

One scholarship shall be awarded to each county In any county where there is more than one entire senatorial district one scholarship shall be awarded for each entire senatorial district

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Hays,	McPherson, Jr.,	Stevenson,
Blass,	Harney,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 802, Printer's No. 452; and

Senate Bill No. 826, Printer's No. 335.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 929, as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 601 subsection (e) of section 602 and section 603 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" are amended to read

Section 601 Forfeiture of Property Illegally Possessed or Used No property rights shall exist in any liquor alcohol or malt or brewed beverage illegally manufactured or possessed or in any still equipment material utensil vehicle boat vessel animals or aircraft used in the illegal manufacture or illegal transportation of liquor alcohol or malt or brewed beverages and the same [shall] may be deemed contraband and [shall] may in the discretion of the board be forfeited to the Commonwealth No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

Section 602 Forfeiture Proceedings * * *

(e) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (1) that he is the owner of said property (2) that he lawfully acquired the same and (3) that it was not unlawfully used or possessed

In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel container animal or aircraft was lawfully acquired possessed and used then the court may order the same returned or delivered to the claimant but if it appears that the property was unlawfully possessed or used the court [shall] may in its discretion order it destroyed delivered to a hospital or turned over to the board as hereinafter provided

Section 603 Disposition of Forfeited Property If upon petition as hereinbefore provided and hearing before the court of quarter sessions it appears that any liquor alcohol or malt or brewed beverage was so illgeally possessed or property so used in the illegal manufacture or transportation of liquor alcohol or malt or brewed beverage such liquor alcohol malt or brewed beverage or property [shall] may in the discretion of the court be adjudged forfeited and condemned and in such case shall be disposed of as follows

(a) Upon conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all [such] condemned liquor alcohol or malt or brewed beverage and property seized or obtained from such defendants except that the court may order the liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order and any vehicle container boat vessel animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(b) In any case in which the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or no claimant appears for same or appearing is unable to sustain claim thereof the court shall order all [such] condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels containers animals and aircraft) publicly destroyed by the sheriff except that the court may order the liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(c) In the case of any vehicle boat vessel container animal or aircraft seized under the provisions of this act and condemned the court shall order the same to be delivered to the board for its use or for sale or disposition by the board in its discretion Notice of such sale shall be given in such manner as the board may prescribe The proceeds of such sale shall be paid into the State Stores Fund

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barr,	Haluska,	McGinnis,	Seyler,
Berger,	Harney,	McMenamin,	Silvert,
Blass,	Haya,	Miller,	Stevenson,
Camiel,	Kessler,	Mullin,	Stiefel,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	McCreesh,	Scott,	Whalley,
Flack,			Yosko,

NAYS—7

Fleming,	McPherson, Jr.,	Taylor,	Wolfe,
Mallery,	Propert,	Wade,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 961, as follows:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" authorizing the raising and disposition of nongame pheasants and eggs without propagating permits

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 101 and 407 act of June 3, 1937 (P. L. 1225) known as "The Game Law" are amended to read

Section 101 Definitions Whenever used in this act unless a contrary intention is evident from the context the word "person" shall include individuals copartnerships associations and corporations the singular shall include the plural and the masculine and feminine and neuter

The word "commission" shall mean the Pennsylvania Game Commission

The term "game birds" shall include (a) the anatidae commonly known as geese brant and river and sea ducks (b) the rallidae commonly known as rails coots mudhens and gallinules (c) the limicolae commonly known as shore birds plover surf birds snipe woodcock sandpipers yellowlegs tattlers and curlew (d) the gallinae commonly known as wild turkeys grouse pheasants other than those procured from commercial or nonwild sources or propagated from commercially procured eggs or eggs from captive nonwild forbears and raised in captivity prior to release from captivity or in any manner entering the wild state partridges and quail (e) the birds belonging to the order columbae commonly known as doves and (f) the grackles commonly known as blackbirds

The term "game animals" shall include (a) the wapiti or elk (b) the deer (c) the bear (d) the wild rabbit and hare (e) the red gray black and fox squirrel (f) the raccoon and (g) the woodchuck commonly known as groundhog

The term "big game" shall include (a) the elk (b) the deer and (c) the bear

The term "small game" shall include all species of game birds and game animals not classed as big game

The word "game" shall include 'game animals" and "game birds"

Except as modified by the resolutions of the commission the term "fur-bearing animals" shall include (a) the mink (b) the muskrat (c) the opossum (d) the otter (e) the skunk commonly called polecat and (f) the beaver

The word "predators" shall include all wild animals not classed as game animals or fur-bearing animals and all wild birds other than game birds and protected birds

Except as modified by the resolutions of the commission the term "unprotected birds" shall include (a) the blue jay (b) the English sparrow (c) the European starling (d) the kingfisher (e) the goshawk (f) the sharpshinned hawk (g) the Cooper's hawk (h) the great horned owl (i) the snowy owl and (j) the crow

The term "protected birds" shall include all wild birds not included within the terms "game birds" and "unprotected birds"

The term "wild birds" includes all birds other than domestic birds

The word "wildlife" shall mean and include wild birds and wild animals regardless of classification whether protected or unprotected in a wild state in this Commonwealth

The commission may by resolution from time to time after investigation or information otherwise obtained remove any animal from the list of fur-bearing animals or add any birds to the list of unprotected birds in any part of the Commonwealth by giving notice of such action in the manner hereinafter specified

The term "open season" shall mean the time during which game or fur-bearing animals may be legally taken or killed and shall include both the first and the last day of the season or period designated by this act or by the Commission

The term "close season" shall mean the time during which game or fur-bearing animals may not be legally taken or killed and includes all periods of time not included within the open season

The word "lands" as used in this act shall include land waters timber minerals oil gas and all other appurtenances ordinarily connected therewith

The word "lease" shall mean an agreement or contract by which the right to use real estate is granted or conveyed to or from the commission or the act of such conveyance

The term "hunting rights" shall mean the right to control the hunting taking killing wounding or removal of game birds game animals fur-bearing animals and any other wild birds and wild animals on and within a specified area of land

The ownership jurisdiction over and control of wild animals and wild birds as herein defined are hereby declared to be in the Commonwealth in its sovereign capacity to be controlled regulated and disposed of in accordance with the provisions of this act

Section 407 Permits to Propagate Game Permits to propagate game issued to persons and to associations and corporations shall authorize the holder thereof and his or its assistants to have in possession and to breed or raise game of any kind and to sell or barter or give away the same dead or alive or the eggs of game birds at any time under the regulations hereinafter provided

It is unlawful to have in possession for the purpose of breeding or to raise game of any kind in captivity and to sell or otherwise dispose of the same or to sell eggs of game birds so produced without a propagating permit except game bred or raised and released for stocking purposes in a wild state or sold to the commission or bred and raised for home consumption on the premises only and except nongame pheasants and eggs of nongame pheasants

Section 2 Section 716 of the act amended May 6, 1943 (P. L. 195) is amended to read

Section 716 Buying and Selling Game Except as otherwise provided by this act it is unlawful for any person at any time to buy sell or barter or offer for sale or barter or have in possession for sale or barter any game or parts thereof no matter where such game has been killed excepting deer or rabbits killed in another state or nation or the skins of raccoons and bears no matter where killed and other game legally killed and imported from another state or nation when tagged as herein required

Except as otherwise provided by this act it is unlawful for any person at any time to sell or barter or offer for sale or barter for human consumption any species of game or parts thereof protected by this act or similar thereto imported either dead or alive from another state or nation except deer or rabbits unless the carton containing such birds or animals or the individual carcasses shall have attached a tag identifying the birds or animals in plain English and giving the state or nation from which originally shipped Before any such game may be offered for

sale there shall first have been attached to each bird or animal by a representative of the commission a metal seal the cost of which is hereby fixed at five cents which seal shall remain attached until the carcass is prepared or finally cut up for consumption

Nothing in this section shall be construed to prevent the purchase or sale of game raised under authority of a propagating permit in this Commonwealth and properly tagged or the purchase or sale of nongame pheasants raised in captivity without a propagating permit for commercial purposes or the purchase or sale of live raccoons legally possessed for release within the Commonwealth or the purchase or sale or introduction into this State at any time of live birds or animals for propagation liberation or for any other purpose that has been inspected and legally passed in accordance with the conditions hereinafter stipulated or to prevent at any time the sale within the State or the shipment out of the State without a license of any kind of any animal raised in capivity and not found in a wild state in this Commonwealth or the purchase or sale of the tanned cured or mounted heads or skins or parts thereof of any game not killed in a wild state in this Commonwealth or the sale or purchase of deer hides or any part thereof from animals lawfully killed if such hides are disposed of by the original owner within ninety days after the close of the previous open season but this provision shall not be construed to permit any individual or agency other than the commission to sell the skins of deer killed as a protection to crops

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1340, as follows:

An Act amending the act of March 10 1949 (P L 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further providing for payments to school districts on account of pupil transportation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clauses (1) and (2) of section 2541 act of March 10 1949 (P L 30) known as the "Public School Code of 1949" clause (1) amended April 14 1949 (P L 456) and May 11 1949 (P L 1195) clause (2) amended July 27 1953 (P L 629) are amended to read

Section 2541 Payments on Account of Pupil Transportation * * *

Such payments for pupil transportation shall be made in the following cases

(1) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation and to merged or union school districts in which one or more such districts are a component [part] for the transportation of elementary school pupils residing within any part of the district last served by any elementary school closed since the first Monday of July one thousand nine hundred seven or within a district all of whose schools have been closed or who are assigned to a training school of a State teachers' college and in each case who reside one and one-half (1½) miles or more from the school to which they are assigned.

(2) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile and to merged or union school districts in which one or more such districts are a component [part] for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest school in session and to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest jointly operated school in session offering the proper grades

* * *

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant.
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1406, as follows:

An Act amending the act of March 30 1937 (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of

qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commision election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" increasing compensation of the chairman and other members of the registration commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (e) of section 3 act of March 30 1937 (P. L. 115) known as "The First Class City Permanent Registration Act" is amended to read

Section 3 Registration Commission Membership Bipartisan Term of Office Vacancies Removal Compensation Chairman Secretary Action by Vote of Majority of Members Record of Proceedings Annual Report

* * *

(e) Each commissioner shall receive compensation at the rate of [six thousand] eight thousand five hundred dollars per annum except the chairman who shall receive [six] nine thousand [five hundred] dollars per annum

* * *

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1795, Printer's No. 1086, on third reading, go over in its order.

The PRESIDENT. Is there obection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1857, as follows:

An Act amending the act of May 2, 1925 (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing refunds of fees fines and other moneys erroneously or unjustly collected

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 283 act of May 2, 1925 (P. L. 448) known as "The Fish Law of 1925" added May 25, 1937 (P. L. 801) is amended to read

Section 283 Return of [Fine] Fees Fines or Other Moneys Erroneously or Unjustly Paid into Treasury Whenever the [board] commission is satisfied that any fee fine or any other money paid into the State Treasury under any of the provisions of this act was erroneously or unjustly collected and deposited the [board] commission within six [months] years after such deposit may by resolution direct the [commissioner] Executive Director to draw a requisition upon the [fund into which fund such fine was deposited] Fish Fund for the amount involved Upon the receipt of such requisition and an extract of the minutes of the [board] commission the Auditor General shall draw his warrant upon the State Treasurer in favor of the person from whom such fee fine or other money was erroneously or unjustly collected

Section 2 Section 285 of the act amended June 20, 1947 (P. L. 657) is amended to read

Section 285 Fish License Fund Established All fees fines penalties and other moneys paid received recovered and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as a fund or any part of a fund separate and apart from the various purposes designated by law or (b) that may be hereafter paid recovered received and collected under the provisions of any act repealed and replaced by this act or (c) that may be paid received recovered and collected under the provisions of this act shall be placed in a separate fund by the State Treasurer to be known as "the fish fund" and shall be used solely for the payment of all expenses incurred by the Department of Revenue in procuring issuing or supervising the issuance of resident and non-resident fishing licenses and license buttons and under the direction of the [board] commission for the following purposes

(a) The payment of the salaries wages or other compensation of the [Commissioner of Fisheries] Executive Director such deputies directors superintendents bureau or division chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers fish wardens laborers and other assistants and employes as may be required for the work of the [board] commission and such special deputy attorneys general assistant deputy attorneys general as may be assigned by the Attorney General to the [board] commission or for handling any legal business pertaining to its work

(b) The payment of the traveling and other expenses of the members officers and employes of the [Board of Fish Commissioners] Pennsylvania Fish Commission

(c) The purchase through the Department of Property and Supplies as purchasing agency of such furniture furnishings stationery supplies materials equipment fuel motor vehicles and printing and binding as may be necessary in the conduct of the work of the [board] commission and the payment of premiums on surety bonds for such officers or employes of the [board] commission as may be required to furnish them policies of Workmen's Compensation Insurance and policies of liability insurance covering the aforesaid motor vehicles and persons operating same which bonds or insurance policies shall have been contracted for by the Department of Property and Supplies as agent of the [board] commission

(d) The payment of postage telegrams telephone rentals telephone toll charges and rentals for patented leased office devices or machines

(e) Rentals for any offices outside of the Capitol Buildings or any other grounds buildings or quarters necessary for the work of the [board] commission

(f) The propagation protection and distribution of fish and the stocking of waters within this Commonwealth as provided by law

(g) Necessary repairs and improvements to fish hatch-

eries or other buildings offices or quarters used in the work of the [board] commission

(h) Field work gathering spawn and transferring fish

(i) The maintenance and operation of a boat on Lake Erie and the cruiser "Anna" at Torresdale on the Delaware River [and]

(j) Any contingent incidental or other expenses of any kind or description reasonably necessary in carrying on the work of the [board] commission

(k) With the consent of the Governor for the purchase of lands and waters and for the impounding of waters and to make the same available for use by the citizens of the Commonwealth for fishing hunting and forest purposes and said lands and waters so purchased shall be under the supervision direction and control of the [board] commission

(l) The purchase and acquisition of additional land and water for State fish hatcheries the purchase acquisition and erection of buildings ponds and other extensions incidental to fish hatcheries and for the propagation and protection of fish and hatcheries and the stocking of waters within this Commonwealth

(m) For the refund [to county treasurers of fishing license] of fees fines or other moneys heretofore or hereafter erroneously or unjustly paid into the Fish Fund and

(n) The sum of twenty-five (25c) from each resident fishing license fee being one-half of the increase in fees provided by this amendment shall be used exclusively for (I) the acquisition in the name of the Commonwealth by purchase of land and fishing waters or warm water ponds or lands which because of their natural conditions can be converted into ponds dams or reservoirs anywhere in the Commonwealth or in any part thereof with such rights of ingress or egress to or from such waters as may be necessary to make the same available for use by the citizens of the Commonwealth for fishing and the maintenance thereof (II) the rebuilding of torn out dams and (III) the study of problems related to better fishing All moneys received under the provisions of this clause and all expenditures made from such moneys shall be shown in detail by the [board] commission in every annual report or annual statement rendered by it

All moneys in such separate fund from time to time are hereby specifically appropriated to the Department of Revenue and the [board] commission and may be expended for the purposes hereinbefore enumerated All printing buttons and other supplies or materials purchased by the Department of Revenue for the purpose of performing its duties under the provisions of this act shall be purchased through the Department of Property and Supplies as purchasing agency

Estimates of the amounts to be expended under this act from time to time by the Department of Revenue and the [Board of Fish Commissioners] Pennsylvania Fish Commission respectively shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Department of Revenue or by the [Board of Fish Commissioners] Pennsylvania Fish Commission in excess of the estimates aproved by the Governor Subject to the foregoing provisions the Auditor General shall from time to time upon requisition of the Secretary of Revenue or of the [Com missioner] Executive Director draw his warrant on the State Treasurer for the amount specified in such requisition not exceeding however the amount in such fund available for the purposes for which such requisition was made at the time of making such requisition

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A maority of all the Senators haveing voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1871, as follows:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" regulating refund of fees fines or other moneys erroneously or unjustly collected and deposited and appropriating moneys from the Game Fund for the refund of fees fines or other moneys unjustly collected

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1212 act of June 3, 1937 (P. L. 1225) known as "The Game Law" amended July 27, 1955 (Act No 103) is amended to read

Section 1212 Return of Fees Fines or other Moneys Erroneously or Unjustly Paid into Treasury Whenever the commission is satisfied that any fee fine or any other moneys paid into the State Treasury under any of the provisions of this act or any act superseded by it were erroneously or unjustly collected and deposited the commission within [twelve months] six years after such deposit may by resolution authorize the director to draw a requisition upon the Game Fund for the amount involved Upon receipt of such requisition and an extract of the minutes of the commission the Auditor General shall draw his warrant upon the State Treasurer in favor of the person from whom such fee fine or other money was erroneously or unjustly collected

[The twelve month limitation period hereinbefore prescribed shall not apply to moneys erroneously or unjustly paid into the State Treasury for hunting license fees by former county treasurers subsequent to the thirty-first day of December one thousand nine hundred thirty-four if the return of such fees was requested of the Commonwealth within six months after their payment into the State Treasury]

Section 2 Clause (q) of section 1401 of the act amended to read

Section 1401 Continuance of Game Fund Appropriation All license fees fines permit fees and other moneys received and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as the Game Fund or (b) that may be hereafter paid into the State Treasury under the provisions of any act so repealed or replaced or (c) that may be paid into the State Treasury under the provisions of this act shall be placed in the separate fund known as "The Game Fund" and shall be held separately and apart solely for the following purposes

* * *

(q) For the refund of fees fines or other moneys erroneously or unjustly collected and deposited

* * *

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

REPORTS FROM COMMITTEE

Mr. SILVERT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SILVERT, from the Committee on Judiciary General, reported as amended, House Bill No. 660, entitled:

An Act amending the act of May 16, 1923 (P. L. 207) entitled "Municipal Claim and Tax Lien Law," further regulating the sale of real property for the non-payment of tax and municipal claims and providing for the discharge of all liens mortgages ground rents estates and claims against such property by such sale subject to the right of redemption in cities of the first class.

He also, from the Committee on Judiciary General, reported as amended, House Bill No. 1197, entitled:

An Act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece prescribing forms therefor and fixing the fees thereof.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 1282, entitled:

An Act authorizing the sale of vacant land located in areas certified as conservation ;areas in counties of the first class under a judgment obtained on a tax claim by the sheriff of the county providing for the discharge of all liens mortgages ground rents estates and claims against the property by sale and limiting the right of redemption.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Comomnwealth:

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the County Boards of Assistance:

CENTRE COUNTY

George J. Bohen (Dem.), Lemont, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Rev. Alvin F. Dietz, Centre Hall, whose term expired.

Frederick R. Gardner (Dem.), Snow Shoe, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Elizabeth A. Doggett(Rep.), 357 East Prospect Avenue, State College, to service until December 31, 1958, and until her successor is duly appoiinted and qualified. (Reappointment)

FRANKLIN COUNTY

Mrs. Margfiaret McLaughlin (Rep.), 30 North Main Street, Mercersburg to serve until December 31, 1958. (Reappointment)

Miss Emilie F. Reisner (Dem.), 203 South Main Street, Chambersburg to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Mrs. Marie P. Middour (Dem.), R. D. 4, Waynesboro, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

HUNTINGDON COUNTY

Mrs. Rachel N. Showalter (Dem.), 327 Mifflin Street, Huntingdon, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

G. Allen Hoover (Dem.), Hesston, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 6, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the County Boards of Assistance:

ADAMS COUNTY

Miss Sylvia E. Klunk (Democrat), 15 North Peter Street, New Oxford, to serve until December 31, 1957, and until her successor is duly appointed and qualified, vice Mrs. Vivian M. Hamm, New Oxford, resigned.

Allen Stauffer (Rep.), West Hanover Street, Biglerville, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Lesile V. Stock, Biglerville, whose term expired.

Mrs. Katharine Hereter (Dem.), 39 Howard Street, Gettysburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

William M. Weidner (Dem.), York Springs, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

CLEARFIELD COUNTY

Miss Julia Maietta (Dem.), Curwensville, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Miss Elva M. Walker, Clearfield, whose term expired.

Mrs. Lila Boyer (Dem.), 19 South State Street, DuBois, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Viola M. Rickenbaugh, Smithmill, whose term expired.

Rev. Robert R. Croyle (Rep.), 115 South Second Street, Clearfield, to serve until Decemger 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Della Patchin, Burnside, whose term expired.

Mrs. Lillian Ashcroft (Dem.), Morrisdale, to serve until December 31, 1957. (Reappointment)

WAYNE COUNTY

Mrs. Mary Suhosky (Dem.), R. D. 2, Honesdale, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Blanche Lorenson, South Canaan, whose term expired.

Mrs. Hazel A. Hill (Rep.), Fair Avenue, Honesdale, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Emeric Hirsch (Rep.), 315 Main Street, Hawley, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

ELK COUNTY

Mrs. Gertrude M. Johnson (Democrat), Main Street, Kersey, to serve until December 31, 1957, and until her successor is duly appointed and qualified, vice Charles Swanson, Dagus Mines, resigned.

John F. Michel (Democrat), Windfall Road, R. D., St. Marys, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Catherine B. Bauer, St. Marys, whose term expired.

Mrs. Kathryn D. Willard (Democrat), 107 North Michael Street, St. Marys, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice William F. McMahon, Johnsonburg, whose term expired.

Mrs. Johanna Bish (Democrat), Brockport, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

MONROE COUNTY

Mrs. Ruth Dunning (Democrat), 401 North Fifth Street, Stroudsburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice H. L. Heberling, Stroudsburg, whose term expired.

Frank L. Stackhouse (Republican), Bryant Street, Stroudsburg, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Jeanette K. Davis (Republican), 39 North Courtland Street, East Stroudsburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

WYOMING COUNTY

Mrs. Kathleen Vecchierello (Democrat), College Avenue, Factoryville, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Mrs. Tillie T. Loveland (Republican), Noxen, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Davis R. Hobbs, Esq., (Republican), 112 Warren Street, Tunkhannock, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dean E. George, 340 Liberty Street, Clarion, Clarion County, for appointment as Justice of the Peace in and for the Borough of Clarion, Clarion County, to serve until the first Monday of January 1958, vice Ralph L. Cresswell, deceased.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert L. Norris, 300 Seventh Street, Huntingdon, Huntingdon County, for the appointment as Justice of the Peace in and for the Borough of Huntingdon, Huntingdon County, to serve until the first Monday of January 1958, vice F. Blair Isenberg, resigned.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Paul Jones, Shade Gap, Huntingdon County, for appointment as Justice of the Peace in and for the Township of Dublin, Huntingdon County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate S. H. Zeiders, R. D. 1, Millerstown, Perry County for appointment as Justice of the Peace in and for the Township of Tuscarora, Perry County, to serve until the First Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 30, 1956

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Patrick Wm. McGuire, 142 Fern Street, Freeland, Luzerne County, for reappointment as Justice of the Peace in and for the Township of Foster, Luzerne County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WOLFE asked and obtained unanimous consent for

immediate consideration of the nominations read by the Clerk

EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. BERGER,

That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

Whereupon,

A motion was made by Mr. WOLFE and Mr. BERGER,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. BERGER. Mr. President, I second the motion.

The motion was agreed to.

CALENDAR

SECOND READING CALENDAR

BILLS ON SECOND READING CALENDAR OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, all of which are on second reading, go over in their order:

House Bill No. 1221, Printer's No. 931;
House Bill No. 1397, Printer's No. 1345;
House Bill No. 1398, Printer's No. 1346; and
House Bill No. 1786, Printer's No. 1170.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FIRST READING

Mr. FLEMING. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HALUSKA. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 344, entitled:

An Act amending the act of June 10 1897 (P L 139 No 115) entitled "An act to limit the period of time within which suits may be brought against sureties of constables" providing that suits on constables' bonds shall be brought within six years from time at which cause of action arose.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 415, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "Local Tax Enabling Law," requiring the filing of bonds for appeals to act as a supersedeas.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 491, entitled:

An Act adopting an interpleader compact for the complete and expeditious adjudication of adverse claims to property in the hands of a stakeholder where one or more claimants are in different jurisdictions; and entering into the compact with other states, territories and possessions of the United States, the District of Columbia and states of the community of nations and component governmental units thereof that adopt the compact and are acceptable to this Commonwealth for the purposes of the compact.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 660, entitled:

An Act amending the act of May 16, 1923 (P. L. 207) entitled "Municipal Claim and Tax Lien Law," further regulating the sale of real property for the non-payment of tax and municipal claims and providing for the discharge of all liens mortgages ground rents estates and claims against such property by such sale subject to the right of redemption in cities of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 817, entitled:

An Act relating to the lien and operation of mortgages and their accompanying bonds and imposing duties on recorder of deeds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 873, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code," prescribing duties and limitations for township supervisors as to holding other township offices the number of meetings to be held keeping of records and fixing compensation of certain township officers fixing officers of the State Association changing the expense allowance for delegates to supervisors' conventions and the eligible officers to attend fixing the procedure for selling township property making tax exempt properties liable for certain costs for fire protection prescribing duties of auditors and fixing compensation

of members of zoning board of adjustment providing for the construction of sidewalks and curbs and the payment therefor changing the provisions relating to abandoned cemeteries the publication of ordinances connecting with sewers of adjacent municipalities and the dedication laying out opening improving changing relocating taking over and vacating roads and street and highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 944, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," requiring cotton fabrics used in State institutions to be flameproofed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 957, entitled:

An Act amending the act of June 4, 1937 (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; . . .," providing for reinstatement of county employes and officers returning to county employment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 970, entitled:

An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the heights location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand the size of courts yards and other open spaces appurtenant thereto . . .," further regulating the duties and functions of the board of adjustment in cities of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1025, entitled:

An Act authorizing the owners of cemeteries with the approval of the court of quarter sessions to improve neglected cemeteries without the removal of the dead therefrom in certain cases and conferring jurisdiction on courts of quarter sessions for such purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1197, entitled:

An Act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece prescribing forms therefor and fixing the fees thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1282, entitled:

An Act authorizing the sale of vacant land located in areas certified as conservation areas in counties of the first class under a judgment obtained on a tax claim by the sheriff of the county providing for the discharge of all liens mortgages ground rents estates and claims against the property by sale and limiting the right of redemption.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1507, entitled:

An Act amending revising clarifying and changing the act of April 6, 1953 (P. L. 3) entitled "Uniform Commercial Code."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1514, entitled:

An Act amending the act of September 26, 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trademarks and to secure the rights property and interests therein . . .," further defining the right to registration.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1530, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code," prescribing an additional amount of tax which may be levied and collected for general revenue purposes upon order of court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1792, entitled:

An Act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1804, entitled:

An Act authorizing photostating photographing microphotographing microfilming or other mechanical processing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the disposition destruction or transfer of custody of certain originals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1908, entitled:

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1914, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

SENATE CONCURRENT RESOLUTION TAKEN FROM TABLE

Mr. FLEMING. Mr. President, I call from the table Senate Concurrent Resolution, entitled "Time of Next Meeting."

The Clerk read the resolution as follows:

TIME OF NEXT MEETING

In the Senate, February 13, 1956.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, February 20, 1956, at a time to be fixed by the Senate; and when the House of Representatives adjourns this week, it reconvene Monday, February 20, 1956, at a time to be fixed by the House of Representatives.

SENATE CONCURRENT RESOLUTION ADOPTED

Mr. FLEMING. Mr. President, I move that the resolution just read by the Clerk be adopted.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

Mr. FLEMING. Mr. President, may we be at ease for a few moments, awaiting communications from the House of Representatives?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 53

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, February 9, 1956.

Resolved (if the Senate concur), That House Bill No. 53, Printer's No. 1307, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," prohibiting the throwing of certain material from motor vehilces.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

RECALLING SENATE BILL No. 332 FROM THE GOVERNOR

In the Senate, February 14, 1956.

Resolved (if the House of Representatives concur), that Senate Bill No. 332, Printer's No. 315, entitled "An act amending the act of May 1 1929 (P. L. 315, entitled "An act amending the act of May 1 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' authorizing the issuance of duplicate registration cards at the option of the owner and fixing the fee therefor," be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

TIME OF NEXT MEETING

In the Senate, February 13, 1956.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, February 20, 1956, at a time to be fixed by the Senate; and when the House of Representatives adjourns this week, it reconvene Monday, February 20, 1956, at a time to be fixed by the House of Representatives .

ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Monday, February 20, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.

Mr. PROPERT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:02 o'clock, p. m., Eastern Standard Time, until Monday, February 20, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, February 14, 1956.

The House met at 3:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

JOURNAL APPROVED

The SPEAKER. Are there any corrections to the Journal of Wednesday, January 25, 1956? If not, and without objection, the Journal is approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Thursday, February 9, 1956 will be postponed until printed. The Chair hears none.

STUDENTS FROM ST. EDMONDS, ST. GABRIEL AUDENREID JUNIOR HIGH SCHOOL AND ST. ALOYSIUS WELCOMED

The Chair welcomes to the Hall of the House a delegation of students from St. Edmonds, St. Gabriel, Audenreid Junior High School and St. Aloysius of Philadelphia. They are here under the supervision of Mother Cyrena, Sister Leonis and Miss Solop. They are the guests of the lady from Philadelphia, Mrs. Varallo.

BILLS INTRODUCED AND REFERRED

By Messrs. STEPHENS and FRANK.

HOUSE BILL No. 2022.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," fixing the compensation of the members of the State Police Force.

Referred to the Committee on Rules.

By Mr. POLEN. HOUSE BILL No. 2023.

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employes, mileage of members and payment of postage and expenses.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. AUKER and WATERHOUSE.

RESOLUTION No. 156.

In the House of Representatives, February 9, 1956.

By order of the Secretary of Welfare animal herds and poultry flocks at State institutions in the Department of Welfare are being sold.

The reason therefor according to the Secretary of Welfare is that farm work and animal husbandry is not considered suitable work for patients at these institutions.

There exist serious doubts as to the logic and basis for such reasoning.

The products of the farms and products from the herds and poultry flocks furnish a major part of the food for the maintenance of the institutions at a great saving to the Commonwealth.

These herds and flocks through expert experimentation and research have been built up to a status of thoroughbred herds and flocks at a great cost to the Commonwealth, which has in turn resulted in the best products possible for the patients at the institutions.

The sale of the herds and flocks would entail a great financial loss to the Commonwealth.

To buy such products of herds and flocks on the open market would put a serious extra financial burden on the Commonwealth, which could probably require additional tax money.

After a recent investigation of the Pennsylvania Training School at Morganza a committee of the House of Representatives recommended that patients at Morganza be taught farming and animal husbandry and that some should be occupied and engaged in agricultural pursuits. This recommendation should be given serious and sincere consideration; therefore be it

Resolved, That the Speaker of the House of Representatives appoint a committee of six members of the House of Representatives, by and with the advice of the majority and minority leaders of the House of Representatives. The committee shall be authorized and directed to make a thorough study and investigation on the advisability of the selling of the animal herds and poultry flocks by the Department of Welfare. The committee shall have the power to issue subpoenas under its hand and seal requiring and commanding any person or persons to appear before them and answer questions touching matters properly being inquired into and to produce such books, papers, records, and documents as the committee may deem necessary. Such subpoenas shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. The committee shall have the power to administer oaths and affirmations to witnesses appearing before them. Any person who shall wilfully neglect or refuse to testify before the committee or to produce books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and be it further

Resolved, That the committee make a report of its findings to His Excellency, the Governor and that the Governor do all within his power to stop the sale of the animals and poultry at the institutions if the committee recommends the sale therefor is not to the best interest of the Commonwealth.

Referred to the Committee on Rules.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 13, 1956.

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene Monday, February 20, 1956, at a time to be fixed by the Senate, and when the House of Representatives adjourns this week, it reconvene Monday, February 20, 1956, at a time to be fixed by the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

RECALLING SENATE BILL No. 332 FROM GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 14, 1956.

Resolved (if the House of Representatives concur), that Senate Bill No. 332, Printer's No. 315, entitled "An act amending the act of May 1 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' authorizing the issuance of duplicate registration cards at the option of the owner and fixing the fee therefor," recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

RECALLING HOUSE BILL No. 53 FROM THE GOVERNOR

Mr. STRAUSSER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, February 9, 1956.

Resolved (if the Senate concur), that House Bill No. 53, Printer's No. 1307, entitled "An act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen pustices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' prohibiting throwing of certain material from motor vehicles." be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 1222, 1223 and 1674

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1222, Printer's No. 1161, entitled "An Act to further amend the act approved the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1669) entitled as amended 'An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties' as amended by further defining 'receipts.'"

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1223, Printer's No. 1163, entitled "An Act amending the act of May 23, 1949 (P. L. 1669) entitled as amended 'An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein providing for its levy and collection conferring and imposing powers and duties on the Board of Public Education receiver of school taxes and school treasurer in such districts and prescribing penalties' changing the method of computing the tax of certain taxpayers changing the penalty on taxes not paid when due defining business and limiting the time within which suit may be started for collection of taxes."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1674, Printer's No. 1253, entitled "An Act making an appropriation to the Department of Welfare for the two fiscal years beginning June 1 1955 to assist in the payment of the operation and maintenance by the Trustees of Mercy-Douglass Hospital of the addition to Philadelphia State Hospital constructed by the General State Authority."

GEORGE M. LEADER.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 388.

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," extending voting rights to bedridden or hospitalized veterans when not absent from county of residence.

HOUSE BILL No. 1947.

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 728

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 728.

"An Act amending the act of April 9, 1929 (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; ***,' authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park Areas situate within the city."

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 388.

An Act amending the act of June 3, 1937 (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" extending voting rights to bedridden or hospitalized veterans when not absent from county of residence.

HOUSE BILL No. 728.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative department boards, and commissions; defining the powers and duties of the Governr and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commission and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park Areas situate within the city.

HOUSE BILL No. 1947.

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

SENATE BILL No. 697.

An Act amending the act of April 18, 1949 (P. L. 512), entitled "An act relating to the administration and distribution of decedents' estates, trust estates, minors' estates and absentees' estates, both as to real and personal property, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases; the appointment, bond, removal and discharge of fiduciaries of such estates, their powers, duties and liabilities; the rights of persons dealing with such fiduciaries, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning guardians of the person of minors, the powers, duties and liabilities of sureties and of foreign fiduciaries, the abatement, survival and control of actions and rights of action, and the presumption of death; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries" revising and changing provisions relating to first

complete advertisement of the grant of letters, payment of accrued pensions without letters, amount of estates distributed on petition, family exemptions, place for grant of letters, inventory and appraisement and objections thereto, claims against decedents against personal representatives and against decedents' property, awards to nonresident beneficiaries, presumption of release or extinguishment, amount of minors' estates administered without guardian, and exercise of powers by foreign fiduciaries.

SENATE BILL No. 862.

An Act amending the act of June 16 1836 (P. L. 715) entitled "An act relating to Reference and Arbitration" providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 970 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 970, Printer's No. 275, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. STANK. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Northumberland Mr. STANK vote on the final passage of this bill?

Mr. STANK. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 1 (Section 802), page 3, line 5, by striking out "Any" and inserting "Every."

Amend Section 1 (Section 802), page 3, line 8, by striking out "many" and inserting "must".

Amend Section 1 (Section 802), page 3, line 8, by striking out "not to exceed" and inserting "at least."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 641 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this way approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 641, Printer's No. 1238, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 773.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within

the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties; imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," prohibiting the operation of motor vehicles with certain types of mufflers or exhaust systems and changing penalties

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 2, line 12, by inserting after the word "mufflers" the following: "or exhaust systems";

Amend Section 1, page 3, line 10, by striking out after the word "with" the following: "a muffler commonly known as a "Hollywood muffler" or any other similar type muffler which does not have baffle plates or screens" and inserting in lieu thereof the following: "an exhaust system which has been modified in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle";

Page 4, line 1, by inserting after the word "says" the following: "not to exceed."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 284.

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" creating the State Board of Chiropody Examiners as a departmental administrative board in the Department of Public Instruction.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 3, page 9, line 11, by striking out after the word "the" the word "said" and inserting in lieu thereof the word "licensing."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1773.

An Act further amending the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" making certain information regarding refunds available for public inspection changing certain provisions as to the imposition and remission of penalties and granting of refunds and clarifying provisions as to settlements

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 9, line 3, by striking out after the second word "the" the word "permission" and inserting in lieu thereof the word "remission"; Amend Section 2, page 9, line 15, by striking out after the word "the" the word "said"; page 10, line 16, by inserting after the

second word "the" the words "persons or"; Amend the bill, page 11, by striking out all of Section 3 as follows:

Section 3 Clause (b) of Section 801 of the said act as last amended by the Act of February 2, 1937 (P. L. 3) is further amended to read as follows

(b) All such settlements shall as far as possible be so made that notice thereof may reach the taxpayer before the end of the year succeeding the year for which the tax or bonus report or return was made or ought to have been made Where notice of the settlement has not reached or does not reach the taxpayers before the end of a year after the tax report was required to be made the settlement shall nevertheless be valid and binding upon the taxpayer.

Page 11, line 11, by striking out after the word "Section" the figure "4" and inserting in lieu thereof the figure "3"; line 11, by striking out after the word "the" the word "said"; Page 13, line 1, by striking out after the word "Section" the figure "5" and inserting in lieu thereof the figure "4"; line 1, by striking out after the word "the" the word "said"; Page 14, line 10, by striking out after the word "Section" the figure "6" and inserting in lieu thereof the figure "5"; line 11, by striking out after the word "enactment" the following:

The foregoing amendment to Section 801(b) being intended as a clarification of existing law and as an expression of legislative intent shall apply to all tax settlements heretofore made as well as to these hereafter made

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

BILL SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 686.

An Act amending the act of May 7, 1935 (P. L. 130), entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; . . ." making the consent deemed to have been given by a nonresident operator or owner of an aircraft involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representatives; providing for service of process when the nonresident operator or owner has died prior to the commencement of an action, and making changes to conform with existing laws.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

The SPEAKER. If there is no objection, the Chair will dispense with the regular order of business of Leaves of Absence. The Chair hears none.

REPORTS FROM COMMITTEE

The SPEAKER. If there is no objection, the Chair will dispense with the regular order of Reports from Committee. The Chair hears none.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2011, entitled:

An Act amending "The Vehicle Code" of May 1, 1929 (P. L. 905) changing penalties for failure to stop in the event of accident.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 316, entitled:

An Act amending the "Optometrist's Licensure Law" * * * regulating the advertising of products used for ophthalmic purposes and providing penalties for violation thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 866, entitled:

An Act to further amend section nine hundred two of "The Vehicle Code" * * * by changing the total maximum length of certain vehicles.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 885, entitled:

An Act relating to plumbing providing for certification registration and regulation of persons engaged in plumbing creating a State Public Health Plumbing Board in the Department of Health prescribing its powers and duties and those of local governments with respect thereto and making an appropriation

The first and second sections were separately read and agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendment:

Amend Sec. 3, page 3, line 19, page 4, lines 1 and 2, by striking out " "Plumbing" shall not be" in line 19 on page 3, and all of lines 1 and 2 on page 4.

It was agreed to.

The section was agreed to as amended.

The fourth and fifth sections were separately read and agreed to.

The sixth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendment:

Amend Sec. 6, page 8, line 18, by striking out "Qulifications" and inserting in lieu thereof "Qualifications."

It was agreed to.

The section was agreed to as amended.

The seventh section was read and agreed to.

The eighth section was read.

On the question,
Will the House agree to the section?

Mr. READINGER offered the following amendment:

Amend Sec. 8, page 11, line 18, by striking out "9" and inserting in lieu thereof "10."

It was agreed to.
The section was agreed to as amended.
The ninth to fourteenth sections inclusive and title were separately read and agreed to.
The fifteenth section was read.
On the question,
Will the House agree to the section?

Mr. READINGER offered the following amendment:

Amend Sec. 15, page 19, line 14, by inserting after "the" "Department of Health for the use of the."

It was agreed to.
The section was agreed to as amended.
The sixteenth section was read.
On the question,
Will the House agree to the section?
Mr. READINGER offered the following amendment:

Amend Sec. 16, page 20, line 3, by striking out "16" and inserting in lieu thereof "17."

It was agreed to.
The section was agreed to as amended.
The eighteenth section and title were separately read and agreed to.
And said bill having been read at length the second time and agreed to as amended.
Ordered, To be transcribed for third reading.

TIME EXTENDED ON BILL

Mr. READINGER asked and obtained unanimous consent to extend the time 14 days on House Bill No. 1527, Printer's No. 1303, on page 2 of today's calendar, bills on second reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1731, entitled:

An Act amending the "Elevator Regulation Law" approved May 2 1929 (P. L. 1518) regulating the repairing and renovating of elevators requiring permits and fixing fees for permits and inspections.

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1967, entitled:

An Act to amend section seventeen of the act approved the twenty-ninth day of March one thousand eight hundred three (P. L. 542) entitled "An act to establish a Board of Wardens for the port of Philadelphia and for the regulation of pilots and pilotages and for other purposes therein mentioned" by permitting second class pilots to pilot vessels drawing twenty-seven feet of water or under and permitting third class pilots to pilot vessels drawing twenty-three feet of water or under.

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 2006, entitled:

An Act amending the act of May 21 1943 (P. L. 595) entitled "An act authorizing the Department of Property and Supplies to establish operate and maintain self-sustaining restaurants as herein defined in the State Capitol * * *" changing provisions relating to the operation of restaurants in the basement of the Main Capitol Building.

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 2008, entitled:

An Act amending "The General County Assessment Law" of May 22 1933 (P. L. 853) clarifying the exclusion of cities boroughs townships * * * in counties of the second class from provision excluding certain items in valuing real estate.

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 2020, entitled:

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the Legislative session of 1955.

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of Senate Bill No. 918, entitled:

An Act amending "Second Class County Assessment Law" * * * requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions and prescribing the time for appeal.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

BILLS PASSED OVER

The SPEAKER. If there is no objection, the Bill on Final Passage Recalled From the Governor, Bills on Final Passage and Bills on Third Reading will be passed over.

The Chair hears none.

REORGANIZATION PLAN No. 8

Mr. READINGER. Mr. Speaker, I call up Resolution No. 8A adopting Reorganization Plan No. 8 on page 13 of today's calendar.

The Resolution and Reorganization Plan No. 8 was read as follows:

REORGANIZATION PLAN No. 8 OF 1955

Section 1. The division of Surplus Property Disposal in the Department of Public Instruction where it was established by the head of the department, with the approval of the Executive Board in the year 1945, pursuant to the provisions of section 212 of the Administrative Code of 1929, is transferred from that department to the Department of Property and Supplies.

Section 2. There are hereby transferred to the Department of Property and Supplies the files, records, property, contract obligations, personnel, supplies and equipment now being used or held by the division of Surplus Property Property Disposal, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use by the division of Surplus Property Disposal to be used for the payment of salaries, wages, general expenses, supplies, printing and equipment necessary for the work of the department with respect to the acquisition of Federal surplus property and the distribution of such property to schools and other agencies authorized to receive it.

Section 3. The following acts and parts of acts are suspended as particularly set forth:

Section 1, act of April 12, 1945 (P. L. 220), entitled "An act authorizing the Commonwealth and any administrative department, boards, and commissions thereof acting through the Department of Property and Supplies, and political subdivisions of the Commonwealth, including municipal authorities, to enter into contracts with the United States of America, or any agency thereof, for the purchase, lease, or other acquisition of property, real or personal, offered for sale pursuant to the Surplus Property Act of one thousand nine hundred forty-four, without complying with any requirement of existing law as to specifications, advertising, award of contract, and approval of purchases by a State agency receiving competitive bids, or the delivery of property purchased before payment therefor," in so far as it confers any powers upon the Department of Public Instruction.

Section 3, act of December 22, 1955 (Act No. 29A), entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first, one thousand nine hundred fifty-five, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-five, and making appropriations to the Department of Public Instruction for reimbursements to school districts," in so far as it is in conflict with this Reorganization Plan.

Resolved, that Reorganization Plan No. 8 of 1955 transmitted to the General Assembly under date of January 17, 1956 which is incorporated herein by reference be approved.

On the question.

Will the House adopt the Resolution?

YEAS—207

Adam,	Frost,	Lutty,	Rovansek,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	George,	Maxwell,	Sarraf,
Ashton,	Gibb,	McCann,	Scarcelli,
Auker,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boies,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenshield,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Miller,	Stevenson,
Breisch,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Houk,	Moscrip,	Swartz,
Brown,	Horst,	Muldowney,	Taylor,
Bucchin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toll,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varallo,
Comer,	Kamyk,	Musto,	Varner,
Connelly,	Kehler,	Naugle,	Vaughan,
Cooper,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitenight,
Ewing,	Leiby,	Polen,	Willaredt,
Farabaugh,	Leisey,	Pomeroy,	Williams,
Filo,	Leonard,	Price,	Wilt,
Fineman,	Leven,	Pursley,	Wood,
Flint,	Light,	Readinger,	Worley,
Floyd,	Limper,	Reibman,	Yetter,
Flynn,	Lippincott,	Reidenbach,	Yetzer,
Foster,	Lopresti,	Renwick,	Young,
Frank,	Lovett,	Rigby,	Ziegler,
Frascella,		Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—0

The majority required by law having voted in the affirmative the question was determined in the affirmative and the resolution was adopted.

Ordered, That the Clerk inform the Senate and His Excellency the Governor accordingly.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, February 9, 1956.

Resolved (if the Senate concur), that House Bill No. 53, Printer's No. 1307, entitled "An act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers

and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' prohibiting throwing of certain materials from motor vehicles", be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 285.

An Act relating to and defining the practice of chiropody conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction requiring licensure providing for the granting cancellation suspension and revocation of licenses preserving the rights of existing licenses providing for the promulgation of rules and regulations transfer of jurisdiction and records to the board regulation of schools of chiropody reciprocity and providing penalties and remedies

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 1, line 3, by inserting after the word "Instruction" the following: "requiring licensure providing for the granting cancellation suspension and revocation of licenses preserving the rights of existing licenses providing for the promulgation of rules and regulations transfer of jurisdiction and records to the board regulation of schools of chiropody reciprocity"; amend title, page 2, line 2, by inserting after the word "penalties" the words "and remedies"; amend bill by inserting all of line 1 and 2, as follows: "Section 1 Short title this act shall be known and may be cited as the "Chiropody Act of 1956"; page 2, by striking out all of lines 4 to 10 inclusive, as follows:

Section 1 Chiropody or Podiatry as used in this act means the diagnosis of foot ailments and the practice of minor surgery upon the feet the padding dressing and strapping of the feet the making of models of the feet and palliative and mechanical treatment of functional disturbances of feet not including the amputation of the leg foot or toes or the treatment of systemic diseases of the bones ligaments or muscles of the feet or any part of the body

and inserting in lieu thereof the following:

Section 2 Definitions the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(a) "Chiropody" shall mean the diagnosis of foot ailments and the practice of minor surgery upon the feet the padding dressing and strapping of the feet the making of models of the feet and palliative and mechanical treatment of functional disturbances of feet not including the amputation of the leg foot or toes or the treatment of systemic diseases of the bones ligaments or muscles of the feet or any part of the body

(b) "Chiropodist" shall mean a practitioner of chiropody

(c) "Board" shall mean the State Board of Chiropody Examiners

(d) "Department" shall mean the Department of Public Instruction

Section 3 Status of existing licensees any person who has heretofore been licensed to practice chiropody in this Commonwealth and who is so licensed on the date of the approval of this act and who desires to continue the practice of chiropody must be licensed and registered under the provisions of this act and upon making application and payment of a fee of five dollars ($5.00) on or before the thirty-first day of December one thousand nine hundred fifty-six such person will be licensed under the provisions of this act without being required to take the examination provided by this act

Page 4, line 7, by striking out after the word "Section" the figure "2" and inserting in lieu thereof the figure "4"; page 4, line 9, by striking out after the word "the" the word "State" and after the word "Board" the words "of Chiropody Examiners"; page 4, by inserting after line 14, all of lines 15 and 16, as follows:" "or has legally declared an intention to become such a resident of this Commonwealth"; page 4, line 18, by striking out after the word "obtained" the words: "preliminary instruction equivalent to four years high school and" and inserting in lieu thereof the words: "an education of not less than four years High School or its equivalent and actual"; page 5, line 3, by inserting after the word "certificate" the words "obtained from such institution"; line 4, by inserting after the word "The" the word "Board"; line 4, by striking out after the word "Board" the words: "Department of Public Instruction"; page 5, line 5, by striking out after the word "applicant" the words "before presentation for examination"; line 6, by striking out after the word "the" the words "State Board of Chiropody Examiners The State Board of Chiropody Examiners" and inserting in lieu thereof the words "board the board"; line 8, by striking out after the word "every" the words "qualified person" and inserting in lieu thereof the word "applicant"; page 5, by inserting after line 10, the following: Section 5 Exclusive jurisdiction of board from and after the effective date of this act the board shall exercise exclusive jurisdiction over all persons licensed or to be licensed and registered to practice chiropody in this Commonwealth

Page 5, line 17, by striking out after the word "Section" the figure "3" and inserting in lieu thereof the figure "6"; line 17, by striking out after the word "The" the word "State"; and after the word "Board" the words "of Chiropody Examiners"; line 18, by striking out at the beginning of the line the word "annual"; line 19, by striking out after the word "examination" the words "shall be those taught in a recognized school of Chiropody and"; page 6 line 1, by striking out after the word "the" the following:

State Board of Chiropody Examiners The curriculum taught shall be confined to subjects covered by the definition of chiropody as contained in this act All examinations shall be given in the English language and shall be written in pen and ink to be supplied by the candidates and inserting in lieu thereof the following: "Board and shall be on those subjects taught in a recognized School of Chiropody"; page 6, after line 11, by inserting all of Section 7, as follows:

Section 7 Curriculum the curriculum taught shall be confined to subjects covered by the definition of chiropody as contained in this act the board shall or shall not approve schools of chiropody

line 17, by striking out after the word Section, the figure "4" and inserting in lieu thereof the figure "8" and striking out after the figure "4" the words "Every applicant" and inserting in lieu thereof the words "every candidate for examination"; line 19 by striking out after the word "centum" the word "at" and inserting in lieu thereof the word "in"; line 19, by striking out after the word "one" the word "session" and inserting in lieu thereof the word "subject"; line 20, by inserting after the word "hundred" the word "Per Centum"; page 7, line 3, by striking out after the word "candidate" the words: "after the expiration of six months and"; page 7, line 6, by

striking out after the word "Section" the figure "5" and inserting in lieu thereof the figure "9"; line 6, by striking out after the word "the" the word "State" and after the word "Board" the words "of Chiropody Examiners"; line 7, by striking out after the word "a" the words "certificate of registration" and inserting in lieu thereof the word "License"; line 8 by striking out at the beginning of the line the words "successfully passing the required examination" and inserting in lieu thereof the words "qualified under the provisions of this act"; line 14, by striking out after the word "the" the word "State" and after the word "Board" the words "of Chiropody Examiners"; line 16, by striking out after the word "registration" the words "and for the certificate provided"; line 17, by striking out after the word "Department" the words "of Public Instruction"; line 18, by striking out after the word "The" the words "money received and the examination"; page 8, line 1, by striking out after the word "Section" the figure "6" and inserting in lieu thereof the figure "10" and striking out after the figure "10" the following" "upon recommendation by the State Board of Chiropody Examiners"; line 5, by inserting at the beginning of the line the words "which are substantially"; line 8, by striking out after the word "the" the word "State" and after the word "Board" the words "of Chiropody Examiners"; page 8, by inserting all of line 11 to 18 and page 9, lines 1 to 3, as follows:

Section 11 Residence required of out of State licensees any person who does not intend to become a resident of this Commonwealth will not be entitled to obtain a license to practice chiropody in this Commonwealth in accordance with Section 10 of this act and any person who obtains a license to practice chiropody in this Commonwealth in accordance with section 10 of this act and does not become a resident of this Commonwealth immediately thereafter will not be entitled to retain said license

Page 9, by striking out on line 4, after the word "Section" the figure "7" and the word "No" and inserting in lieu thereof the figure "12"; line 4, by inserting the word "any" after the figure "12"; and striking out after the word "a" the word "duly"; line 5, by inserting after the word "registered" the words "as a"; line 5, by inserting after the word "shall" the word "not"; line 5, by striking out after the word "chiropody" the words "or by any means or" and inserting in lieu thereof the word "nor"; line 11, by striking out after the word "chiropody" the following; "any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two hundred dollars ($200) or undergo imprisonment for not more than six months for the first violation" and inserting in lieu thereof the following:

Section 13 Penalties any person violating any of the provisions of this act or any rule or regulation of the board shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not less than fifty dollars ($50) nor more than two hundred dollars ($200) or undergo imprisonment for not less than thirty days nor more than six months for the first violation

Page 10, line 4, by striking out after the word "fine" the words "of not" and inserting in lieu thereof the words "not less than one hundred dollars ($100) nor"; line 6, by inserting after the word "not" the words "less than sixty days nor";

Amend the bill, page 10, line 7, by inserting after the word "both" the following:

Section 14 Disposition of fees all fees fines and penalties specified and imposed under this act or any rule or regulation pursuant thereto shall be paid into the State Treasury

Section 15 Rules and Regulations the Board may make such reasonable rules and regulations as it deems necessary and proper in order to carry out the intent and purposes of this act within the scope of this act

Section 16 Refusal to grant suspension and revocation the board may refuse to grant and may suspend or revoke or cancel a license or a registration for the following reasons

(1) The practice of fraud or deceit in obtaining or attempting to obtain a license

(2) Pleading guilty or nolo contender to or being found guilty of a crime involving moral turpitude by a court of competent jurisdiction or a jury

(3) Gross incompetency gross immorality negligence or misconduct in carrying on of such profession

(4) Violation of any of the provisions of this act or the rules and regulations of the board

(5) Loaning borrowing or using the registration or license to practice chiropody of another or knowingly aiding or abetting in any way the granting of an improper license or registration

(6) That said applicant or licensee is an habitual drunkard or is addicted to the use of morphine cocaine or other drugs having a similar effect or if he or she is or shall become mentally incompetent

(7) Knowingly making substantial misrepresenations

(8) Unethical conduct or misleading fraudulent or unethical advertising

(9) Soliciting patronage other than by legitimate advertisement or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or like unprofessional conduct

Section 17 Procedure all actions of the board shall be taken subject to the right of notice hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the administrative agency law approved the fourth day of June one thousand nine hundred forty-five (Pamphlet Laws 1388) or any amendment or reenactment thereof relating to adjudication procedure

Section 18 Display of License and Certificate Every holder of a license or certificate of registration shall display the same in a conspicuous place wherein such person shall practice chiropody

Section 19 Injunction or Other Process The Board upon the advice of the Attorney General may maintain an action in the name of the commonwealth for an injunction or other process against any person to restrain or prevent his practicing the profession of chiropody in a public or private capacity any such action shall be instituted in the court of common pleas in any county where the alleged unauthorized practice was committed The court may issue a temporary restraining order or injunction under this act but shall determine any such action on its merits as soon as convenient whether in term time or in vacation appeals from any final decision of the court to the superior or supreme court shall be as in similar cases no bond shall be required of and no costs shall be taxed against the board on account of any such action no action brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action provided by this act for violation thereof or of any rule or regulation of the board promulgated thereunder

Section 20 Records All records and documents pertaining to persons licensed to practice chiropody shall be transferred to the board

Page 14, line 13, by striking out after the word "Section" the figure "8" and inserting in lieu thereof the figure "21"; page 15, line 1, by striking out after the word "Section" the figure "9" and inserting in lieu thereof the figure "22"; line 3, by inserting after the word "repealed" the words "as amended."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, the present plans for next week call for a full working week of three days. A letter will be sent to all the Members urging them to be present.

There will be a very important Democratic Caucus on Monday afternoon.

The SPEAKER. Has the Minority Leader any further business?

Mr. CHARLES C. SMITH. No, Mr. Speaker.

The SPEAKER. That's strange.

PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, I could not resist after what the Speaker said.

I do think the House has missed quite a grand event today. Just about twenty minutes ago Grandfather Stank became another grandfather. I think we should know about it.

The SPEAKER. The Parliamentarian has just observed that we are all likely to become grandfathers if we don't get away from here soon—and grandmothers.

ADJOURNMENT

Mrs. MARKLEY. Mr. Speaker, I move that this House do now adjourn until Monday, February 20, 1956 at 1:00 p. m.

The motion was agreed to, and (at 4:22 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., MONDAY, FEBRUARY 20, 1956. No. 140.

SENATE

MONDAY, February 20, 1956.

The Senate met at 1:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

In the Name of the Father and of the Son and of the Holy Spirit, Amen.

Almighty God, our Heavenly Father, as we have gathered again for another week's work, we pray that Thy divine spirit will guide us in our thinking, in our acting, so that our labor shall be approved by Thee.

As we enter into this Holy Season again, we pray that we may remember the great love which Thou hast demonstrated to the world in endeavoring to bring us back to Thee in that relationship of Father and Son, which we had before sin came into the world. Help us to go through this season with a deep thought and a deeper love for Thee and for Thy great gifts.

In Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. PECHAN and Mr. CAMIEL, further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. RUTH asked and obtained leave of absence for Mr. DERK, for the week, due to illness.

Mr. PECHAN asked and obtained leave of absence for Mr. WATSON, for the week, due to illness.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE CONCURRENT RESOLUTION RECALLING SENATE BILL No. 332, PRINTER'S No. 315

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 332, Printer's No. 315, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDENT. The bill will be laid on the table.

COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 687, PRINTER'S No. 460

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 687, Printer's No. 460, entitled "An Act amending the act of May 14 1929 (P. L. 1721) entitled 'An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within the Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit' making the consent deemed to have been given by a nonresident operator or owner of a motor vehicle involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative providing for service of process when the nonresident operator or owner has died prior to the commencement of an action and making changes to conform with existing law."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 689, PRINTER'S No. 445

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 689, Printer's No. 445, entitled "An Act amending the act of April 24 1947 (P. L. 89) entitled 'An act relating to the form execution revocation operation and interpretation of wills to nun-

cupative wills to the appointment of testamentary guardians to elections to take under or against wills and the procedure in reference thereto' revising and changing provisions relating to foreign wills divorce testamentary conveyances affecting right of spouse taking against a will rights of adopted persons and illegitimates in lapsed and void DEVISES and legacies and appointment of guardian of property passing to a minor upon testator's death whether or not passing under the will."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 691, PRINTER'S No. 462

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 691, Printer's No. 462, entitled "An Act amending the act of April 24, 1947 (P. L. 100) entitled 'An act relating to the incidents of legal and equitable interests in real and personal property includingthe validity thereof the powers rights and duties of persons with respect thereto and the disposition of interests which fail and containing provisions concerning termination of trusts releases and disclaimers of powers and interests perpetities accumulations charitable estates rights of a surviving spouse in property as to which the decedent has retained certain powers spendthrift trusts limited estates in property rules of interpretation estates pur auter vie estates in fee tail and the Rule in Shelley's Case' revising and changing provisions relating to power of court to terminate trusts heretofore created release or disclaimer by beneficiary of spendthrift trust income accumulations conveyances to defeat marital rights and elections against such conveyances the conveyor's will and the procedure therefor."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 724, PRINTE'R No. 241

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 14, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 724, Printer's No. 241, entitled "An Act to further amend the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' by requiring the payment of money withheld from State appropriations to pay default in rent to a municipality authority or nonprofit corporation."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 834, PRINTER'S No. 379

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 14, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 834, Printer's No. 379, entitled "An Act validating and confirming certain contracts heretofore entered into by municipality authorities for the construction of a school building project or projects and for relevant service contracts as a part of the construction when there is no evidence of fraud or conspiracy and authorizing or ratifying payments on such contracts or parts of contracts by the municipality authority upon approval thereof by the Department of Public Instruction and the Department of Justice."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 852, PRINTER'S No. 352

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 852, Printer's No. 352, entitled "An Act amending the act of April 12, 1951 (P. L. 90) entitled 'An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalities and forfeitures providing for local option and repealing existing laws' permitting holders of bonded warehouse licenses issued by the Pennsylvania Liquor Control Board to receive in bond certain liquor and alcohol for storage in bond in this Commonwealth regulating the release of such liquor and alcohol for delivery."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 867, PRINTER'S No. 391

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 867, Printer's No. 391, entitled "An Act amending the act of April 12, 1951 (P. L. 90) entitled 'An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws' permitting the sale and possession of wine in packages not bearing the official seal of the board."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 881, PRINTER'S No. 434

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 14, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 881, Printer's No. 434, entitled "An Act declaring the public interest in certain

historic sites and buildings and providing for certificates and markers."

GEORGE M. LEADER.

BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 383, entitled:

An Act amending the act of May 20, 1949 (P. L. 1594), entitled "Ice Cream Law,"authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics.

Senate Bill No. 696, entitled:

An Act relating to the administration and distribution of incompetents' estates both as a real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases the appointment bond removal and discharge of guardians of such estates their powers duties and liabilities the rights of persons dealing with such guardians and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning the determination of incompetency and the powers duties and liabilities of foreign guardians and also generally dealing with the jurisdiction powers and procedure of the orphans' court and the common pleas court relating to incompetents' estates.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. BLASS, from the Committee on Judiciary General, reported as amended, House Bill No. 244, entitled:

An Act amending the act of June 28, 1951 (P. L. 638) entitled "Register of Wills Act of 1951," providing for the fixing of costs where there are separate orphans' courts.

He also, from the Committee on Judiciary General, reported as amended, House Bill No. 245, entitled:

An Act amending the act of August 21, 1953 (P. L. 1309) entitled "An act prescribing the fees to be received by registers of wills in counties of the fourth, fifth, sixth, seventh and eighth class" eliminating counties of the fourth class.

He also, from the Committee on Judiciary General, reported as amended, House Bill No. 246, entitled:

An Act amending the act of August 21, 1953 (P. L. 1306) entitled "An act prescribing the fees to be received by the clerks of the orphans' courts of counties of the fourth, fifth, sixth, seventh and eighth class" eliminating counties of the fourth class.

He also, from the Committee on Judiciary General, reported as amended, House Bill No. 247, entitled:

An Act amending the act of August 10, 1951 (P. L. 1163) entitled as amended "Orphans' Court Act of 1951," providing for the fixing of costs where there are separate orphans' courts.

Mr. STEVENSON, from the Committee on Local Government, reported as amended, House Bill No. 876, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code," further regulating the hours of service of firemen.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1630

Mr. WADE. Mr. President, I submit the report of the Committee of Conference on House Bill No. 1630, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," regulating registration of antique motor vehicles.

The PRESIDENT. The report will lie over for printing under the rules.

GENERAL COMMUNICATION

The Chair cleared his table and laid before the Senate the following communication, which was read by the Clerks:

Philadelphia, Pennsylvania.

February 1956.

The State Senate
Harrisburg, Pennsylvania

I have been instructed by a unanimous vote of 240 rank and file members entire Executive Board of Local 3787, United Steel Workers of America, CIO-AF of L, to write the Senate of Pennsylvania to strongly oppose the combination sales tax and net income tax as it is written at this date. We feel that it is unfair because it is not based on ability to pay. We respectfully urge you to oppose this bill.

Respectfully yours,

John E. McClarren, President
Local 3787,
United Steel Workers of America
CIO-AF of L

The Chair cleared his table and laid before the Senate the following communication, which was read by the Clerk:

SENATE CONCURRENT RESOLUTION No. 8
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1956

By Messrs. DUMONT, McCAY, HANNOLD, LANCE, SANDMAN, HARPER, WADDINGTON, COWGILL
(Without Reference)

A Concurrent Resolution protesting against the enactment of certain legislation in the Commonwealth of Pennsylvania.

Whereas, The House of Representatives of the Commonwealth of Pennsylvania is considering a proposed 2% excise tax on net income of residents in said Commonwealth and also of persons resident in the State of New Jersey employed within said Commonwealth; and

Whereas, The public policy of the State of New Jersey has always dictated that the "right to work" is a "right" and not a "privilege" and that wages and salaries should be free from any tax or impost whether the same are earned within or without the State by citizens and residents of this State or citizens and residents of any other State; now, therefore

Be It Resolved by the Senate of the State of New Jersey (the General Assembly concurring):

1. That the New Jersey Legislature hereby protests against the enactment of any legislation by the Common-

wealth of Pennsylvania under which any citizens and residents of the State of New Jersey will be subjected to the payment of a tax on wages and salaries payable to them in the Commonwealth of Pennsylvania.

2. The Secretary of the Senate is directed forthwith to transmit a copy of this concurrent resolution, properly authenticated, to The Honorable George M. Leader, Governor of the Commonwealth of Pennsylvania, and to the President and Secretary of the Senate, and to the Speaker and Chief Clerk of the House of Representatives, of said Commonwealth.

I hereby certify the above to be a true copy of Senate Concurrent Resolution adopted by both Houses of the Legislature of the State of New Jersey under date of February 9, 1956.

/s/ Henry H. Patterson
Henry H. Patterson
Secretary of the Senate.

BILLS INTRODUCED AND REFERRED

Messrs. BLASS, McCREESH, STIEFEL, SILVERT, FLACK, McGINNIS and CAMIEL read in place and presented to the Chair Senate Bill No. 983, entitled:

An Act amending the act of August 21, 1953 (P. L. 1273), entitled "The Private Detective Act of 1953" granting licensees within certain areas power to serve warrants.

Which was committed to the Committee on Local Government.

Mr. WATKINS read in his place and presented to the Chair Senate Bill No. 984, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law" adding a new route in Delaware County.

Which was committed to the Committee on Highways.

Mr. STEVENSON read in his place and presented to the Chair Senate Bill No. 985, entitled:

An Act amending the act of June 23, 1931 (P. L. 932), entitled "The Third Class City Code," further fixing qualifications of members of the board of health.

Which was committed to the Committee on Local Government.

He also read in his place and presented to the Chair Senate Bill No. 986, enittled:

An Act amending the act of July 20, 1953 (P. L. 550), entitled "An act providing for and regulating the annexation of parts of a second class township to boroughs, cities and townships," fixing the time when annexation takes effect.

Which was committed to the Committee on Local Government.

He also read in his place and presented to the Chair Senate Bill No. 987, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Code," further regulating the payment by cities and boroughs for certain improvements and facilities in portions of the township annexed by them.

Which was committed to the Committee on Local Government.

PETITIONS AND REMONSTRANCES

Mr. STIEFEL. Mr. President, I desire to make a few brief statements about two purely Philadelphia problems.

Early in the Session, Senator Camiel and I sponsored a bill, Senate Bill No. 565, which deals with regulations of parking lots. Since the bill was wide in scope, covering the entire State of Pennsylvania, it was recommitted to the Committee on State Government. I am sure that most of my colleagues read the Philadelphia Inquirer during the last few days, seeing to what scandalous proportions the mismanagement of parking lots in Philadelphia is gradually reaching. It is highway robbery and an exploitation of the citizenry of Philadelphia. I know of no other way to regulate this than by placing the lots under the jurisdiction of the Public Utility Commission.

Mr. President, I know some of our Members are afraid that once the Public Utility Commission will assume jurisdiction, it will be just as hard to get franchises as to get taxis in the city of Philadelphia. Yet, I feel that would be remedial action.

I have amendments which would limit this regulation only to the city of Philadelphia. This bill is in the Committee on State Government and I know that its Chairman is a very fair and square-dealing man, Senator Diehm. I am appealing to the Membership of the Committee on State Government, and to the Membership of the Senate, to speed the bill to final passage because the people of Philadelphia are groaning under the yoke of irresponsible and unscrupulous operators of parking lots.

The next phase is a bill which is in the Committee on Appropriations. The Congress of the United States has before it a provision of $6,000,000 for the deepening of the Delaware. This enabling legislation cannot be passed unless the bill, which is now in the Committee on Appropriations, is reported out and speeded to its passage. Only then will the engineer corps be ready to start working on the deepening of the channel in the Delaware.

For this reason, Mr. President, I am making a plea to the Membership of the Senate to expedite these two measures which are of such vital importance to the city of Philadelphia and to the counties of Bucks and Delaware.

MOTION TO SUSPEND RULE 16

Mr. SCHMIDT. Mr. President, last Monday, I made a statement on this floor concerning the present tax situation. One day this week, I was quite pleased to read in our local press a statement or remark by the Majority Leader which seemed to me to be in line with the remarks that I made last Monday.

Mr. President, I do not have to tell anyone here about the seriousness of the financial conditions of this State at this present moment. The people back home feel that the situation in the Legislature is a chaotic one and no one seems to know where he is going.

For that reason, Mr. President and Members of the Senate, I am about to make a motion asking that Rule 16 of this Senate be set aside so that we may reconsider House Bill No. 1879, Printer's No. 1299. I feel that if this motion is carried and this Senate feels fit to restore to the Calendar of this Senate House Bill No. 1879, then we will have an opportunity to amend the bill and remove from it some of the exemptions which were in it at the time it was defeated. I feel that we then will be in a position to pass a tax measure which we can return to

the House for its concurrence and expedite the settlement of this tax situation.

Therefore, Mr. President, I make this motion at this time; that the Senate suspend Rule 16 and that we reconsider House Bill No. 1879, Printer's No. 1299.

MOTION TO SUSPEND RULE 16 WITHDRAWN

Mr. SCHMIDT. Mr. President, for the time being, I withdraw my motion to suspend Rule 16.

SENATE CONCURRENT RESOLUTIONS

TIME OF NEXT MEETING

Mr. WHALLEY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WHALLEY offered the following resolution, which was twice read, considered and agreed to:

In the Senate, February 20, 1956.

Resolved the (House of Representatives concurring) That when the Senate adjourns this week, it reconvene on Monday, February 27, 1956, at a time to be fixed by the Senate; and when the House of Representatives adjourns this week, it reconvene on Monday, February 27, 1956, at a time to be fixed by the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RECALLING SENATE BILL No. 862 FROM THE GOVERNOR

Mr. SCHMIDT. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. SCHMIDT and FLEMING offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 20, 1956.

Resolved (if the House concur), That Senate Bill No. 862, Printer's No. 384, entitled "An act amending the act of June 16, 1836 (P. L. 715), entitled "An act relating to Reference and Arbitration,' providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President and Members of the Senate, I am sorry that I was absent at the moment Senate Concurrent Resolution No. 8, passed by the State of New Jersey, came across the desk. I believe that the time for an answer to such a resolution is here and now.

Mr. President, we in Pennsylvania are having many difficulties in attempting to reach a solution to a, mildly said, vexing problem. We have tried, for a period extending beyond a year, to arrive at an answer to our fiscal difficulties. The State of New Jersey at the present moment finds itself in a situation where its Legislature is of the opposite political faith to that of the Governor. Due to some kind of political thinking that I can't quite fathom, the Republican Legislature of the State of New Jersey has decided upon a policy of continuous session. For the first time in the history of that fair State, the Legislature never quit. Now there are those who say that this policy is based upon a plan designed to embarrass the Governor. Whatever it may be, it is of their doing, and as such it is not our business as a General Assembly of the Commonwealth of Pennsylvania, and so now to the State of New Jersey I would say to you who are the Republican Legislators, that the question of the type of taxes that we pass in Pennsylvania is strictly none of their business. We enjoy, under the Federal Constitution, certain rights and prerogatives as a Commonwealth in the firmament of States. They, too, enjoy these same rights. For them now to seek to add to the miseries, problems, misunderstandings and the difficulties of this great State comes in very poor grace. Reading their resolve clause, which says:

"That the New Jersey Legislature hereby protests against the enactment of any legislation by the Commonwealth of Pennsylvania under which any citizens and residents of the State of New Jersey will be subjected to the payment of a tax on wages and salaries payable to them in the Commonwealth of Pennsylvania."

Mr. President, members of this Senate, all over the State, have been subjected for many years to the income tax in the State of New York, if they happened to work there and earn money in New York and, as I understand, every State in the Union that has an income tax taxes earnings of nonresidents. So, Mr. President, this today is nothing but a further plan on the part of this legislative body in the State of New Jersey to add to the diabolical scheme of further muddying the waters of the Commonwealth of Pennsylvania's fiscal program.

I have said, and I repeat for the record, that it is none of their business. If, by chance, they have citizens of the State of New Jersey who are employed in the Commonwealth of Pennsylvania and enjoy employment in this Commonwealth, with all the services that we render to all of the citizens and non-citizens of this Commonwealth, and find that employment here under conditions whereby they must pay some sort of a State tax to be unbearable to their mode and way of existence, I would suggest to the residents or citizens of the State of New Jersey to do one of two things. They can move into Pennsylvania if they so desire or they can move back to New Jersey. They don't have to work in Pennsylvania, and I imagine it would reduce our unemployment problem quite a bit if they would go over the Delaware Bridge and stay there.

We have never complained, although for many years they have paid their taxes by mulcting it out of the pockets of many thousands of Pennsylvanians through their alluring race track right across the river. We don't complain when citizens of this State go into their State and pay whatever is necessary. If I own property in the State of New Jersey, I must pay property taxes on it regardless of where I live. So if this State, in its wisdom, finds it is to the best advantage of Pennsylvania to pay certain taxes—use any set of taxes—I certainly do not believe that that set of taxes should only include the residents of this State if, under the tax act, there is a method by which those who come from out of the State would have to pay. It is just as silly to pass this kind of

a resolution as it is to say that a nonresident of the State of Pennsylvania, who eats meals in Pennsylvania restaurants, would not have to pay a gross receipts tax on his bill if he ate in this State and we had such a tax. I have never had a refund on any cigarettes that I bought in the State of New Jersey, which carried a State tax, or any refund on gasoline that I used to get across their fair State. I do not believe that this resolution, coming from the State of New Jersey, is honest in its purpose or in its introduction. I think it was conceived as part of a diabolical scheme to give aid and succor to those who would oppose in Pennsylvania a so-called State income tax. I believe they are using it as sort of a bolster to those in this State who oppose such a tax.

So I say in conclusion to the State of New Jersey, they are welcome to work in Pennsylvania if they can find jobs, as I hope we are welcome in their State. I do not believe in putting up State barriers but I say if they do work here, then they ought to enjoy all the privileges that we as Pennsylvania residents enjoy. If we have to pay taxes for the privileges, if we have to pay for working and earning our livelihood in this Commonwealth, then they, too, in New Jersey must pay the same, and in the final analysis I repeat, it is none of their business.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, in my District in the city of Sharon is located one of the Westinghouse plants. The union at the Westinghouse plant in Sharon, among others, I think last October decided to strike against the company which, perhaps, is their perfect right and I do not intend to go into the merits of whether the union was right or whether Westinghouse was right at the time or whether either one of them have been right since that date. However, as a result of picketing around the plant gate of the Westinghouse Corporation in Sharon, there have been riots and there has been property damage and there has been bodily injury to those people who sought to go into the plant.

Mr. President, I went out there toward the end of last year to make an investigation after I had received some letters from people there, objecting to the type of treatment which was afforded to them by those people who were congregating around the plant gates. I found, when I went out there, that the disturbances had quieted down to quite an extent. At any rate, the day I was there, there was little or no disturbance and the pickets were orderly. They gave me assurance, when I met with the members of that union, that is the union officials, the Mayor of Sharon, Mayor Michael Dunn, and Sheriff Knowles, that as far as they were concerned, there would not be any further violence there.

I believe that I said this trip was made during the latter part of last year. However, it was made during the first part of this year because Sheriff Knowles was the new sheriff who had just been elected in November and had taken office the first part of this year, and Mayor Michael Dunn is also the newly elected Mayor of Sharon.

Before they took office, the former Mayor of Sharon, Mayor Myron Jones and Sheriff Courtney, of Mercer County, found the situation to be out of hand and had telegraphed the Governor to send in some State Police assistance, in order to have them preserve order and also to enforce the judge's decree relative to the number of pickets around the plant gate and other provisions in that court order.

So, Mr. President, we left Sharon that day feeling that something had been accomplished as a result of my visit and for awhile everything was in good order. Then, about a week ago, everything broke out again and it seems to be worse than ever. Cars were overturned, large stones were thrown through the windshields of cars, there were paint markings and various other acts of violence. The fact of the matter is that the newly elected sheriff, when he tried to preserve some order, was knocked to the ground and the Mayor of Sharon, Michael Dunn, was very much disturbed over this fracas and even though they might be Democrats and members of the same political party as the Governor, they felt that the time had come when it was their duty to see that law and order were preserved in the city of Sharon.

Accordingly, Mr. President, they telegraphed the Governor last week to send the State Police there to aid them in the protection of property and personal rights.

Judge Rodgers, who handed down the decree, also telegraphed the Governor, asking him to send in the State Police to preserve law and order and to aid the local officials in carrying out the law of the land, but Governor Leader saw fit to say no to these requests, even though the Sheriff described the situation as dangerous.

I have many pictures which have been taken, showing cars overturned and also large stones being thrown through windshields of cars. Here is one, which shows a new Buick with a stone sixty-two and one-half pounds in weight which was thrown by two men through the windshield. The top of the car is dented and about every last glass in the car has been damaged to the extent of being broken completely out.

Here is a picture of a car which is overturned on someone's lawn. I have also received a letter from a lady in Sharon, enclosing some other pictures, showing cars overturned and a generally riotous condition existing around the gates, and she closes by saying:

"I would appreciate it if you would refrain from using my name. I do not mind for myself (I took the enclosed pictures) but I have a fourteen year old daughter and an eighteen year old son and I would not like any trouble with the union until we have protection in the Valley."

Certainly, I believe it is within the jurisdiction of this Senate to investigate that condition as it exists in part of my District, to find out whether or not the Governor is right or wrong in his decision, to find out whether the Sheriff of Mercer County is wrong in asking the Governor for aid, to find out whether the Judge of Mercer County and the Mayor of the city of Sharon are wrong in asking aid, because they said that the situation was dangerous and law and order were not being preserved in this particular part of the State. I think it behooves all of us, whether we be Republicans or Democrats, to see that law and order are preserved in all parts of the State of Pennsylvania and when we allow mob violence to exist in any part of our State, we are certainly aiding in the tearing down of the Democratic principles upon which this Commonwealth and this United States is founded and has succeeded.

So, Mr. President, I feel that time is of the essence. Not wanting to wait until such time as this resolution

might clear the Senate and then be referred to the House and possibly be bottled up over in the House, I have made it, instead of a concurrent resolution, a Senate Resolution, and I ask that the Committee Chairman to which it is referred hold a committee meeting as soon as possible and recommend that this resolution be reported favorably to the floor so that we may vote on it.

Mr. President, if this resolution is subsequently passed, I will be prepared to show any Members of the Senate further evidence of why we should have this committee appointed, and I also want the committee to act quickly throughout the vicinity of Sharon and take testimony from those who are affected, hearing from both sides. I do not want it to be a one-sided affair. I would like to have both sides heard and if the condition prevails which they say prevails there, then I think this committee should report back here as to its findings and also if there is any legislation which is necessary, which we do not already have on the books to see that law and order are preserved in our fair Commonwealth, then I ask that committeee to make suitable recommendations.

With that and with those remarks, Mr. President, I am offering the following resolution.

SENATE RESOLUTION REFERRED TO COMMITTEE

SENATE COMMITTEE TO INVESTIGATE THE INDUSTRIAL STRIFE BETWEEN WESTINGHOUSE ELECTRIC CORPORATION AND ITS UNIONS

Mr. MAHANY offered the following resolution which was twice read and referred to the Committee on State Government:

In the Senate, February 20, 1956.

The press and other sources of information have reported that a labor dispute between certain Unions and Westinghouse Electric Corporation has resulted in rioting, personal injury to workers, and malicious destruction of property in Sharon and Greensville, all contrary to law.

If this be true, the existence of such conditions jeopardizes not only persons and property of the citizens of Sharon and Greensville, but also the position of this Commonwealth as a leading industrial state.

Repeated requests by local law enforcement agencies to the executive branch of the Commonwealth for assistance from the Pennsylvania State Police in the suppression of rioting and violence appear to have gone unheeded.

The provisions of Article IV, Section 2 of the Constitution of the Commonwealth of Pennsylvania requires that the Governor "shall take care that the laws be faithfully executed."

A similar duty is imposed on the Governor by the Administrative Code of 1929, Article VII, Section 701, as amended.

The Administrative Code of 1929, Article VII, Section 710, as amended, provides, in part, with respect to the State Police, that they are:

"(b) To assist the Governor in the administration and enforcement of the laws of the Commonwealth, in such manner, at such times, and in such places, as the Governor may from time to time request"

and

"(d) Whenever possible, to cooperate with counties and municipalities in the detection of crime, the apprehension of criminals, and the preservation of law and order throughout the state;"

therefore be it

Resolved, That the President Pro Tempore of the Senate appoint a committee of three members of the Senate, whose duty it shall be to make a thorough, impartial and searching investigation of the industrial strife now existing in Pennsylvania because of the labor dispute between Westinghouse Electric Corporation and its unions to determine whether all necessary measures are being taken to protect the lives and property of our citizens, to determine the effect of such violence and lawlessness on the competive position of Pennsylvania as an industrial state in maintaining industry and attracting new industry in this Commonwealth, to recommend what, if any, remedial legislation is necessary, and to investigate such other matters in connection therewith as may be deemed necessary for the information of the committee and the Senate: and be it further

Resolved, That the committee shall have power to issue subpoenas and subpoenas duces tecum, under the hand and seal of its chairman, requesting and comamnding any proper person, corporation, partnership or association to appear before it and to answer such questions touching matters with respect to the matters inquired into by the committee for and on behalf of the Senate and to procure such books, papers, records and documents as the committee may deem necessary. Such subpoenas or subpoenas duces tecum may be served upon any proper person, corporation, partnership, or association and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth or by the General Assembly itself. Each member of the committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee.

If any person, corporation, partnership or association wilfully neglects or refuses to testify before the committee or to produce any books, papers, records, or documents subpoenaed by the committee, the committee, or any member thereof, shall file a petition with a court of common plas having competent jurisdiction over the person, corporation, partnership or association, setting forth such facts. The Court of Common pleas, or a judge thereof, shall thereupon issue a rule upon the person, corporation, partnership or association, returnable no less than five nor more than seven days from service thereof, commanding the person, corporation, partnership or association to appear before the court and show cause why the subpoena, subpoena duces tecum or similar order of the committee shall not be complied with.

If the person, corporation, partnership or association, upon the return day of said rule to show cause, is or are unable to show legal cause why the subpoena, subpoena duces tecum or order of the committee should not be complied with, the court of common pleas shal forthwith enter an order of court directing the person, corporation, partnership or association to comply with the terms of the subpoena, subpoena duces tecum or order of the committee. If thereupon, the person, corporation, partnership or association shall refuse or fail to comply with the order of court, the court of common pleas shall forthwith adjudge the person, corporation, partnership or association to be in contempt of court and the person, corporation, partnership or association shall thereupon forthwith be subject to the penalties provided by the Commonwealth in such cases. If any subpoena, subpoena duces tecum or order of the committee is deemed invalid by the court, the committee is authorized to issue a proper subpoena, subpoena duces tecum or order against such person, corporation, partnership or association; and be it further

Resolved, That the committee shall make report to the Governor and to the General Assembly of its findings of facts with such recommendation as it deems necessary.

PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, I do not intend to go into the merits of this resolution at this time, but will reserve that for when the resolution appears on the floor.

In passing, I might say, Mr. President, that one of the most difficult things to do is to determine, in a labor situation, to what extent one must interfere. Although matters of this kind appear to be very acute and some-

times distracting, I believe that the cooler heads have long ago determined that interference in a dispute such as this, on either side, by a police body, has about the same merit as a neighbor stepping into a fight between man and wife. It usually ends up that the man and wife get together and live with each other, and the neighbor is ostracized for the rest of his life.

SENATE RESOLUTION REFERRED TO COMMITTEE

REQUESTING THE SECRETARY OF WELFARE TO RECONSIDER THE ACTION WHEREBY FEDERAL AID UNDER THE HILL-BURTON ACT WILL BE APPLIED TO CONSTRUCTION OF STATE MENTAL INSTITUTIONS

Messrs. FLACK, PROPERT, SCOTT, KOPRIVER, JR., HARNEY, STEVENSON, WATKINS and VAN SANT offered the following resolution, which was twice read as follows:

In the Senate, February 2, 1956.

From the year 1947 to the present time, the Department of Welfare has used money for hospital construction obtained from the Federal Government under Public Law 725, known as the Hill-Burton Act, for voluntary nonprofit hospital construction. The Commonwealth of Pennsylvania, up to the present time, has pursued the policy of constructing its State-operated hospital facilities with State funds only, or by use of agreements with the General State Authority.

At the present time, the Secretary of Welfare proposes to change this policy, and plans to divert the Federal aid for hospital construction during the next two years to construction of State Mental Institutions with the aid of matching funds which must be provided by the State. The effect of this diversion will be to embarrass communities throughout the State which have planned hospital construction projects and raised their matching funds in anticipation of receiving Federal aid, directed to them through the Pennsylvania Department of Welfare. The planned diversion of funds will also have the effect of discouraging other communities from embarking on hospital construction projects; therefore be it

Resolved, That the Senate of Pennsylvania requests the Honorable Harry Shapiro, Secretary of Welfare, to reconsider the action whereby Federal aid under the Hill-Burton Act will be applied to construction of State Mental Institutions, and instead permit it to be used by communities for hospital construction purposes when matched with local funds.

REQUEST THAT RULE 39 BE SUSPENDED

Mr. FLACK. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. BARR. Mr. President, I am sure it was I who handed the original bills to several members of our side early in January or February of last year to pass the proper legislation since the amendment to the Hill-Burton Act was passed by Congress in 1954.

Mr. President, we have now been in Session for fourteen months; our mental institutions have not received the proper money to run them, as they have been run in the past, and I think that the timing of this is rather improper.

I, for one, agree with the sponsors of the resolution, that all of this money should not be diverted to the mental institutions, with the proviso that this House and Senate appropriate the proper money to run our mental institutions. I have been in on several meetings regarding this, and I would like very much to sit down and talk with the sponsors of the resolution after today's Session. I think if we can come to an agreement where this House and Senate will give some money to our mental institutions which are needed in the State, I can vote for this resolution. I think the resolution, in part, is in good order, but it is not in good order when you say this:

"Resolved, That the Senate of Pennsylvania requests the Honorable Harry Shapiro, Secretary of Welfare, to reconsider the action whereby Federal aid under the Hill-Burton Act will be applied to construction of State Mental Institutions, and instead permit it to be used by communities for hospital construction purposes when matched with local funds."

Mr. President, I agree with that to the extent of maybe fifty, sixty or seventy per cent. That is, I do think that some of the money could be used by communities for hospital construction purposes when matched with local funds, because that was the reason Congress changed the act so that the States could divert some of this money to their mental institutions.

I, for one, agree with the sponsors that it should not be used one hundred per cent for State mental institutions. Therefore, until such time as I can meet with these gentlemen, after the Session, I object to the immediate consideration of this resolution.

The PRESIDENT. There being objection to the immediate consideration of this resolution, the resolution is referred to the Committee on Public Health and Welfare.

SENATE RESOLUTION

DIRECTING THE LOCAL GOVERNMENT COMMISSION TO PREPARE SEVERAL SAMPLE CHARTERS FOR THIRD CLASS CITIES

Messrs. VAN SANT and STEVENSON offered the following resolution, which was twice read as follows:

In the Senate, February 20, 1956.

There is presently before the General Assembly for consideration, a bill authorizing third class cities to frame and adopt their own charters, and to exercise the powers and authority of local self-government.

Much interest in and demand for granting the authority to cities of the third class to form a system of self-government through the adoption of city charters has been manifested by various students of government and by groups interested in good local government.

It is, however, very expensive for each city to procure technical aid and assistance for the proper preparation of a city charter which will give the desired form of government to the city adopting the charter, and not interfere or conflict with existing beneficial legislation which is not within the scope of the charter. It is of utmost importance that charters be carefully prepared and that extensive research be devoted to the gathering of information and that proper compiling of facts and law, as well as proposed changes in the law before any charter is adopted as the basic law for any city; therefore be it

Resolved, That the Local Government Commission is hereby directed, to prepare several sample charters for third class cities, which may be studied or used by the various city charter commissions in the preparation of charters.

RULE 39 SUSPENDED

Mr. VAN SANT. Mr. President, I ask unanimous con-

sent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Clair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

NOMINATIONS BY THE GOVERNOR

REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William H. Dunn, 130 Putcan Avenue, Essington, Delaware County, for appointment as Justice of the Peace in and for the Township of Tinicum, Delaware County, to serve until the first Monday of January 1958, vice Fred C. Walz, deceased.

GEORGE M. LEADER.

MEMBERS OF THE BEAVER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Beaver County Board of Assistance:

Elmer C. Straub (Dem.), 608 Seventh Avenue, Beaver Falls, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Mrs. Goldie M. Wehr, Rochester, whose term expired.

Dominic DelTurco (Dem.), 470 Hopewell Avenue, Aliquippa, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Thomas H. Mansell, Aliquippa, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE McKEAN COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the McKean County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Charles O. Conaway (Dem.), Rew, vice W. W. Milks, Bradford, resigned.

William L. Branch (Rep.), 5 Brown Avenue, Bradford, vice Hamlin D. Redfield, Smethport, whose term expired.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Ruth Tustin, R. D. 1, Pine Bank, Greene County, for appointment as Justice of the Peace in and for the Township of Gilmore, Greene County, to serve until the first Monday of January 1958, vice Charles P. Meighen, resigned.

GEORGE M. LEADER.

COMMITTEE MEMBER APPOINTED PURSUANT TO SENATE RESOLUTION, SERIAL No. 4a

The PRESIDENT. The Chair wishes to make an announcement. The gentleman from Allegheny, Senator Fleming, has resigned as a member of the committee to make an investigation with reference to security measures at the State Hospital for the Criminal Insane at Farview, and the gentleman from Schuylkill, Senator Wagner, has been appointed to fill this vacancy.

This appointment was made by Senator Taylor, the President pro tempore of the Senate.

BILLS INTRODUCED AND REFERRED

Mr. STEVENSON. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. STEVENSON and RUTH read in place and presented to the Chair Senate Bill No. 988, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code," giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

Which was committed to the Committee on Local Government.

They also read in place and presented to the Chair Senate Bill No. 989, entitled:

An Act amending the act of July 28, 1953 (P. L. 723), entitled "Second Class County Code," giving the board of commisisoners additional powers with respect to the acquisition of real property and water drainage systems.

Which was committed to the Committee on Local Government.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS REQUEST THAT BILL GO OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 215, Printer's No. 466, on concurrence in House amendments, go over in its order.

The PRESIDENT? Is there objection?

REQUEST THAT BILL GO OVER IN ORDER WITHDRAWN

Mr. PECHAN. Mr. President, I withdraw my request to have this bill go over in order.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 215, entitled:

An Act amending the "Public School Code of 1949" *** changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

SENATE NON-CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 215

Mr. PECHAN. Mr. President, I move that the Senate do non-concur in the amendments made by the House to Senate Bill No. 215.

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 235, Printer's No. 509, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

THIRD READING CALENDAR

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 173, as follows:

An Act providing for the establishment of police pension funds or pension annuities in certain boroughs towns and townships and the regulation and maintenance thereof providing for continuance of existing funds or transfer thereof to funds herein established prescribing rights of beneficiaries and repealing certain acts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Each borough town and township of this Commonwealth maintaining a police force of four or more members shall establish by ordinance a police pension fund or pension annuity to be maintained by an equal and proportionate monthly charge against each member of the police force which shall not exceed annually three per centum of the pay of such member by annual appropriations made by the borough town or township by payments made by the State Treasurer to the municipal treasurer from the moneys received from taxes paid upon premiums by foreign-casualty insurance companies for purposes of pension retirement or disability benefits for policemen to the extent not appropriated in any year by the borough town or township to another pension fund or plan heretofore established by the borough town or township or by the citizens thereof or both and by gifts grants devises or bequests granted to the pension fund pursuant to section 2 of this act. Such fund shall be under the direction of the governing body of the borough town or township or committeed to the direction of such committee as may be designated by such governing body and applied under such regulations as such governing body may by ordinance prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in the service but such pension allowances as shall be made to those who are retired by reason of disability or age shall be in conformity with a uniform scale.

The annual appropriation made by the borough town or township each year shall not be for a sum exceeding two per centum or all taxes levied by the borough town or township other than taxes levied to pay interest or to extinguish the debt of the borough town or township or any part thereof within such limits the annual appropriation shall (1) match the aggregate payments made by the members of the police force during such year and in addition (2) a further appropriation shall be sufficient when added to the contributions made by members of the police force during such year and the matching appropriation as aforesaid and the payments made by the State Treasurer to the municipal treasurer from the moneys received from taxes paid upon premiums by foreign-casualty insurance companies for purposes of pension retirement or disability benefits for policemen (unless paid by the borough town or township to another pension fund or plan heretofore established) and income from investment trust funds or other lawful enterprises together with any other moneys paid into such police pension fund according to existing law and practices to pay in full the share of the borough town or township the pensions payable during such year to the extent required under the provisions of section 5 of this act.

Section 2. It shall be competent for any borough town or township police pension fund to take by gift grant devise or bequest any money or property real personal or mixed in trust for the benefit of such fund and the care management investment and disposal of such trust funds or property shall be vested in the person or persons having the management of such police pension fund and the said trust funds shall be governed thereby subject to such directions not inconsistent therewith as the donors of such funds and property may prescribe.

Section 3. Each ordinance establishing a police pension fund shall prescribe a minimum period of total service not less than twenty-five years and a minimum age of sixty years after which members of the force may retire from active duty and such members as are retired shall be subject to service from time to time as a police reserve in cases of riot tumult or preservation of the public peace until unfitted for such service when they may be finally discharged by reason of age or disability.

Section 4. Any member of the police force employed by a borough town or township who has been a regularly appointed employe of any such political subdivision for a period of at least six months and who thereafter shall heretofore or hereafter be inducted into the military service of the United States in time of war or national emergency so proclaimed by the President of the United States shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service during the continuance of such war or national emergency if such person returns or

has heretofore returned to his employment within six months after his separation from the service.

Section 5. Payments made under the provisions of this act shall not be a charge or any other fund in the treasury of any borough town or township or under its control save the police pension fund herein provided for the basis for determining any pension payable under this act following retirement of any member of the force meeting the service qualifications of the ordnance establishing a police pension fund shall be as follows

Monthly pension or retirement benefits shall be not less than one-half the monthly average of the highest pay of such member during any period of twelve consecutive months within the last sixty months of employment such pension or retirement benefits for any month shall be computed as the sum of (I) any pension benefits from pension plans heretofore established by the borough town or township and by citizens thereof or both (II) primary benefits under Federal Social Security Laws for which the officer may be eligible because of age and (III) benefits from the police pension fund established pursuant to this act to the extent necessary to bring the total benefits in any month up to one-half the aforesaid monthly average.

Section 6 (a) Where there is an existing pension fund managed by a private organization or association for the members of the police force in any borough town or township on the effective date of this act such fund may be continued as constituted and the pensions paid by such established fund shall be credited in determining the annual appropriations of the borough town or township as provided in section 1 hereof.

(b) In any instance where an existing fund is transferred to a fund established by a political subdivision pursuant to the provisions of law all the assets and liabilities of such existing fund shall be so transferred. Such transfer may be made by the transfer of securities. After such transfer the borough town or township police pension fund shall assume the liability of continuing the payment of pensions to members of the police force retired prior to such transfer in accordance with the laws and regulations under which such members were retired.

Section 7. No person participating in a police pension fund established pursuant to the provisions of this act and become entitled to receive a benefit therefrom shall be deprived of his right to an equal proportionate share therein upon the basis upon which he first became entitled thereto.

Section 8. Any member of a police force of a borough town or township who for any reason whatsoever shall be ineligible to receive a pension after having contributed any charges to a police pension fund established pursuant to the provisions of this act or to a police pension fund existing on the effective date of this act supplanted by a police pension fund established pursuant to the provisions of this act shall be entitled to a refund of all such moneys paid by him into such funds immediately upon discontinuance of his employment with the police force.

Section 9. The pension payments herein provided for shall not be subject to attachment execution levy garnishment or other legal process and shall be payable only to the beneficiary designated by this act and shall not be subject to assignment or transfer.

Section 10. Subject to the provisions of section 6 of this act the following acts and parts of acts are hereby repealed in so far as they apply to boroughs towns and townships maintaining a police force of four or more members.

Sections 1131 to 1137 of the act of May four one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" and their reenactments and amendments.

Sections 1409 to 1415 of the act of June twenty-four one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" and their reenactments and amendments.

Sections 595 to 599 of the act of May one one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" and their reenactments and amendments.

The act of May two one thousand nine hundred forty-nine (P. L. 872) entitled "An act granting credit toward pension or retirement benefits of certain members of the police force employed by political subdivisions for time spent in the military service of the United States."

The act of May twenty one thousand nine hundred forty-nine (P. L. 1488) entitled "An act relating to police pension funds in boroughs towns and townships and authorizing such political subdivisions to appropriate monies thereto."

Section 11. This act shall take effect January one one thousand nine hundred fifty-six but no payments shall be made from the fund established by this act until January first one thousand nine hundred fifty-seven.

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Fleming,	McMenamin,	Stevenson,
Berger,	Haluska,	Miller,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Propert,	Wagner,
Dent,	Lane,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,

NAYS—3

Harney,	Madigan,	Wade,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 239, as follows:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the

maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" adding a new route in Allegheny County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obilgation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" to which a route was last added in Allegheny County May 11, 1949 (P. L. 1153) is amended by adding thereto the following new route

Allegheny County

Route Beginning at a point on the northern line of Springdale Borough thence northerly in Springdale and Frazer Townships to a point on Route 02171 in Allegheny County a distance of about 2.6 miles

Section 2 The highways established as State highways under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the final enactment of this act when the same shall become effective and shall be taken over not later than the first day of January one thousand nine hundred fifty-six

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. PECHAN. Mr. President, I move that Senate Bill No. 590, on third reading, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" authorizing school directors of districts in a jointure to vote at county convention meetings in the county where the joint school is located.

be recommitted to the Committee on Education.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 802, as follows:

An Act to provide for an additional law judge of the orphan's court in the fifth judicial district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the judges provided for in the act of January 8, 1952 (P. L. 1844) entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said districts" an additional law judge is hereby authorized and provided for the orphan's court of the fifth judicial district who shall possess the same qualifications which are required by the Constitution and laws for the president judge of the orphans' court of the district and who shall hold his office for a like term and by the same tenure and shall have the same power authority and jurisdiction and shall be subject to the same duties restrictions and penalties and shall receive the same compensation provided for by law for judges learned in the law as if the same office had been established in the time of and subject to the provisions of the act of January 5, 1952 (P. L. 1821) entitled "An act to fix the salaries and compensation of the judges of the Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County certain associate judges not learned in the law and repealing certain acts inconsistent herewith"

Section 2 At the municipal election in November 1957 the qualified electors of the fifth judicial district shall elect in the same manner prescribed by law for the election of the president judge of the orphans' court of the district a competent person learned in the law to serve as additional law judge of the orphans' court of the fifth judicial district from the first Monday in January 1958 for a term of ten years Vacancies in the office hereby created whether caused by death resignation expiration of term or otherwise shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge of the court

Section 3 The Governor is hereby authorized to appoint a competent person learned in the law as additional law judge of the orphans' court of the fifth judicial district to serve until the first Monday of January 1958.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 826, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to edit illustrate and publish its new report on the Frontier Forts of Pennsylvania providing for the distribution and sale thereof and making an appropriation.

And said bill having been read at length the third time,
On the question,
Will the Senate agree to the bill on third reading?

MOTION TO RECOMMIT BILL

Mr. PECHAN. Mr. President, I move than Senate Bill No. 826, on third reading, be recommitted to the Committee on Appropriations, for the purpose of further study.

Mr. MAHANY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STIEFEL. Mr. President, time and again I have expressed my qualms about that mysterious phrase, "for further study." I personally think it is a euphemism for strangulation but, anticipating this move, I spoke to Senator Mahany this afternoon and I was assured that this measure will be granted a temporary reprieve until the Executive Director of the Historical and Museum Commission will submit figures.

It seems that the statement in the bill, that there is a demand for this publication and that the sale of the publication will yield sufficient funds to pay for it, should convince the Members of the Republican Caucus that this is a worthy cause.

Mr. President, I know that all the historical societies throughout Pennsylvania are behind this measure. Therefore, I plead with the learned gentleman from Armstrong to withdraw his motion and grant a reprieve until a further study is undertaken.

Mr. LANE. Mr. President, with regard to this legislation, the Majority Leader and I discussed this and it was my understanding that they would agree to have Senate Bill No. 826 over in its order. I so advised Doctor Stiefel to check with the Majority Leader, and we were both of the opinion that the bill was going over in its order and would not be recommitted at this particular time.

Mr. MAHANY. Mr. President, that is what you get for changing horses in the middle of the stream. Doctor Pechan is handling the desk here now and I had my Calendar marked the way that we had agreed upon previous to our conversation, Senator Lane, and Senator Pechan took those markings to be what we had agreed to and that is the reason he made the motion. When I seconded the motion, I did not know which particular bill he was referring to but I thought that as long as my Whip was making a motion and nobody else was seconding it, I would do so.

I certainly do not want to break any agreement that I have had with you or with Doctor Stiefel and, therefore, if Doctor Pechan will withdraw his motion, I will withdraw my second and we will have the bill go over in order.

MOTION TO RECOMMIT BILL WITHDRAWN

Mr. PECHAN. Mr. President, since I am now out in left field, I wish to withdraw my motion to recommit this bill.

Mr. MAHANY. Mr. President, I withdraw my second to the motion.

And the question recurring,

Will the Senate agree to the bill on third reading?

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 826, Printer's No. 335, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to third reading and consideration of House Bill No. 949, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for courses of study in first aid and home nursing to be included during the last four years of any complete high school program

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1605 act of March 10 1949 (P. L. 30) known as the "Public School Code of 1949" is amended to read

Section 1605 Courses of Study (a) It shall be the duty of the superintendent having supervision over any high school to prepare and recommend to the board of school directors maintaining the same suitable courses of study which shall be adopted by said board of school directors with such changes as they may deem wise subject to the provisions of this act During the last four years of a complete high school program there shall be included at least a four semester or equivalent course of study in the history and government of that portion of America which has become the United States of America and of the Commonwealth of Pennsylvania of such nature kind or quality as to have for its purpose the developing teaching and presentation of the principles and ideals of the American Republican Representative form of government as portrayed and experienced by the acts and policies of the framers of the Declaration of Independence and framers of the Constitution of the United States and the Bill of Rights The courses of study in the history of the United States including the study of the Constitution of the United States and the Constitution of this Commonwealth shall also be such as will emphasize the good worthwhile and best features and points of the social economic and cultural development the growth of the American family life high standard of living of the United States citizen the privileges enjoyed by such citizens their heritage and its derivations of and in our principles of government and having for its purpose also the instilling into every boy and girl coming out of our public schools their solemn duty and obligation to exercise their voting privilege

(b) During one or more of the last four years of any complete high school program there may be included a course of study in first aid or home nursing or both for the purpose of training and increasing the available supply of trained personnel for use in any program or activity undertaken pursuant to the act of March 19 1951 (P. L. 28) known as the "State Council of Civil Defense Act of 1951" as amended the Superintendent of Public Instruction shall direct a course of study to be prepared to assist school districts in complying with the provisions of this section.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. HAYS. Mr. President and Members of the Senate, when a person opposes civil defense or first aid they should have some explanation for it. I am not opposing first aid and civil defense, but I just happened to think that in our existing school curriculum there are opportunities for, and many schools are now teaching, first aid in health and physical education courses, in home living and in guidance. Therefore, I shall have to vote "no" on this measure.

Mr. President, education is more elusive than legislation, I think.

Mr. SEYLER. Mr. President, it is not my usual custom to disagree with my colleague from Centre. However, giving due weight to everything he has said, and I think he is absolutely correct, there are opportunities in our curriculum for the type of instruction which is suggested by this bill. I am not opposed to the bill and will vote for it because, as the bill now stands, it is a "may" bill, which means that it is permissive for any school district to adopt the type of program outlined here. It further has a good effect by instructing the Department of Public Instruction, in cases where such courses are set up by the school districts, to outline a proper and effective course of study.

I think the Senator from Centre would agree with me that under the present provisions of the School Code, any school district desiring to set up a program as outlined in this bill can do so. Therefore, the permissive part of the bill adds very little. However, it does enjoin the Department of Public Instruction to set up a proper and adequate program. That is the good part of the bill and, therefore, I would suggest that people interested in such instruction should vote for the bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McPherson, Jr.	Stevenson,
Berger,	Harney,	Miller,	Stiefel,
Blass,	Kessler,	Mullin,	Taylor,
Camiel,	Kopriver, Jr.	Pechan,	Van Sant,
Chapman,	Lane,	Peelor,	Wade,
Dent,	Madigan,	Propert,	Wagner,
Diehm,	Mahany,	Ruth,	Watkins,
DiSilvestro,	Mallery,	Schmidt,	Weiner,
Donolow,	McCreesh,	Scott,	Whalley,
Flack,	McGinnis,	Seyler,	Wolfe,
Fleming,	McMenamin,	Silvert,	Yosko,

NAYS—1

Hays,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to third reading and consideration of House Bill No. 1795, as follows:

An Act to further amend the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (P. L. 723) entitled "An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government" by increasing the investment powers of State administrative departments boards commissions or officers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 subsection (14) of section one of the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (P. L. 723) entitled "An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government" as amended by the act approved the twenty-sixth day of August one thousand nine hundred fifty-three (P. L. 1459) is hereby further amended to read as follows

Section 1 Be it enacted &c That any administrative department board commission or officer of the State Government authorized by law to make investments of funds in the custody or under the control of such department board commission or officer excepting only the moneys in the State Sinking Fund may lawfully invest such funds in any of the following securities

* * *

(14) Other First Mortgages and Bonds Mortgages on or bonds of individuals secured by mortgages on Pennsylvania real estate and also mortgages or bonds of individuals or corporations secured by insurance of the Veterans Administration under the provisions of the Servicemen's Readjustment Act of one thousand nine hundred forty-four as amended and the Federal Housing Administration under the provisions of the Housing Administration Act approved the twenty-seventh day of June one thousand nine hundred thirty-four as amended

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of holding a meeting of the Committee on State Government.

Mr. PECHAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEE

Mr. BLASS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BLASS, from the Committee on State Government, reported as committed, House Bill No. 1944, entitled:

An Act to amend the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 P. L. 28) entitled "State Council of Civil Defense Act of 1951," by authorizing the State Council of Civil Defense to make rules and regulations.

SENATE RESOLUTION REPORTED FROM COMMITTEE

Mr. BLASS, from the Committee on State Government, to which was referred resolution offered by Mr. MAHANY, on February 20, 1956, reported the same without amendment as follows:

SENATE COMMITTEE TO INVESTIGATE THE INDUSTRIAL STRIFE BETWEEN WESTINGHOUSE ELECTRIC CORPORATION AND ITS UNION

In the Senate, February 20, 1956.

The press and other resources of information have reported that a labor dispute between certain Unions and Westinghouse Electric Corporation has resulted in roiting, personal injury to workers, and malicious destruction of property in Sharon and Greensville, all contrary to law.

If this be true, the existence of such conditions jeopardizes not only persons and property of the citizens of Sharon and Greensville, but also the position of this Commonwealth as a leading industrial state.

Repeated requests by local law enforcement agencies to the executive branch of the Commonwealth for assistance from the Pennsylvania State Police in the suppression of rioting and violence appear to have gone unheeded.

The provisions of Article IV, Section 2 of the Constitution of the Commonwealth of Pennsylvania requires that the Governor "shall take care that the laws be faithfully executed."

A similar duty is imposed on the Governor by the Administrative Code of 1929, Article VII, Section 701, as amended.

The Administrative Code of 1929, Article VII, Section 710, as amended, provides, in part, with respect to the State Police, that they are:

"(b) To assist the Governor in the administration and enforcement of the laws of the Commonwealth, in such manner, at such times, and in such places, as the Governor may from time to time request."

and

"(d) Whenever possible, to cooperate with counties and municipalities in the detection of crime, the apprehension of criminals, and the preservation of law and order throughout the state;"

therefore be it

Resolved, That the President Pro Tempore of the Senate appoint a committee of three members of the Senate, whose duty it shall be to make a thorough, impartial and searching investigation of the industrial strife now existing in Pennsylvania because of the labor dispute between Westinghouse Electric Corporation and its unions to determine whether all necessary measures are being taken to protect the lives and property of our citizens, to determine the effect of such violence and lawlessness on the competive position of Pennsylvania as an industrial state in maintaining industry and attracting new industry in this Commonwealth, to recommend what, if any, remedial legislation is necessary, and to investigate such other matters in connection therewith as may be deemed necessary for the information of the committee and the Senate; and be it further

Resolved, That the committee shall have power to issue subpoenas and subpoenas duces tecum, under the hand and seal of its chairman, requesting and commanding any proper person, corporation, partnership or association to appear before it and to answer such questions touching matters with respect to the matters inquired into by the committee for and on behalf of the Senate and to procure such books, papers, records and documents as the committee may deem necessary. Such subpoenas or subpoenas duces tecum may be served upon any proper person, corporation, partnership, or association and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth or by the General Assembly itself. Each member of the committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee.

If any person, corporation, partnership or association wilfully neglects or refuses to testify before the committee or to produce any books, papers, records, or documents subpoenaed by the committee, the committee, or any member thereof, shall file a petition with a court of common pleas having competent jurisdiction over the person, corporation, partnership or association, setting forth such facts. The Court of Common pleas, or a judge thereof, shall thereupon issue a rule upon the person, corporation, partnership or association, returnable no less than five nor more than seven days from service thereof, commanding the person, corporation, partnership or association to appear before the court and show cause why the subpoena, subpoena duces tecum or similar order of the committee shall not be complied with.

If the person, corporation, partnership or association, upon the return day of said rule to show cause, is or are unable to show legal cause why the subpoena, subpoena duces tecum or order of the committee should not be complied with, the court of common pleas shall forthwith enter an order of court directing the person, corporation, partnership or association to comply with the terms of the subpoena, subpoena duces tecum or order of the committee. If thereupon, the person, corporation, partnership or association shall refuse or fail to comply with the order of court, the court of common pleas shall forthwith adjudge the person, corporation, partnership or association to be in contempt of court and the person, corporation, partnership or association shall thereupon forthwith be subject to the penalties provided by the Commonwealth in such cases. If any subpoena, subpoena duces tecum or order of the committee is deemed invalid by the court, the committee is authorized to issue a proper subpoena, subpoena duces tecum or order against such person, corporation, partnership or association; and be it further

Resolved, That the committee shall make report to the Governor and to the General Assembly of its findings of facts with such recommendation as it deems necessary.

Laid over for one day under the Rules.

BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 388, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code," extending voting rights to bedridden or hospitalized veterans when not absent from county of residence.

House Bill No. 728, entitled:

An Act amending the act of April 9, 1929 (P. L. 177),

entitled "Administrative Code of 1929," authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park Areas situate within the city.

House Bill No. 1947, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President and Members of the Senate, for a great number of years there has been on this Calendar, from time to time, a very controversial piece of legislation. I believe the controversy arises more out of misunderstanding and misrepresentation than out of the legislation, itself. I have tried, as have many other Members of this Senate, to act with some sanity in the matter of dog experimentation legislation. It appears to me that in this great Commonwealth of ours, we have a very serious need for this type of medical advance. Therefore, in searching for an answer, with the help of Senator Chapman and other Senators on the floor, I have drafted a new piece of legislation. I am hopeful that the Membership will refrain from taking a positive position until they have had an opportunity to read and study the contents of this bill.

For the first time in many years, I have attempted to present this legislation in the form of a positive piece of law. In other words, I tried in the preamble—it will only take a minute for me to read it. It will give to the people of Pennsylvania the real subject matter of the legislation.

"It is hereby determined and declared as a matter of legislative finding that reliable representations have been made to this General Assembly that certain diseases, such as diptheria, rabies, childbirth death, smallpox, pernicious anemia, typhoid fever, diabetes and pneumonia, have been checked due to animal research;

"That certain diseases, heretofore complete mysteries, such as tuberculosis, infantile paralysis, malaria, heart diseases, and jaundice, are now nearing solution thanks to the use of animals in research;

"That certain medicines and drugs, such as anesthetics, sulfa, polio vaccine, gamma globulin, insulin, penicillin, aureomycin, streptomycin, hormones and vitamins have been discovered through aid of animal research. Animals are regularly needed to make life-saving serums—for example tetanus anti-toxin is produced with the help of the blood reactions of horses;

"That nerve, brain, heart, lung, chest, and bone surgery have been made possible through the study of animals, and all have taken tremendous strides thanks to our animal patients;

"That mice, rats, guinea pigs, rabbits, hamsters, cats, goats, sheep, pigs, monkeys, frogs, cows and horses are used for medical research; but similarities between the dog's anatomy and man's anatomy make the dog the only creature suitable for many of the research projects.

"From 7,000 to 10,000 dogs are needed annually in Pennsylvania for research. This number would be readily obtainable from the pounds operated by municipalities and humane societies in Pennsylvania because over 100,000 dogs are killed annually, 7,000 to 10,000 of which might well be used for medical research purposes. Science has not found a satisfactory substitute for animal research. Researchers must study animal life under every known condition of disease and every known treatment.

"Research animals are now obtained in Pennsylvania from animal dealers who either breed them or buy them from others. In six states and thirty-one municipalities in the United States, pound legislation has been passed to allow the use of a small per cent of unwanted impounded animals to recognized medical research institutions. They thus make a contribution to mankind through medical research. In Pennsylvania these animals are needlessly destroyed.

"Animal research is painless because animals are given anesthesia when pain is anticipated. Besides, only about five per cent of animal studies involve surgery. Laboratory animals receive good care because such care is necessary for scientific accuracy in experiments. Such animals are given scientific diets.

"Pet dogs are not wanted for research. States which legally allow the use of pound animals in research have set up safeguards against this happening. The use of pound animals is the best assurance against pet 'dog-napping'—unlike animal dealers, pounds do not pay individuals for strays brought to them.

"Animal research is morally justified because it has prolonged human and animal life, reduced suffering, bettered the health standards and furthered the life-expectancy of humanity. A nation-wide survey shows eighty-five per cent favor the use of pound dogs for research, eight per cent oppose it and seven per cent are undecided.

"United States Government regulations require that the potency of drugs, safety or cosmetics, vitamin deficiencies in food and other nutritional aspects be pretested on rats, guinea pigs, cats, dogs and moneys before they are put on the market for human consumption.

"Pound legislation does not put an extra burden on the taxpayer. It decreases public costs by direct savings to State universities, government research grants and public research funds; therefore

"The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

"Section 1. Any police officer or constable may seize and detain any dog which does not bear a proper license tag which is found running at large. Unlicensed dogs, and any licensed dog which has been detained and cared for as required by law for a period of ten days, and which remains unclaimed at the end of such period, may be given but shall not be sold for any consideration whatsoever to any public or private institution certified in writing by the Department of Agriculture as a reputable

scientific or educational institution or laboratory, requiring the use of live dogs for the effective carrying on of its scientific or educational activities.

"Section 2. All scientific, educational institution or laboratory, requiring the use of live dogs shall be examined periodically by the Department of Health, said Department shall have the right to issue rules and regulations governing the operation of said scientific, educational institution or laboratory using free dogs.

"Section 3. All acts and parts of acts are repealed in so far as they are inconsistent herewith."

Mr. President and Members of the Senate, I have very careful statements, very accurate statements and authoritative statements, from the institutions of this great Commonwealth which are responsible for the training of doctors in this Commonwealth. I have them from the hospitals of the University of Pennsylvania, the University of Pittsburgh, Temple, Hahnemann and all others. I have from those institutions their pleas for this legislation.

Mr. Prsident, here is the difference between the so-called vivisection or anti-vivisection bill and this particular bill. The hue and the cry of the opponents of this legislation has always been that a dog could be taken from a youngster and used for experimental work. Under this act, Mr. President, we do not put a premium on stray dogs, because the only method by which a dog can be transferred or put into one of these experimental hospitals or institutions is by a gift proposition. As it is today, any citizen desiring can give to any hospital a dog if he so wants to. In fact, Mr. President, under the laws of this Commonwealth, that is the only way a hospital can get a dog. All of this dognapping that is going on and the selling of dogs to the institutions is illegal in this Commonwealth. You cannot sell a dog, under the law of this Commonwealth, for experimental purposes. Yet, we allow experimentation on dogs. Therefore, the institutions have had to resort to underhanded methods in order to be able to carry on the experiments for the good, not only of the human race but of the animal race also.

Mr. President and Members of the Senate, all this bill does is allow public officials and pounds, if they so desire —and when they are run by the Humane Society, nothing in this act compels the pounds to give up the dogs to the institutions. It is entirely on a voluntary basis. However, I am sure that out of the 100,000 strays which are picked up and disposed of every year, there are 7,000 to 10,000 that will find their way into the hospitals where they can be of some use to research and medicine.

Therefore, Mr. President, I present to the Chair, on behalf of Senator Chapman as a co-sponsor, and on behalf of many of the Senators who have asked me to follow through on this matter, this piece of legislation and ask for immediate consideration by that committee.

BILLS INTRODUCED AND REFERRED

Mr. DENT. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. DENT and CHAPMAN read in place and presented to the Chair Senate Bill No. 990, entitled:

An Act relating to the seizure of unlicensed dogs running at large, and the giving of dogs to certain scientific and educational institutions.

Which was committed to the Committee on Public Health and Welfare.

Messrs. DENT and LANE read in place and presented to the Chair Senate Bill No. 991, entitled:

An Act amending the act of April 6, 1953 (P. L. 3), entitled "Uniform Commercial Code," changing fees with respect to filing statements.

Which was committed to the Committee on Banking.

Mr. HAYS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. HAYS, KESSLER, WAGNER and SEYLER read in place and presented to the Chair Senate Bill No. 992, entitled:

An Act requiring the State Council of Education to prepare a State-wide plan for units of school administration and to submit it to the next session of the General Assembly; and making an appropriation.

Which was committed to the Committee on Education.

SECOND READING CALENDAR

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 344, entitled:

An Act amending the act of June 10, 1897 (P. L. 139, No. 115) entitled "An act to limit the period of time within which suits may be brought against sureties of constables" providing that suits on constables' bonds shall be brought within six years from time at which cause of action arose.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 415, Printer's No. 512, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 491, entitled:

An Act adopting an interpleader compact for the complete and expeditious adjudication of adverse claims to property in the hands of a stakeholder where one or more claimants are in different jurisdictions and entering into the compact with other states territories and possessions of the United States the District of Columbia and states of the community of nations and component governmental units thereof that adopt the compact and are acceptable to this Commonwealth for the purposes of the compact.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 660, entitled:

An Act amending the act of May 16, 1923 (P. L. 207) entitled "Municipal Claim and Tax Lien Law" further regulating the sale of real property for non-payment of tax and municipal claims and providing for the discharge of all liens mortgages ground rents estates and claims against such property by such sale subject to the right of redemption in cities of the first class.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 817, Printer's No. 514, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 873, Printer's No. 1400, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 944, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" requiring cotton fabrics used in State institutions to be flameproofed.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 957, entitled:

An Act amending the act of June 4, 1937 (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class . . ." providing for reinstatement of county employes and officers returning to county employment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 970, entitled:

An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the height location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand the size of courts yards and other open spaces appurtenant thereto . . ." further regulating the duties and functions of the board of adjustment in cities of the first class.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1025, entitled:

An Act authorizing the owners of cemeteries with the approval of the court of quarter sessions to improve neglected cemeteries without the removal of the dead therefrom in certain cases and conferring jurisdiction on courts of quarter sessions for such purposes.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1197, entitled:

An Act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece prescribing forms therefor and fixing the fees thereof.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT BILL

Mr. PECHAN. Mr. President, I move that House Bill No. 1221, on second reading, enittled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" limiting the period for approval of one-room one teacher schools.

be recommitted to the Committee on Education.

Mr. MAHANY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SEYLER. Mr. President, I desire to interrogate the gentleman from Armstrong, Senator Pechan.

The PRESIDENT. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President, However, if this interrogation is going to be relative to the bill, I would rather yield to the Majority Floor Leader. I have a marked Calendar and was running it for him.

Mr. SEYLER. Mr. President, I thing the gentleman's modesty is overwhelming and I would be very happy to talk to the Majority Leader, although I have nothing technical in mind.

Mr. PECHAN. All right, then.

Mr. SEYLER. I would like to ask the gentleman, Mr. President, what is the purpose of his principle in having

this bill sent back to committee. I will put it this way; what is Senator Mahany's purpose in wanting this bill returned to committee?

Mr. PECHAN. I think he just wants to be mean.

Mr. MAHANY. Senator, if you will examine the bill, you will find that the language in the bill is quite confusing.

Mr. SEYLER. Will you be specific, Senator?

Mr. MAHANY. Just a moment, Senator.

Mr. SEYLER. Anything, of course, is confusing to some people, and many things are confusing to many people but there are usually a few people who understand almost anything that comes up here, Senator, so please be specific.

Mr. MAHANY. Senator, if you can straighten out our thinking on this so that we might understand it, we all will appreciate your efforts. I think the confusing language is on page 3 of the bill wherein it states:

"All one-room schools operated in accordance with the provisions of this act shall if their operation is approved by the State Council of Education be credited with at least one teaching unit The State Council of Education shall withhold its approval of any one-room one-teacher school whose operation has been approved for a period of fifteen years beginning with the school year 1946-1947 and shall not approve the operation of any one-room one-teacher school unless."

Then it goes along and gives certain provisions relative to exceptions.

We did not understand what they meant by this amendment. If you can straighten it out with the committee, then that is what I think you should do. I think, perhaps, the bill should go back to committee and I am sure the chairman of the committee will call you in and try to explain it then to the members of the committee. Perhaps you can clarify the language of this amendment so that it will be more clearly understandable.

Mr. SEYLER. Mr. President, I thank the gentleman.

It seems to me that the language is not too difficult to understand and I will be very happy to talk to the chairman of the committee about it, but the important thing to me is that this bill is the beginning of an effort to make a real reform in the State's support and subsidy to our local districts on behalf of the school building program; a real reform which, it seems to me, will put our schools on a more rational basis and will result in a real saving, over a period of years, to the Commonwealth.

Therefore, Mr. President, I would not want the bill to be scuttled because of a misunderstanding. If the gentleman feels that an explanation is all that is necessary, I would be very glad to supply that before sending it back to committee. If he feels we need to send it back to committee, I would urge him, however, to really make an effort to bring this bill out with the real purpose that it has in mind and pass it and not scuttle it in committee.

Mr. WAGNER. Mr. President, as Chairman of the Education Committee, I would just like to run over the target of House Bill No. 1221 for a moment.

This bill was before the Education Committee, approved and put on the Calendar. I am for the bill and I think I understand it. I tried to explain it to the Members of our Caucus, but I was not completely successful. I am in agreement with this kind of thinking; that a bill which purports to do what I think this intends to do certainly ought to be described intelligently enough for the Senators on either side of the aisle to know what we are doing. Those who are not school teachers do not understand this bill, Senator.

It seems to me that it is probably sensible to return it to comittee, Mr. President, and to go over that language and clarify it. If anybody is taking odds on it, I would bet that the bill will be back on the Calendar, Senator, before Easter.

Mr. SEYLER. Mr. President, I am greatly relieved to hear the gentleman's remarks and I hope that crack about Easter was purely facetious.

Mr. President, I am not going to vote against recommitting this bill under the circumstances, because there may be some point in what the gentleman says. If the Majority Leader has difficulty in understanding this, and he is an eminent attorney, perhaps we should clarify it. To me it presents very little difficulty, but I will not vote against recommitting it with the assurance the chairman has given me.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1282, entitled:

An Act authorizing the sale of vacant land located in areas certified as conservation areas in counties of the first class under a judgment obtained on a tax claim by the sheriff of the county providing for the discharge of all liens mortgages ground rents estates and claims against the property by sale and limiting the right of redemption.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1397, entitled:

An Act amending the act of June 21, 1939 (P. L. 566), entitled "The Pennsylvania Occupational Disease Acts," changing provisions relating to liability of employers and benefits and persons entitled thereto; changing certain rules of evidence and regulating practice and procedure; authorizing commutation of certain awards; providing for certain subrogation rights and the fixing of certain fees; prescribing penalties; making an appropriation; and generally clarifying and changing the provisions of the act.

The first section was read.

On the question,

Will the Senate agree to the section?

Messrs. BERGER, LANE, MAHANY, DENT, WHALLEY and KOPRIVER, JR., offered the following amendments:

Amend Sec. 1 (Sec. 301) page 6, line 5 by underscoring "four"; Amend Sec. 1 (Sec. 301) page 6, line 11 by

striking out "total"; Amend Sec. 1 (Sec. 301) page 7, line 2 by striking out the bracket before "but" and after "conclusive"; Amend Sec. 1 (Sec. 306) page 12, line 8 by inserting brackets before "and" and after "case" and inserting immediately thereafter: "and in those cases in which the employe works fewer than five days per week for reasons not connected with or arising out of the disability resulting from the injury shall not"; Amend Sec. 1 (Sec. 306) page 12, line 11 by inserting a bracket before and after "similar"; Amend Sec. 1 (Sec. 306) page 12, line 12 by inserting after "employment": "similar"; Amend Sec. 1 (Sec. 306) page 16, line 19 by striking out "total"; Amend Sec. 1 (Sec. 306) page 17, line 4 by striking out "is able to return" and inserting in lieu thereof: "returns"; Amend Sec. 1 (Sec. 306) page 17, line 4 by inserting after "employment": "without impairment in earnings"; Amend Sec. 1 (Sec. 306), page 18, line 17, by inserting after "week": "When an employe works during the healing period, his wages and earning power shall be as defined in this act and he shall not receive more in wages and compensation combined than his wages at the time of disability as defined in section 309"; Amend Sec. 1, page 27, line 12, by inserting after "(a)": "and (d)"; Amend Sec. 1, page 27, line 12, by inserting after "308": "Subsection (a)"; Amend Sec. 1, page 27, line 13, by inserting after "1389)": 'and Subsection (d) Amended June 12, 1941 (P. L. 125)"; Amend Sec. 1 (Sec. 308), page 28, by inserting between lines 18 and 19: '(d) In all agreements for the payment of compensation and all awards, the amount payable by the employer and the amount payable by the Commonwealth shall be separately stated. An award against the employer shall be for only the percentage of the total compensation which the employer is obligated to pay under subsection (a) of this section not to exceed the stated percentage of the maximum payable by the employer under section 301 (a) 2 of this act or if section 301 (a) 2 be inapplicable then under sections 306 and 307 of this act. A separate award shall be made against the Commonwealth for the balance of the compensation payable under said sections which shall be payable out of appropriations made as aforesaid. Nothing in this section shall prohibit the Commonwealth from entering into agreements to pay the compensation for which it is liable: Provided, however, That where compensation is payable under the provisions of subsection (a) of this section, the Commonwealth shall not enter into an agreement unless the employer is a party to the agreement, and provided further that any such agreement shall contain facts sufficient to entitle the claimant to compensation and shall be accompanied by a supporting medical certificate. All such agreements shall be approved by the board or by a referee."

Amend Sec. 1 (Sec. 309) page 32, line 5 by striking out "part" and inserting in lieu thereof: "not less than one-third"; Amend Sec. 1, page 33, by inserting after line 7: "Section 310"; "Section 310. Alien widows, children [widowers] and parents [brothers and sisters] not residents of the United States shall [not] be entitled to [any] compensation but only to the amount of fifty per centum of the compensation which would have been payable if they were residents of the United States, provided that compensation benefits are granted residents of the United States under the laws of the foreign country in which the widow, children or parents reside. Alien widowers, brothers and sisters who are not residents of the United States shall not be entitled to receive any compensation. In no event shall any nonresident alien, widow or parent be entitled to compensation in the absence of proof that the alien, widow or parent has actually been receiving a substantial portion of his or her support from the decedent. Where transmission of funds in payment of any such compensation is prohibited by any law of the Commonwealth or of the United States to residents of such foreign country, then no compensation shall accrue or be payable while such prohibition remains in effect, and unless such prohibition is removed within six years from the date of death, all obligation to pay compensation under this section shall be forever extinguished. In every instance where an award is made to alien widows, children, or parents not residents in the United States, the referee or the board shall in the award fix the amount of any fee allowed to any person for services in connection with presenting the claim and it shall be a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than six months or both to accept any remuneration for the services other than that provided by the referee or board"; Amend Sec. 1 (Sec. 413) page 41, line 6 by inserting after "an": "existing"; Amend Sec. 1 (Sec. 413) page 41, line 6 by inserting after "or" where it appears the last time in said line: "existing"; Amend Sec. 1 (Sec. 413) page 42, line 17 by striking out "where the loss in earnings results" and inserting in lieu thereof: "unless it be shown that the loss of earnings does not result"; Amend Sec. 1 (Sec. 422) page 48, by inserting between lines 7 and 8: "Where an employer has furnished surgical and medical services or hospitalization in accordance with the provisions of subsection (f) of section 306 or where the employe has himself procured them the employer or employe shall upon request in any pending proceeding be furnished with or have made available a true and complete record of the medical and surgical services and hospital treatment, including X-rays, laboratory tests and all other medical and surgical data in the possession or under the control of the party requested to furnish or make available such data."

They were agreed to.

The section was agreed to as amended.

The second section and title were read and agreed to.

And said bill having been read at length the second time, and agree to as amended.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1398, entitled:

An Act amending the act of June 2, 1915 (P. L. 736), entitled, as amended "Workmen's Compensation Act of 1915," changing provisions relating to liability of employers and benefits and persons entitled thereto; changing certain rules of evidence and regulating practice and procedure; authorizing commutation of certain awards; providing for certain subrogation rights and the fixing of certain fees; prescribing penalties; making an appropriation and generally clarifying and changing the provisions of the act.

The first section was read.

On the question,

Will the Senate agree to the section?

Messrs. BERGER, LANE, MAHANY, DENT, WHALLEY and KOPRIVER, Jr., offered the following amendments:

Amend Sec. 1 (Sec. 306) page 9, line 6 by inserting brackets before "and" and after "case" and inserting immediately thereafter: "and in those cases in which the employe works fewer than five days per week for reasons not connected with or arising out of the disability resulting from the injury shall not"; Amend Sec. 1 (Sec. 306) page 9, line 10 by inserting brackets before and after "similar"; Amend Sec. 1 (Sec. 306) page 9, line 10 by inserting after "employment": "similar"; Amend Sec 1 (Sec. 306) page 14, line 3 by striking out "total"; Amend Sec. 1 (Sec. 306) page 14, line 7 by striking out "is able to return" and inserting in lieu thereof: "returns"; Amend Sec. 1 (Sec. 306) page 14, line 7 by inserting after "employment": "without impairment in earnings"; Amend Sec. 1 (Sec. 306) page 15, line 9 by inserting after "week": "When an employe works during the healing period, his wages and earning power shall be as defined in this act and he shall not receive more in wages and compensation combined than his wages at the time of the accident as defined in section 309"; Amend Sec. 1 (Sec. 309) page 28, line 9 by striking out "part" and inserting in lieu thereof: "not less than one-third"; Amend Sec. 1, page 29, by inserting between lines 9 and 10: "Section 310; "Section 310. Alien widows, children [widowers] and parents [brothers and sisters] not residents of the United States shall [not] be entitled to [any] compensation but only to the amount of fifty per centum of the compensation which would have been payable if they were residents of the United States, provided that compensation benefits are granted residents of the United States under the laws of the foreign country in which the widow, children or parents reside. Alien widowers, brothers, and sisters who are not residents of the United States shall not be entitled to receive any compensation. In no event shall any nonresident alien widow or parent be entitled to compensation in the absence of proof that the alien widow or parent has actually been receiving a substantial portion of his or her support from the decedent. Where transmission of funds in payment of any such compensation is prohibited by any law of the Commonwealth or of the United States to residents of such foreign country, then no compensation shall accrue or be payable while such prohibition remains in effect, and unless such prohibition is removed within six years from the date of death, all obligation to pay compensation under this section shall be forever extinguished; "In every instance where an award is made to alien widows, children or parents not residents in the United States, the referee or the board shall in the award fix the amount of any fee allowed to any person for services in connection with presenting the claim and it shall be a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than six months or both to accept any remuneration for the services other than that provided by the referee or board"; Amend Sec. 1 (Sec. 413) page 37, line 13 by inserting after "an": "existing"; Amend Sec. 1 (Sec. 413) page 37, line 13 by inserting after "or" where it appears the last time in said line: "existing"; Amend Sec. 1 (Sec. 413) page 39, line 8 by striking out "where" and inserting in lieu thereof: "unless it be shown that"; Amend Sec. 1 (Sec. 413) page 39, line 9 by striking out "results" and inserting in lieu thereof: "does not result"; Amend Sec. 1 (Sec. 422) page 44, by inserting between lines 11 and 12: "Where an employer shall have furnished surgical and medical services or hospitalization in accordance with the provisions of subsection (f) of section 306 or where the employe has himself procured them, the employer or employe shall upon request in any pending proceeding be furnished with or have made available a true and complete record of the medical and surgical services and hospital treatment, including X-rays, laboratory tests and all other medical and surgical data in the posession or under the control of the party requested to furnish or make available such data."

They were agreed to.

The section was agreed to as amended.

The second section and title were read and agreed to.

And said bill having been read at length the second time, and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1507, entitled:

An Act amending revising clarifying and changing the act of April 6, 1953 (P. L. 3) entitled "Uniform Commercial Code."

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

MOTION TO RECOMMIT BILL

Mr. WEINER. Mr. President, I move that House Bill No. 1507, on second reading, be recommitted to the Committee on Judiciary General, for the purpose of further study.

My reason for so doing is that this bill is 117 pages long. If a bill three pages long was a little bit complicated to understand, I think 117 pages ought to be a little more difficult to understand.

Mr. SEYLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, Senator Weiner no doubt knows that the Uniform Commercial Code is very near and dear to the Pennsylvania Bar Association, of which he is probably a member. I think we have quite a few members of the Pennsylvania Bar Association in this body. Although sometimes we do not agree wholeheartedly with the Bar Association's wishes, yet this Commercial Code seems to be their chief project. They put it through the Senate two years ago and very few of us understood it at the time we voted for it. Most of the lawyers in Pennsylvania have not had the opportunity of getting acquainted with all of its provisions as yet. However, the proponents of that original bill now feel that there should be some clarifying amendments added to it. They have had to live under it for the last two years. The banks, especially, feel that there are some corrective amendments which need to be made to this legislation.

Mr. President, I would suggest to the Senator that instead of having it recommitted, we keep it on the Calendar, either on the Second Reading Calendar or, if he desires, I would go along with putting it on the Second Reading Postponed Calendar until Senator McPherson, who is the Chairman of the Judiciary General Committee, from which this bill was reported, can return to the Senate. Senator McPherson, I understand, will be away this week and perhaps next week. I feel, however, that we should keep the bill out until he returns.

In the meantime, Mr. President, we may be able to give it some further study and work out some of these difficulties.

Mr. WEINER. Mr. President, I have no objection to the bill being placed on the Second Reading Postponed Calendar, but the point that I would like to make here is that the Bar Association has said nothing about this bill itself or these amendments.

This bill as passed by the House, is not very clear. I spoke to some of the members who had a little chance to study this bill and it is not very clear to them. I, as a Member of the Joint State Government Committee, took this bill in its original form and went to the trouble of reading it. I also discussed it with quite a number of the lawyers in Philadelphia, who practice under the new Uniform Act. Incidentally, I would like to add here, parenthetically, that this act is uniform only so far as Pennsylvania is concerned. No other State in the Union has enacted this uniform legislation.

Mr. President, we have only had this act in operation about a year or a year and one-half. I think for us just to willy-nilly enact a 117-page bill, which is supposed to correct a law which most of the people did not read and are not too familiar with, is rather silly on our part and certainly makes it appear as if we do not know what we are doing. I think that we ought to all study this bill and have some idea or be able to project our thinking as to what this will do to the present act and to the people who will have to deal with it and live under it, because it does raise more costs now than people are paying. If putting it on the Postponed Second Reading Calendar will give us some time to look into this thing and have an opportunity to discuss this and get further information on it, I will withdraw my motion and accede to the Majority Leader's suggestion.

MOTION TO RECOMMIT BILL WITHDRAWN

Mr. WEINER. Accordingly, Mr. President, I withdraw my motion to recommit this bill to the Committee on Judiciary General.

Mr. SEYLER. Mr. President, I withdraw my second to the motion.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL POSTPONED

Mr. PECHAN. Mr. President, I move that House Bill No. 1507, on second reading, be placed on the Second Reading Postponed Calendar.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1514, entitled:

An Act amending the act of September 26, 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trademarks and to secure the rights property and interests therein . . ." further defining the right to registration.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1530, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code," prescribing and additional amount of tax which may be levied and collected for general revenue purposes upon order of court.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1786, entitled:

An Act providing for cooperation by the Commonwealth of Pennsylvania in conjunction with the State of New Jersey with the United States of America in the improvement and maintenance of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1792, entitled:

An Act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties.

The first and second sections were read and agreed to.

The third section was read.

On the question,

Will the Senate agree to the section?

Messrs. WEINER and FLACK offered the following amendments:

Amend Sec. 3, page 4, lines 18 and 19 by striking out "reasonably believed by the purchaser or consignee to be" and inserting in lieu thereof: "which is"; Amend Sec. 3, page 4, line 20 by inserting after "indecent": "or"; Amend Sec. 3, page 4, line 20 by striking out "or disgusting."

On the question,

Will the Senate agree to the amendments?

Mr. WEINER. Mr. President, the amendments which I have offered are merely clarifying amendments.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

The section was agreed to as amended.

The fourth and fifth sections and title were read and agreed to.

And said bill having been read at length the second time, and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1804, entitled:

An Act authorizing photostating photographing and microphotographing microfilming or other mechanical professing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the disposition destruction or transfer of custody of certain originals.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 1908, Printer's No. 1332, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1914, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township, Bucks County.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS SENATE

Mr. WATKINS asked and obtained unanimous consent to address the Senate.

Mr. WATKINS. Mr. President, on August 19, 1953, Act No. 313, authorizing the building of a mental hospital in Delaware County, Pennsylvania, was signed by former Governor John S. Fine. It is to my regret, and it is the feeling of many of us in Delaware County, up to the present time, that no hospital has been built or authorized by the General State Authority.

Mr. President, under no circumstances do I want any of you to feel as though I charge any politics or any political maneuvers in any way for the delay of this hospital. However, I do charge neglect on the part of our former Governor and I feel that we have also spent a lot of time and much lost motion has gone on in the past Administration in not moving on this hospital.

There were several locations proposed for the building of this mental hospital. I understand that tomorrow, before the General State Authority, they intend to take up the question as to the building of this hospital and just where it is to be located. The understanding that I have, Mr. President, is that this hospital is now being planned to be built in one of our residential sections which the Planning Board of Delaware County considers most vital as a residential section. Some 2,000 people have signed petitions, asking the General State Authority to reconsider another location. I certainly would like to go on record and, as I said, not politically, plead to the Members of the General State Authority, Senator Taylor, Senator Dent and the other Members in the Senate who are members, that they, tomorrow, consider seriously and make no plan to accept the location which is now being considered. It would be most difficult for our county to have this hospital placed in the location that they are now planning on.

Mr. President, of course, we are in favor of a mental hospital and our sympathy is certainly with the mental patients in the State of Pennsylvania. We surely know and appreciate the needs of this hospital. We are in no way condemning it or saying that we do not want a hospital built in Delaware County. However, we certainly ask the members of the General State Authority to give every consideration in denying, perhaps for a few days or a few weeks, so that they might consider another location for this hospital.

I do not want anyone to think that Delaware County does not want this hospital, but I must say that if they insist on it, I would like to be given the opportunity to consider withdrawing the hospital from Delaware County and checking another location in the eastern part of Pennsylvania that might be acceptable.

Mr. President, I most humbly request that they give consideration to this nonpolitical talk, both Democrats and Republicans who are interested in this hospital, but who are both not interested in the location in which it is proposed in the next few weeks.

Thank you very much, Mr. President and Members of the Senate, for listening. Senator Taylor, please remember that we in Delaware County—and Senator Dent, please remember—do ask you to reconsider the location in which you intend placing this hospital.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, former Governor John Fine has been accused of many things and lots of abuse has been heaped upon his head. Some of it perhaps has been justified and some has been unjustified. However, in this particular case, where Senator Watkins seeks to place the blame on the former Administration, I do not believe the accusation is justified as far as Governor Fine or anyone in the former Administration is concerned for not

having erected this hospital in Delaware County. Perhaps, the Members of the General Assembly were a bit wrong in picking out the particular county in which this hospital should be located. We did designate Delaware County as the one in which the hospital should be constructed, feeling that it had adequate sites there.

However, Mr. President, after we got into the business of selecting sites for this hospital, we found that people surrounding the area which we had chosen did not want the hospital there. They were fearful that inmates would escape in nighttime and, perhaps, would represent a danger to their homes and their families. They took us into court to keep us from erecting the hospital in that particular area.

Mr. President, when you choose a hospital site today, there are a whole lot of things that must be taken into consideration. In the old days, you used to be able to pick out a site almost anywhere, up in the mountains or anywhere else. The further away you got from civilization, the better it would be. Therefore, we find a lot of our State Hospitals in the mountainous areas, removed from what you might call civilization. We find, today, that it is difficult to obtain adequate staffs for those hospitals, nurses and so on, due to the fact that they are so far removed from built-up areas.

I happen to be a Member of the General State Authority and I devoted quite a little attention to trying to select a site for this particular hospital, as did the other Members of the General State Authority, including former Governor Fine. We found that today in order to have a good hospital which will operate well, it must be fairly close to a city. You will find that in order to get the best type of doctors, you must get them from the cities where they can work parttime in the hospitals and parttime in their private practices. Otherwise, the State could not aord to hire the type of doctors that we would have to have to operate our mental institutions. The hospitals also must be built quite close to a city in order to get the employees that are required in a hospital. When you do that, you must consider the water facilities and the sewerage facilities. Also, the transportation facilities must be considered.

I will tell you that one of the hardest jobs that the General State Authority has had is trying to choose a satisfactory site for the mental hospital that we are planning to construct in southeastern Pennsylvania. Every site that is chosen, it seems as though someone takes us into court and tells us that that particular site is the wrong one. As I said, it must be close to a city and when you consider that, you will find that you are in a built-up area. You will find it very difficult to find a site which is free and clear of housing and so forth and one which represents the number of acres that is neded for this particular type of hospital.

Mr. President, I believe that if Senator Watkins goes through with this bill that he is proposing, it might be helpful. I understand that he is proposing to remove from the act, in which we set up the provision that the General State Authority should build this hospital in southeastern Pennsylvania, the words "Delaware County."

The original act says "Delaware County"; if we remove the words "Delaware County," it might aid us in finding another site, perhaps. Maybe it could be located in Chester County or Montgomery County. It should be in some county that is close to Philadelphia.

As I said, it must be close to a metropolitan area. If we do that, I will assure Senator Watkins that we will do everything possible to continue with our work to try to find a satisfactory site. Perhaps we will come up yet with one in Delaware County If we cannot find one there, we will go to some surrounding counties. However, I want to assure Senator Watkins that the Members of the General State Authority have this problem in mind and we hope that some day in the near future we will be able to solve it.

I hope, however, that Senator Watkins will not blame too much the former Governor of Pennsylvania, Governor John Fine, who had no more to do with this particular measure than any of the rest of us on the General State Authority. In all fairness to Governor Fine, I want to say that he is no more guilty in this connection than any of the other Members on the General State Authority.

PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, I am sorry that this subject came up at this particular moment, because it is late in the afternoon and most of us are a little tired and would like to quit for the day. However, to clarify the situation a little, I want to say amen to the remarks made by Senator Mahany.

Mr. President, there is no question that when you start to establish an institution of this type, you can easily get opposition. However, taking it out of Delaware County and leaving the designated site in the hands of the Site Committee of the General State Authority and the general body of the General State Authority will not help the matter in any way at all. We have now been searching for over three years and, although we have been restricted to Delaware County, Delaware County offers as much, if not more, of the facilities and opportunities for a hospital site as can be obtained in any of the other counties surrounding the city of Philadelphia.

I believe that all we would do if we passed legislation at this point would be to confuse the issue and delay further the building of this needed and worth-while project. You cannot find a site anywhere near the city of Philadelphia that would not be complained about. You cannot find it because of the fact that those who have their homes built in the community are of the feeling that perhaps the building of this institution might depreciate their properties. I think that Senator Watkins means well; I think he is trying to look out as best he can for the interest of his community. However, there is a greater interest and that interest is the interest of the people of Pennsylvania.

Long ago, we recognized the right of the Commonwealth by giving the Commonwealth the right of eminent domain. We are constantly harassed, when we go to build a new road or a new public building or a bridge or any public construction, by those who do not want to have any inconvenience or any change in their own position. Everyone fights change and, as I get older, I fight change I suppose even more than I did when I was a younger man.

Therefore, Mr. President, I say to Senator Watkins, in good advice and in good friendship, that the thing to do is to allow the site committee to continue its search in the hope that we will find in Delaware County—and I have a great deal of respect for the people of that county. I am sure that the great numbers of citizens there would not like to be characterized as those who care so little for the unfortunates that they do not want them around them. I am sure that the great body of Senator Watkins's population, and citizenry in Delaware County, will go along with a site, if we find one, that has the four attributes which are necessary; first, proximity to the labor market; second, transportation; third, particularly, sewerage; and fourth, watershed. If we can find the proper site with these four attributes, we will just have to consider it as a matter of public duty to go in and exercise the right of eminent domain and the power of the Commonwealth and build this institution. In the end, it is the service that it renders to the peoples of the State, rather than the location of the site which is paramount.

BILL INTRODUCED AND REFERRED

Mr. PECHAN. Mr. President, I ask unanimous consent to introduce a bill at this time.

Th PRESIDENT. Is there objection? The Chair hears none.

Messrs. PECHAN and Dent read in place and presented to the Chair Senate Bill No. 993, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Armstrong County.

Which was committed to the Committee on Highways.

BILLS ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. CAMIEL. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 244, entitled:

An Act amending the act of June 28 1951 (P. L. 638) entitled "Register of Wills Act of 1951," providing for the fixing of costs where there are separate orphans' courts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 245, entitled:

An Act amending the act of August 21 1953 (P. L. 1309) entitled "An act prescribing the fees to be received by registers of wills in counties of the fourth fifth sixth seventh and eighth class" eliminating counties of the fourth class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 246, entitled:

An Act amending the act of August 21 1953 (P. L. 1306) entitled "An act prescribing the fees to be received by the clerks of orphans' courts of counties of the fourth fifth sixth seventh and eighth class" eliminating counties of the fourth class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 247, entitled:

An Act amending the act of August 10 1951 (P. L. 1163) entitled as amended "Orphans' Court Act of 1951," providing for the fixing of costs where there are separate orphans' courts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 876, entitled:

An Act amending the act of June 23 1931 (P. L. 932) entitled "The Third Class City Code," further regulating the hours of service of firemen.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1944, entitled:

An Act to amend the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 Pamphlet Laws 28) entitled "State Council of Civil Defense Act of 1951," by authorizing the State Council of Civil Defense to make rules and regulations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Tuesday, February 21, 1956, at 1:00 o'clock, p.m., Eastern Standard Time.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:18 o'clock, p. m., Eastern Standard Time, until Tuesday, February 21, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 20, 1956

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

Rabbi Moses N. Friedman, York, guest Chaplain, offered the following prayer:

Heavenly Father, in Thy infinite wisdom Thou hast moved us to dedicate this week to the promotion of amity, understanding and cooperation among the citizenry of our country. Help us, therefore, to center our thoughts on the theological and sociological truth that essentially all human beings are the same, created by Thee equal and destined—according to Thy will—to share in a common destiny. Imbue our minds, we pray Thee, with concentration on the oneness which unite us with fellow men and not on the unlikeness which divide us, on the ideals we share in common, which can raise us to the height Thou hast designated for the human family, and not on the differences which separate us.

Animate us, O Lord, with resolution and renewal to sustain bortherhood throughout the year, and infuse determination in our hearts to eradicate every mite of unneighborliness which may give totalitarian propaganda cause to deride our democratic way of life. And as a nation appointed by Thy grace as a beacon of freedom and democracy—we invoke Thy help and guidance in attuning our international relations to the reflection of Thy image in which Thou hast created us.

Bless this meeting, we implore Thee, with sagacity in deliberations and with unity in resolves, and the Speaker and the Members of this house with success in their endeavors and happiness in their achievements. Amen.

JOURNALS APPROVED

The SPEAKER. Are there any correction to the Journals of Monday, January 30, Tuesday, January 31, Wednesday, February 1, Monday, February 6, Tuesday, February 7, Wednesday, February 8 and Thursday, February 9, 1956? If not, and without objection, the Journals are approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Tuesday, February 14, 1956 will be postponed until printed. The Chair hears none.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 382.

An Act amending the act of May 7, 1937 (P. L. 589) entitled as amended "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways . . ." changing or deleting certain routes and adding certain new routes.

Referred to the Committee on Highways.

SENATE BILL No. 420.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" providing additional enforcement procedures on traffic violations in first and second class cities.

Referred to the Committee on Motor Vehicles.

SENATE BILL No. 811.

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "Borough Rural State Highway Law" adding a new route in the Borough of Carnegie.

Referred to the Committee on Boroughs.

SENATE BILL No. 864.

An Act directing the Highway and Bridge Authority in cooperation with the City of Harrisburg and at the expense of the Commonwealth to construct a by-pass through the northeast corner of Capitol Park.

Referred to the Committee on Highways.

RESOLUTION

SCHUYLKILL COUNTY BRANCH OF PSEA

The SPEAKER laid before the House a resolution adopted by the Schuylkill County Branch of PSEA urging immediate action to insure payment of subsidies to school districts.

Referred to the Committee on Appropriations.

COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 151, 160, 623, 832, 833, 1021, 1129, 1248, 1330, 1566, 1567 and 1579.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 14, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and designed House Bill No. 151, Printer's No. 88, entitled "An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' increasing mileage rate and daily expense allowance of directors and mileage rate of members of joint school boards and of joint school committees."

GEORGE M. LEADER.

February 14, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 160, Printer's No. 89, entitled "An Act amending the act of March ten one thousand nine hundred forty-nine (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' extending the area in which school directors may attend out of State meetings and increasing mileage rate and daily expense allowance therefor."

GEORGE M. LEADER.

February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 623, Printer's No. 233, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' providing for payment by the Commonwealth to school districts for the acceptance of non-resident inmates of children's institutions into its schools."

GEORGE M. LEADER.

February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 832, Printer's No. 287, entitled "An Act amending the act of May 3, 1915 (P. L. 226) entitled 'An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth in counties having over eight hundred thousand and less than one million five hundred thousand inhabitants according to the last preceding United States census' changing and further fixing the fees to be charged by the prothonotary."

GEORGE M. LEADER.

February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 833, Printer's No. 288, entitled "An Act amending the act of June 12, 1919 (P. L. 476) entitled as amended 'An act to regulate and establish the fees to be charged and collected by the recorder of deeds in counties of the second class' increasing amount of fees to be charged and collected by recorders in counties of the second class."

GEORGE M. LEADER.

February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1021, Printer's No. 456, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' granting the right to a hearing and appeal before the State Council of Education on the creation or change of a third or fourth class school district."

GEORGE M. LEADER.

February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1129, Printer's No. 1154, entitled "An Act amending the act of May 17, 1929 (P. L. 1798) entitled 'An act providing a fixed charge payable by the Commonwealth on lands acquired by the State and the Federal Government for forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks and the distribution of the same for county school township and road purposes in the counties school districts and townships where such forests are located and making an appropriation' requiring the Commonwealth for a limited time to pay charges to counties on certain Federal Forest Reserves."

GEORGE M. LEADER.

February 14, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1248, Printer's No. 829, entitled "An Act amending the act of March 10, 1949 (P.L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' extending the time within which school taxes shall be levied and assessed by the board of school directors in school districts of the second third and fourth class."

GEORGE M. LEADER.

February 16, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1330, Printer's No. 1312, entitled "An Act to amending the act of May 17, 1921 (P. L. 682) entitled 'An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws' further regulating reserves with respect to certain domestic mutual insurance companies."

GEORGE M. LEADER.

February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1566, Printer's No. 609, entitled "An act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' regulating the acceptance of non-resident school children."

GEORGE M. LEADER.

February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1567, Printer's No. 610, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' providing for payments on account of nonresident pupil transportation."

GEORGE M. LEADER.

February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1579, Printer's No. 614, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' providing for pupil transportation in institutions and providing for reimbursements."

GEORGE M. LEADER.

REORGANIZATION PLAN NO. 8 SIGNED BY SPEAKER

Reorganization Plan No. 8 having been prepared for presentation to the Governor, and the same being correct, it was publicly read as follows:

Resolved, that Reorganization Plan No. 8 of 1955 transmitted to the General Assembly under date of January 17, 1956 which is incorporated herein by reference be approved.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LYCOMING COLLEGE CHOIR WELCOMED

The SPEAKER. We have the privilege of having with us today the Lycoming College Choir of Williamsport, Pa. who are under the direction of the Choir Director Walter G. McIver, Associate Professor of Voice at the College.

The Choir is the guest of the gentleman from Lycoming, Mr. Swartz.

The Choir rendered a number of selections.

The SPEAKER. Since the Majority and the Minority Floor Leaders are absent from the floor and since we cannot resume the regular business of the session until they return, the House hopes the Choir has at least one more number in their repertoire.

The Choir rendered additional selections.

The SPEAKER. On behalf of the House the Chair thanks the members of the Choir and their Conductor. We wish we had more time to listen to one of the best Choirs the Chair has heard in many, many months.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1296, entitled:

An Act creating a court of record in each judicial district except the first and fifth districts to be known as "The Domestic Relations Court" defining the powers of the said court with respect to the care guidance control trial placement and commitment of certain delinquent and neglected children * * *

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1996, entitled:

An Act regulating arbitration of controversies between labor and management when arbitration is required by written contract or agreement providing a method of securing arbitration and the appointment of arbitrators or an umpire * * *

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2011, entitled:

An Act amending "The Vehicle Code" of May 1, 1929 (P. L. 905) changing penalties for failure to stop in the event of accident

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 316, entitled:

An Act amending the "Optometrist's Licensure Law" * * * regulating the advertising of products used for ophthalmic purposes and providing penalties for violation thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 866, entitled:

An Act to further amend section nine hundred two of "The Vehicle Code" * * * by changing the total maximum length of certain vehicles

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

RECESS

The SPEAKER. If there are no objections, the Chair will declare a recess until 3:30 o'clock for the purpose of a Democratic Caucus and a Republican Caucus. The Chair hears no objection, and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

RESOLUTION

NEW JERSEY SENATE CONCURRENT RESOLUTION No. 8

The SPEAKER laid before the House Senate Concurrent Resolution No. 8 adopted by the Legislature of the State of New Jersey protesting against a tax on New Jersey residents employed within the Commonwealth of Pennsylvania.

Referred to the Committee on Rules.

SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made

by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 383.

An Act amending the act of May 20, 1949 (P. L. 1594), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and possessing with intent to sell, of adulterated or deleterious ice cream, french ice cream, french custard, frozen custard, frozen ice confections, frozen sherbet confections, sherbet, ice and fruit ice, including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferrng powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics.

SENATE BILL No. 696.

An Act relating to the administration and distribution of incompetents' estates (except in Philadelphia County) both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases the appointment bond removal and discharge of guardians of such estates their powers duties and liabilities the rights of persons dealing with such guardians and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning the determination of incompetency and the powers duties and liabilities of foreign guardians and also generally dealing with the jurisdiction powers and procedure of the orphans' court and the common pleas court relating to incompetents' estates.

SENATE MESSAGE

RECALLING SENATE BILL No. 862 FROM GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 20, 1956.

Resolved (if the House concur), That Senate Bill No. 862, Printer's No. 384, entitled "An act amending the act of June 16, 1836 (P. L. 715), entitled 'An act relating to Reference and Arbitration,' providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1002.

An Act relating to conditional sale made prior to July 1, 1954.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 407.

An Act amending the act of August 10 1951 (P. L. 1182) entitled "An Act relating to and defining chiropractic and the right to practice chiropractic requiring licensure conferring powers and imposing duties upon the State Board of Chiropractic Examiners and the Department of Public Instruction providing for the granting suspension and revocation of licenses issued by the board preserving the rights of existing licensees and giving them certain personal choice as to jurisdiction conferring jurisdiction upon the court of common pleas of Dauphin County and prescribing penalties" extending the period for application for limited examination clarifying certain provisions thereof providing for branch office certificates and prohibiting branch office practice without such certificate.

HOUSE BILL No. 1340.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further providing for payments to school districts on account of pupil transportation.

HOUSE BILL No. 1406.

An Act amending the act of March 30, 1937 (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," increasing compensation of the chairman and other members of the registration commission.

HOUSE BILL No. 1857.

An Act amending the act of May 2, 1925 (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonweath" authorizing refunds of fees and other moneys erroneously or unjustly collected.

HOUSE BILL No. 1871.

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "An act concerning game and other wild birds

and wild animals and amending revising consolidating and changing the law relating thereto" regulating refund of fees fines or other moneys erroneously or unjustly collected and deposited and appropriating moneys from the Game Fund for the refund of fees fines or other moneys unjustly collected.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 407.

An Act amending the act of August 10, 1951 (P. L. 1182), entitled "An act relating to and defining chiropractic and the right to practice chiropractic; requiring licensure; conferring powers and imposing duties upon the State Board of Chiropractic Examiners and the Department of Public Instruction; providing for the granting, suspension and revocation of licenses issued by the board; preserving the rights of existing licensees and giving them certain personal choice as to jurisdiction; conferring jurisdiction upon the court of common pleas of Dauphin County; and prescribing penalties," extending the period for application for limited examination, clarifying certain provisions thereof, establishing further standards of educational conferences and requiring board approval thereof, providing for branch office certificates and prohibiting branch office practice without such certificate.

HOUSE BILL No. 1002.

An Act relating to conditional sales made prior to July 1, 1954.

HOUSE BILL No. 1340.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further providing for payments to school districts on account of pupil transportation.

HOUSE BILL No. 1406.

An Act amending the act of March 30 1937 (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" increasing compensation of the chairman and other members of the registration commission

HOUSE BILL No. 1857.

An Act amending the act of May 2, 1925 (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing refunds of fees fines and other moneys erroneously or unjustly collected.

HOUSE BILL No. 1871.

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" regulating refund of fees fines or other moneys erroneously or unjustly collected and deposited and appropriating moneys from the Game Fund for the refund of fees fines or other moneys unjustly collected.

SENATE BILL No. 383.

An Act amending the act of May 20, 1949 (P. L. 1594) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards of ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections, ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics.

SENATE BILL No. 696.

An Act relating to the administration and distribution of incompetents' estates (except in Philadelphia County) both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases the appointment bond removal and discharge of guardians of such estates their powers duties and liabilities the rights of persons dealing with such guardians and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning the determination of incompetency and the powers duties and liabilities of foreign guardians and also generally dealing with the jurisdiction powers and procedure of the orphans' court and the common pleas court relating to incompetents' estates.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 1838.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No 1838, Printer's No. 1119, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further regulating the admission of beginners to the public schools."

This bill would allow the admission of beginners to public schools to be extended beyond the first two weeks of the annual school term or the first or second semester when a good reason satisfactory to the board is furnished for the failure to attend at such time.

The Department of Public Instruction is opposed to this bill because under the present law, in worthy cases a child who, for health reasons or some other urgent reason, cannot be entered during the first two weeks of school, can through an understanding with the school officials be placed on the roll and carried as an excused absence until such time as the health of the pupil permits his coming to school. Even under the existing law, we get many requests from parents asking for special concessions for certain children. Therefore, we can well imagine the pressure which would be placed on school boards if the proposed legislation became law. It would be bound to result in a variation of practices throughout the State which certainly would not be conducive to accurate child accounting procedures.

For these reasons, the bill is not approved.

GEORGE M. LEADER.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the veto of the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 756.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 756, Printer's No. 1308, entitled "An Act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' changing the requirements regarding use of different types of danger and caution signals and eliminating penalty provision."

This bill amends Section 824 of The Vehicle Code, the Act of May 1, 1929, P. L. 905, which refers to danger and caution signals. It deletes the penalty clause from the section so that there is no method of enforcing the requirement of these danger and caution signals as far as motor buses, motor omnibuses and commercial vehicles are concerned.

It adds a subsection, designated (a. 1), which requires all other motor vehicles to be equipped with certain flares, fusees or other signals. However, the only means of enforcing this added subsection is the provision that the equipment specified by the subsection shall be made a requirement for the official inspection provided for in other sections of the Code. This results in the subsection being unenforceable as to out-of-state motor vehicles. The enforcement provision is further weakened by the fact that it contains a condition that the subsection shall not apply to vehicles within the confines of a municipality or within a business or residence district. Having in mind the definitions of "residence district" and "business district" in The Vehicle Code, and the fact that most official inspection stations are located either in a business or a residence district, the enforcement provided for in the subsection is reduced to an impracticability if not a nullity. But weak as this enforcement provision is, it does not apply to buses, motor omnibuses and commercial vehicles.

With the increasing number of automobile accidents and the dangers arising from stalled motor vehicles along our highways, particularly during periods of foggy or inclement weather or darkness, this is a most inopportune time to remove penalty clauses and weaken or make impossible enforcement procedures.

Records of accidents involving disabled motor vehicles where emergency warning signals were not properly placed indicate such accidents result in serious and in many instances fatal consequences, proving the necessity of warning signals and a means of enforcing the provisions requiring such signals.

The Constitution states that the Governor "shall take care that the laws be faithfully executed." I cannot expect enforcement officials to execute laws that provide no penalties.

For these reasons, the bill is not approved.

GEORGE M. LEADER.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the veto of the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 1526.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1526, Printer's No. 602, entitled "An Act amending the act of March 7, 1901 (P. L. 20) entitled 'An act for the government of cities of the second class' requiring reimbursement to cities of second class for costs incurred in the collection of certain fines."

This bill provides for reimbursement by the Secretary of Revenue of costs incurred by the Traffic Court of Allegheny County in the collection of traffic violation fines from violators who originally pay such funds with checks which have been returned to the traffic court marked "not sufficient funds."

It is inequitable in that it singles out the Magistrates Court of the City of Pittsburgh for special preferential treatment. Also it does not limit the amount of money which may be refunded by reasons of any particular check with respect to which collection difficulties are encountered.

I have been advised by the Secretary of Revenue that the costs which are presently collected by the Traffic Court are sufficient to cover any expenses incident to the collection of improper checks.

For these reasons, the bill is not approved.

GEORGE M. LEADER.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the veto of the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 53 FROM GOVERNOR.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 53, Printer's No. 1307, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

BILL RECOMMITTED

Mr. LOPRESTI. Mr. Speaker, I move that House Bill No. 1296, Printer's No. 1357, entitled:

An Act creating a court of record in each judicial district except the first and fifth districts to be known as "The Domestic Relations Court" defining the powers of the said court with respect to the care guidance control trial placement and commitment of certain delinquent and neglected children * * *

be recommitted to the Committee on Judiciary for further consideration.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Thompson for Mr. COOPER, because of illness.

BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 844, as folows:

An Act amending the act of May 1 1929 (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing use of warning figures commonly known as "silent policemen" to be erected within school zones on highways and State highways by certain political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 1110 of the act of May 1 1929 (P L 905) known as "The Vehicle Code" amended June 5 1937 (P L 1718) is amended to read

Section 1110 Erection of Traffic Signs Signals and Markings

(a) The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to erect and maintain official traffic signs signals and markings Before local authorities except in cities of the first and second class shall erect or cause to be erected traffic signals they must first obtain the approval of the Secretary of Highways of this Commonwealth

Local authorities in counties cities boroughs incorporated towns townships and school districts may at their discretion place or cause to be placed and used within school zones warning figure commonly known as silent policemen on highways and State highways within such political subdivisions subject however to the following conditions

(1) A school zone shall be a distance not exceeding one hundred (100) feet from the nearest boundary of the school grounds in any direction

(2) No such warning figure shall be left in place on any highway except for the period beginning one hour before school convenes and ending one hour after school adjourns

(3) No such warning figure shall be placed on any highway in conflict with any rule or regulation adopted and promulgated by the Secretary of Highways under section eleven hundred five of this act

(4) The Secretary of Highways with reference to state highways and local authorities in counties cities boroughs incorporated towns and townships with respect to highways under their jurisdiction may in their discretion determine the proper placing and location of such warning figures

Section 2 This act shall take effect immediately

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Ashton,	Garlock,	Markley,	Rudisill,
Amarando,	Gelfand,	Maxwell,	Sarraf,
Anderson, M. S.,	George,	McCann,	Scarcelli,
Anderson, S. A.,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. O.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,

Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger.	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly.	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Eilberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Williams,
Farabaugh,	Leiby,	Pomeroy,	Willaredt,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Light,	Readinger,	Worley,
Floyd,	Leven,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 970 as follows:

An Act amending the Act of May 1 1929 P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by changing requirements and penalties concerning lamps and illuminating devices

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 802 Act of May 1 1929 (P L 905) known as "The Vehicle Code" is amended by adding after subsection (c) thereof two (2) new subsections to read

Section 802 Additional Permissible Lights and Devices

* * *

(d) Warning Devices Any vehicle used exclusively for repair or emergency purposes may be equipped with not to exceed one (1) warning lamp of a type approved by the secretary to be used only in connection with repair or emergency work while the vehicle is stationary

(e) Flashing Emergency Lamps Every snow plow or cinder truck operated by or for the Department of Highways of this Commonwealth or operated by or for the highway department of any political subdivision must be equipped with at least one (1) flashing emergency lamp of a type approved by the secretary for use in emergency only

Section 2 The penalty clause of section 802 of the act amended June 27, 1939 (P L 1135) is amended to read

Section 802 Additional Permissible Lights and Devices

* * *

Penalty Any person violating any of the provisions of this section or any person who shall use a warning lamp of the type authorized by subsection (d) of this section while a vehicle is in motion shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 3 This act shall take effect immediately

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Garlock,	Magee,	Royer,
Agnew,	Gelfand,	Mahan,	Rubin,
Amarando,	George,	Markley,	Rudisill,
Anderson, M. S.,	Gibb,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibson,	McCann,	Scarcelli,
Ashton,	Goldstein,	McCormack,	Schuster,
Auker,	Gramlich,	McGee,	Sherman,
Banker,	Greenwood,	McInroy,	Sigman,
Barnatovich,	Guss,	McKeever,	Smith, C. C.,
Bazin,	Guthrie,	McLaughlin,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	McWherter,	Snider,
Blair,	Hamilton, W. H.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Breisch,	Hewitt,	Monroe,	Stoner,
Brennan, A. P.,	Hocker,	Moody,	Strausser,
Brennan, J. J.,	Holt,	Moran,	Stroup,
Brenninger,	Horst,	Moscrip,	Swartz,
Breth,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Bucchin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cioffi,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varner,
Comer,	Kehler,	Naugle,	Vaughan,
Connelly,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Kubacki	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
Frost,	Lutty,	Rovansek,	Speaker
Gaffney,			

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

BILLS PASSED OVER

The SPEAKER. Without objection, all bills on final passage on page 3 of today's calendar will be passed over. The Chair hears none.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection

House Bill No. 49, Printer's No. 1355,
House Bill No. 217, Printer's No. 345,
House Bill No. 231, Printer's No. 1318,
House Bill No. 776, Printer's No. 1300,
House Bill No. 821, Printer's No. 1321,
House Bill No. 885, Printer's No. 1396,
House Bill No. 1176, Printer's No. 1352,
House Bill No. 1226, Printer's No. 1353,
House Bill No. 1242, Printer's No. 1376,
House Bill No. 1385, Printer's No. 1324 and
House Bill No. 1731, Printer's No. 1387.

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1756 as follows:

An Act amending the act of July 18, 1917 (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" extending the time for employes of the Department of Health engaged as teachers to withdraw from the retirement system and receive reimbursement for moneys paid in and validating past membership

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (7) of section 1 act of July 18, 1917 (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" amended May 27, 1949 (P. L. 1888) is amended to read

Definitions

Section 1 Be it enacted &c That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

* * *

(7) "Employe" shall mean any teacher principal supervisor supervising principal county superintendent district superintendent assistant superintendent any member of the staff of the State Teachers' Colleges or of the staff of the Thaddeus Stevens Trade School or of the staff of the Pennsylvania State Oral School for the Deaf or of the staff of the [Pennsylvania Soldiers' Orphan School] Scotland for Veterans' Children or of the staff of the State Department of Public Instruction or of the staff of the State Council of Education or any clerk stenographer janitor attendance officer or other person engaged in any work concerning or relating to the public schools of this Commonwealth or in connection therewith or under contract or engagement to perform one or more of these functions or any employe of the Department of Health engaged as a teacher in any State institution under the jurisdiction of the Department of Health Provided That no person shall be deemed an employe within the meaning of this act who is not regularly engaged in performing one or more of these functions as a full-time occupation outside of vacation periods In all cases of doubt the retirement board shall determine whether any person is an employe as defined in this act And provided further That those employes of the Department of Public Instruction State Teachers' Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf and [Pennsylvania Soldiers' Orphan School] Scotland School for Veterans' Children and those employes of the Department of Health engaged as teachers in any State institution under the jurisdiction of the Department of Health who are members of or are entitled to membership in the retirement system herein established may withdraw from the system and be entitled to reimbursement of moneys which they have paid in by so electing in writing filed with the retirement board on or before the first day of July one thousand nine hundred and [fifty] fifty-six After said date all new employes in the Department of Public Instruction State Teachers' Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf and [Pennsylvania Soldiers' Orphan School] Scotland School for Veterans' Children and all new employes of the Department of Health engaged as teachers in any State institution under the jurisdiction of the Department of Health shall be members of said system unless they [elect otherwise in writing filed with] are eligible for membership in and elect to join the state employes' retirement system and so notify the retirement board within six months after beginning their employment

In every case where any officer or employe of the Department of Public Instruction State Teachers' Colleges Thaddeus Stevens Trade School Pennsylania State Oral School for the Deaf [Pennsylvania Soldiers' Orphan School] Scotland School for Veterans' Children or the Department of Health withdraws from the system and becomes a member of the State Employes' Retirement Association after the effective date of this amendment the Public School Employes' Retirement Board shall transfer to the State Employes' Retirement Fund from the School Employes' Retirement Fund an amount equal to all contingent and State annuity reserves of such officer or employe in the School Employes' Retirement Fund as determined by the Public School Employes' Retirement Board

Section 2 Membership in the State School Employes Retriment System of all employes of the Department of Health engaged as teachers at State Hospital for Crippled Children (Elizabethtown) is validated and may continue to the same extent as though they had been specifically provided for at the time they joined the State Employes Retirement System

Section 3 This act shall take effect immediately

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Garlock,	Magee,	Royer,
Agnew,	Gelfand,	Mahan,	Rubin,
Amarando,	George,	Markley,	Rudisill,
Anderson, M. S.,	Gibb,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibson,	McCann,	Scarcelli,
Ashton,	Goldstein,	McCormack,	Schuster,
Auker,	Gramlich,	McGee,	Sherman,
Banker,	Greenwood,	McInroy,	Sigman,
Barnatovich,	Guss,	McKeever,	Smith, C. C.,
Bazin,	Guthrie,	McLaughlin,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	McWherter,	Snider,
Blair,	Hamilton, W. H.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Breisch,	Hewitt,	Monroe,	Stoner,
Brennan, A. P.,	Hocker,	Moody,	Strausser,
Brennan, J. J.,	Holt,	Moran,	Stroup,
Brenninger,	Horst,	Moscrip,	Swartz,
Breth,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Bucchin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cioffi,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varner,
Comer,	Kehler,	Naugle,	Vaughan,
Connelly,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Kubacki	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Ziegler,
Frank,	Lopresti,	Rigby,	Young,
Frascella,	Lovett,	Rosen,	Andrews,
Frost,	Lutty,	Rovansek,	Speaker
Gaffney,			

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1757 as follows:

An Act amending the act of June 27, 1923 (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances refunds benefits and rights from taxation and judicial process and providing penalties" specifically including employes of the Department of Health engaged as teachers in the definition of "State employe" whether as present members or by transfer from the public school employes' retirement system and validating past membership

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (6) of section 1 act of June 27, 1923 (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" amended January 14, 1952 (P. L. 1911) is amended to read

Section 1 Be it enacted &c That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

* * *

6 "State employee" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all persons employed by the State Board of Law Examiners of the Supreme Court of Pennsylvania and also all present future or former members of the General Assembly who receive or have received their salaries for regular and special sessions of the Legislature as fixed by law and also all officers and employes of the Pennsylvania State [College] University paid on a yearly or monthly basis other than those paid wholly from Federal funds also all employes of the Department of Health engaged as teachers in any State institution under the jurisdiction of the Department of Health who are not members of or who withdraw or transfer from the Public School Employes' Retirement System also all employes of any single county department of health or any joint county department of health created under the Local Health Administration Law being Act No 315 approved August 24, 1951 paid on a yearly or monthly basis and also all officers and employes of the Interstate Commission on the Delaware River Basin and of the Pennsylvania Turnpike Commission as of the date of entering the service of such commissions and of the Delaware River Joint Commission and the Delaware River Joint Toll Bridge Commission The State Public School Building Authority The General State Authority and of The State Highway and Bridge Authority paid on a yearly or monthly basis if the Interstate Commission on the Delaware River Basin and the Delaware River Joint Commission the Delaware River Joint Toll Bridge Commission the Pennsylvania Turnpike Commission The State Public School Building Authority The General State Authority and The State Highway and Bridge Authority shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent

public corporation created by act of Assembly (not included however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation [where] were employes of the Commonwealth so long as they remain officers or employes of such public corporation if such public corporation shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonweath and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (P. L. 245) excepting such officers and employes of the Department of Public Instruction State Teachers' Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf and [Pennsylvania Soldiers' Orphan School] Scotland School for Veterans' Children and employes of the Department of Health engaged as teachers at the State Hospital for Crippled Children as are not members of or who may withdraw from the public school employes' retirement assocation provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association and that all service credited as a member of the public school employes' retirement system will be considered as having been rendered as a State employe The rates of deduction from salaries of such officers and employes to the State Employes' Retirement Fund shall be determined by the age at which the employe began to contribute to the Public School Employes' Retirement Fund

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session or who receive no fixed annual or monthly salary but are paid only upon a per diem basis during legislative sessions and subsequent thereto

Employes of the respective institutions acquired by the Commonwealth from counties cities wards boroughs townships institution districts and other political subdivisions that are actually used as State mental hospitals under the provisions of the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53) or its amendments who as of the effective date of this act are contributors or who on or before the thirty-first day of May one thousand nine hundred fifty-two become contributors to this fund shall for the purposes of this act be deemed to have been "State employes" from the time they first entered the employ of such institution even though the same may have been prior to the acquisition of the institution by the Commonwealth if such employe shall pay to the retirement association a sum equal to all the back payments which such employe would have made had he or she become a member of the retirement association at the time he or she was first employed by such institution Such back payments may be spread over a period of years by having the regular payroll deduction of such employe increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted If not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

The term "State employe" shall also include State officers and employes regularly employed on a per diem or hourly basis or partly at a fixed annual or monthly salary and partly on a per diem or hourly basis Regular employment shall not be construed to include employment of less than one hundred days or seven hundred fifty hours in any year In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

Employes of the Department of Health engaged as teachers in any state institution under the jurisdiction of the Department of Health who withdraw from the Public School Employes' Retirement System may join the State Employes' Retirement System on or before the first day of July one thousand nine hundred fifty-six any such employe shall for the purposes of this act be deemed to have been a "State employe" from the time he first entered the employe of such institution if he shall pay to the retirement association a sum equal to all the back payments which he would have made had he become a member of the retirement system at the time he was first employed by such institution plus the interest that would have been credited to his account During such period such back payments may be spread over a period of years by having the regular payroll deductions of such employe increased by not less than one-third of the amount thereof which increased deduction shall be credited to such back payments and which shall continue until the back payments shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted if not so anticipated then the members annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated Any employe who withdraws his contributions from the Public School Employes' Retirement System shall be required to pay the amount of such withdrawals to this fund immediately upon joining

Section 2 Membership in the State Employes' Retirement System of all employes of the Department of Health engaged as teachers at Pennsylvania State Tuberculosis Sanitarium No 1 (Mont Alto) Pennsylvania State Tuberculosis Sanatorium No 2 (Cresson) Pennsylvania State Tuberculosis Sanitarium No 3 (Hamburg) and Pennsylvania State Tuberculosis Sanitorium No 4 (Philadelphia) is validated and shall continue to the same extent as though they had been specifically included in the definition of "State employe" at the time they joined the State Employes' Retirement System

Section 3 This act shall take effect immediately

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibb,	McCann,	Scarcelli,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	Goldstein,	McGee,	Sherman,
Banker,	Gramlich,	McInroy,	Sigman,
Barnatovich,	Greenwood,	McKeever,	Smith, C. C.,
Bazin,	Guss,	McLaughlin,	Smith, W. B.,
Bell,	Guthrie,	McWherter,	Snider,
Blair,	Hamilton, R. K.,	Meholchick,	Stank,
Boles,	Haudenshield,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Hensel,	Mills,	Stone,
Breisch,	Hewitt,	Monroe,	Stoner,
Brennan, A. P.,	Hocker,	Moody,	Strausser,
Brennan, J. J.,	Holt,	Moran,	Stroup,
Brenninger,	Horst,	Moscrip,	Swartz,
Breth,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Bucchin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cioffi,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varner,
Comer,	Kehler,	Naugle,	Vaughan,
Connelly,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitenight,
Ewing,	Leiby,	Polen,	Williams,
Farabaugh,	Leisey,	Pomeroy,	Willaredt,
Filo,	Leonard,	Price,	Wilt,
Fineman,	Leven,	Pursley,	Wood,
Flint,	Light,	Readinger,	Worley,
Floyd,	Limper,	Reibman,	Yetter,
Flynn,	Lippincott,	Reidenbach,	Yetzer,
Foster,	Lopresti,	Renwick,	Young,
Frank,	Lovett,	Rigby,	Ziegler,
Frascella,	Lutty,	Rosen,	Andrews,
Frost,		Rovansek,	Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurence.

BILLS PASSED OVER

There being no objection

House Bill No. 1782, Printer's No. 1114,

House Bill No. 1829, Printer's No. 1203,

House Bill No. 1839, Printer's No. 1120 and

House Bill No. 1854, Printer's No. 1362,

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1886 as follows:

An Act to amend section two hundred one of the act approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 512) entitled "An act relating to the administration and distribution of decedents' estates trust estates minors' estates and absentees estates both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases the appointment bond removal and discharge of fiduciaries of such estates their powers duties and liabilities the rights of persons dealing with such fiduciaries and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning guardians of the person of minors the powers duties and liabilities of sureties and of foreign fiduciaries the abatement survival and control of actions and rights of action and the presumption of death and also generally dealing with the jurisdiction powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries" by changing the amount of wages or salary which an employer may pay to a deceased employee's spouse or other certain persons whether or not a personal representative has been appointed

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred one of the act approved the eighteenth day of April one thousand nine hundred Forty-nine (P. L. 512) entitled "An act relating to the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases the appointment bond removal and discharge of fiduciaries of such estates their powers duties and liabilities the rights of persons dealing with such fiduciaries and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning guardians of the person of minors the powers duties and liabilities of sureties and of foreign fiduciaries the abatement survival and control of actions and rights of action and the presumption of death and also generally dealing with the jurisdiction powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries" is hereby amended to read as follows

Section 201 Payment of Wages or Salary to Family Any employer of a person dying domiciled in the Commonwealth at any time after the death of the employee whether or not a personal representative has been appointed may pay wages or salary in an amount not exceeding [two] seven hundred and fifty dollars due to the deceased employee to the spouse any child the father or mother or any sister or brother (preference being given in the order named) of the deceased employee Any employer making such a payment shall be released to the same extent as if payment had been made to a duly appointed personal representative of the decedent and he shall not be required to see to the application thereof Any person to whom payment is made shall be answerable therefor to anyone prejudiced by an improper distribution

Section 2 The provisions of this act shall become effective immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,

Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus	Welsh,
Eilberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1892, Printer's No. 1330,
House Bill No. 1894, Printer's No. 1232,
House Bill No. 1899, Printer's No. 1331,
House Bill No. 1928, Printer's No. 1365,
House Bill No. 1939, Printer's No. 1266,
House Bill No. 1940, Printer's No. 1267,
House Bill No. 1957, Printer's No. 1281,
House Bill No. 1967, Printer's No. 1388 and
House Bill No. 1974, Printer's No. 1340,

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1975, as follows:

An Act making an appropriation to the Department of Property and Supplies to be used for rehabilitating and reinscribing Chief Cornplanter's monument

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six hundred dollars ($600) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for use in reinscribing and rehabilitating the monument of Chief Cornplanter on the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. O.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Eilberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1978, Printer's No. 1377 and
House Bill No. 1987, Printer's No. 1378,

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2006, as follows:

An Act amending the act of May 21, 1943 (P. L. 595) entitled "An act authorizing the Department of Property and Supplies to establish operate and maintain self-sustaining restaurants as herein defined in the State Capitol creating a revolving fund for this purpose to be known as The State Restaurant Fund providing additional duties for the State Treasurer and the Department of Health in connection therewith and appropriating the necessary funds for these purposes" changing provisions relating to the operation of restaurants in the basement of the Main Capitol Building

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 21, 1943 (P. L. 595) entitled "An act authorizing the Department of Property and Supplies to establish operate and maintain self-sustaining restaurants as herein defined in the State Capitol creating a revolving fund for this purpose to be known as The State Restaurant Fund providing additional duties for the State Treasurer and the Department of Health in connection therewith and appropriating the necessary funds for these purposes" is amended to read

Section 1 (a) The Department of Property and Supplies shall have the power and it shall be its duty [whenever it shall be unable to secure a suitable tenant or tenants for the operation of a restaurant or restaurants in the State Capitol and adjacent buildings] to establish operate and maintain with the approval of the Governor such restaurant or restaurants as may be necessary for the proper accommodation of State administrative legislative and judicial personnel and capitol visitors and to provide maintain furnish alter repair and equip adequate quarters in the State Capitol building for this purpose

(b) Suitable tenants may be secured by the Department of Property and Supplies to operate all restaurants established pursuant to the provisions of this act except restaurants established operated and maintained in the basement of the Main Capitol Building

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, J. J.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, P. G.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, H. P.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Eilberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 2008, Printer's No. 1391,

was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2020, as follows:

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the legislative session of 1955

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as is necessary are appropriated to the Senate and to the House of Representatives for the legislative sessions of 1955 The sums appropriated hereby shall be in addition to any sums heretofore appropriated for the purposes

(1) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the President pro tempore the sum of two thousand five hundred dollars ($2,500)

(2) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the Majority Floor Leader the sum of two thousand five hundred dollars ($2,500)

(3) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the Minority Floor Leader the sum of two thousand five hundred dollars ($2,500)

(4) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the Majority Whip, five hundred dollars ($500)

(5) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the Minority Whip five hundred dollars ($500)

(6) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the Speaker the sum of two thousand five hundred dollars ($2,500)

(7) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the Majority Floor Leader the sum of two thousand five hundred dollars ($2,500)

(8) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the Minority Floor Leader the sum of two thousand five hundred dollars ($2,500)

(9) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the Majority Whip five hundred dollars ($500)

(10) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the Minority Whip five hundred dollars ($500)

Section 2 This act shall take effect immediately.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Lutty,	Rovansek,
Agnew,	Gaffney,	Magee,	Royer,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	George,	Maxwell,	Sarraf,
Ashton,	Gibb,	McCann,	Scarcelli,
Auker,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boies,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenshield,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Miller,	Stevenson,
Breisch,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Horst,	Moscrip,	Swartz,
Brown,	Houk,	Muldowney,	Taylor,
Bucchin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toll,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varallo,
Comer,	Kamyk,	Musto,	Varner,
Connelly,	Kehler,	Naugle,	Vaughan,
Curwood,	Keller,	Needham,	Verona,
Davis,	Kent,	Ogilvie,	Wall,
Donahue,	Kline,	Olsen,	Wallace,
Donaldson,	Knecht,	O'Neil,	Walsh,
Dougherty,	Kolankiewicz,	Pacchioli,	Wargo,
Down,	Kooker,	Parry,	Waterhouse,
Ehrgood,	Kornick,	Pashley,	Weidner,
Eilberg,	Kratz,	Paulhamus,	Welsh,
Erb,	Kromer,	Petrosky,	Wescott,
Eshleman,	Lafore,	Pettigrew,	Wheeler,
Ewing,	Lawyer,	Polaski,	Whitenight,
Farabaugh,	Leiby,	Polen,	Willaredt,
Filo,	Leisey,	Pomeroy,	Williams,
Fineman,	Leonard,	Price,	Wilt,
Flint,	Leven,	Pursley,	Wood,
Floyd,	Light,	Readinger,	Worley,
Flynn,	Limper,	Reibman,	Yetter,
Foster,	Lippincott,	Reidenbach,	Yetzer,
Frank,	Lopresti,	Renwick,	Young,
Frascella,	Lovett,	Rigby,	Ziegler,
		Rosen,	Andrews,
			Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

Senate Bill No. 257, Printer's No. 328,
Senate Bill No. 524, Printer's No. 339,
Senate Bill No. 543, Printer's No. 231 and
Senate Bill No. 608, Printer's No. 268,

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 646, as follows:

An Act amending the act of June 21 1939 (P L 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen P L seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" entitling certain unemployed persons to benefits and fixing minimum compensation payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 21 1939 (P L 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P L seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amended May 29 1951 (P L 439) May 29 1951 (P L 497) and September 29 1951 (P L 1617) is amended to read

Section 1 In addition to those persons included within the definition of the word "employe" as defined in section one hundred and four of the act approved the second day of June one thousand nine hundred and fifteen (P L seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as last reenacted and amended at the regular legislative session of one thousand nine hundred and thirty-nine there shall be included all members of volunteer fire companies or volunteer fire departments of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns townships for all the purposes of said act and shall be entitled to receive compensation in case of injuries received while actually engaged as firemen or while going to or returning from any fire which the fire companies or fire department of which they are members shall have attended or while participating in instruction fire drills in which the fire company of which they are members shall have

participated or while repairing or doing other work about or on the fire aparatus or buildings and grounds of such fire company upon the authorization of the chief or other person in charge or while answering any emergency call for any purpose or while riding upon the fire apparatus owned or used by the fire companies of which they are members at any time or while performing any other duties of such companies or fire department authorized by such cities boroughs incorporated towns and townships or while performing duties imposed by section fifteen of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (P L 465) as amended and there shall be included all individuals who extinguish forest fires and are entitled to compensation therefor as determined by authorized officers of the Department of Forests and Waters and such individuals are hereby declared to be "forest fire fighters" and "employes" of the department for all the purposes of said act and shall be entitled to receive compensation in case of injuries received while actually engaged in extinguishing forest fires or while going to or returning from forest fires or while performing any other duties in connection with extinguishing forest fires authorized or ratified by the department's officers

The city borough incorporated town or township or the Department of Forests and Waters as employer shall in all cases be deemed to have knowledge of all other employment of all members of its volunteer fire companies or volunteer fire departments or of its forest fire fighters as the case may be including self employment and shall be liable for compensation on account of all wages and earnings resulting therefrom In all cases where an injury compensable under the provisions of this act is received by a member of a volunteer fire company or volunteer fire department or by a forest fire fighter of the department who is in whole or in part a salf employer and loss of earnings results therefrom such earnings shall for the purposes of this act be regarded as wages The average weekly wage as so regarded shall be that most favorable to the employe computed by dividing by thirteen the total earnings of the employe in the first second third or fourth period of thirteen consecutive calendar weeks in the fifty-two weeks imediately proceding the accident In all cases where an injury compensable under the provisions of this act is received by a member of a volunteer fire company or volunteer fire department or by a forest fire fighter of the department who is self employed employed or unemployed payments shall be made of not less than twenty-two dollars and fifty cents ($22.50) per week for total disability and not less than twelve dollars and fifty cents ($12.50) for partial disability.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Eilberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 688, as follows:

An Act amending the act of May 26, 1949 (P. L. 1828) entitled "An act concerning the investment powers and duties of guardians committees trustees and other fiduciaries except personal representatives and prescribing the nature and kind of investments which may be made and retained by such fiduciaries" by making further provisions respecting the qualification of common stock for investment where there is a predecessor or constituent corporation and by changing the requirements of an interest bearing deposit

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 9 act of May 26, 1949 (P. L. 1828) known as the "Fiduciaries Investment Act of 1949" amended June 19, 1953 (P. L. 284) is amended to read

Section 9 Stocks

(a) Preferred and Common Stock Preferred and common stock of any corporation organized under the laws of the United States or of any commonwealth or state thereof or of the District of Columbia shall be authorized investment if

(1) purchased in the exercise of that degree of judgment and care under the circumstances then prevailing which men of prudence discretion and intelligence exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of their funds considering the probable income to be derived therefrom as well as the probable safety of their capital

(2) in the case of preferred stock the corporation issuing the stock has earned a net profit in eight of the preceding ten fiscal years as reflected in its statements and during

each of the preceding ten fiscal years has paid dividends in the specified amounts upon all its preferred stock in any outstanding during such year

(3) in the case of common stock the corporation issuing the stock has earned a net profit in twelve of the preceeding sixteen fiscal years as reflected in its statements and during each of the preceding sixteen fiscal years has paid dividends in the specified amounts upon all its preferred stock if any outstanding during said year and in each of at least twelve of the preceding sixteen fiscal years has paid dividends in some amount upon all its common stock if any outstanding during such year and

(4) in the case of any stock other than stock of a bank or insurance company or of an investment company (as hereinafter defined) the stock is listed or traded (or if unlisted or not entitled to trading privelegs shall be eligible for listing and application for such listing shall have been made) on the New York Stock Exchange or any other exchange approved by the Secretary of Banking

No investment in common stock shall be made which at that time would cause the market value of the investments in common stocks to exceed one-third of the market value of the estate not including in such market value the value of any participation in a common trust fund No sale or other liquidation of any investment shall be required solely because of any change in market values whereby the percentages of stocks hereinabove set forth are exceeded In determining the market value of an estate a fiduciary may rely upon publised market quotations as to those investments for which such quotations are available and upon such valuations of other property as in his best judgment seem fair and reasonable according to available information

When a corporttion has acquired a substantial part of its property within sixteen years immediately preceding the investment by consolidation or merger or by the purchase of a substantial part of the property of any other corporation or corporations the earnings of the predecessor or constituent corporation shall be consolidated so as to ascertain whether the net profit requirements of this section have been satisfied and the dividend requirements of this section shall be satisfied by payment of the required dividends by any predecessor or constituent corporation

"Corporation" as used in this section shall include a voluntary association a joint-stock association or company a business trust a Massachusetts trust a common-law trust and any other organization organized and existing for any lawful purpose and which like a corporation continues to exist notwithstanding changes in the personnel of its members or participants and conducts its affairs through a committee a board or some other group acting in a representative capacity

"Investment Company" as used in this section shall mean a corporation (as defined in this section) which is registered as an investment company under the Federal Investment Company Act of 1940 as from time to time amended and which has no preferred stock bonds loans or any other outstanding securities having preference or priority as to assets or earnings over its common stock and which shall have net assets of not less than ten million dollars ($10,000,000) at the date of purchase

"Common Stock" as used in this section shall include the stock certificate certificates of beneficial interests or trust participation certificates issued by any corporation or unincorporated association included under the definition of "corporation" in the preceding paragraph

* * *

Section 2 Section 12 of the act is amended to read

Section 12 Interest-Bearing Deposit An interest-bearing deposit in any bank bank and trust company savings bank or national banking association located within the Commonwealth shall be an authorized investment if

(1) not in the commercial department of a corporate fiduciary of the estate or trust to which the funds belong

(2) the maturity date or the permissible date of withdrawal does not exceed one year from the date of the deposit or any renewal thereof and

(3) the aggregate of such deposits does not exceed [one thousand five hundred] five thousand dollars] except that in the case of a mutual savings bank the aggregate does not exceed the amount which is fully insured by the Federal Deposit Insurance Corporation pursuant to the Act of Congress of June sixteenth one thousand nine hundred thirty-three (48 Stat 168) and its supplements and amendments heretofore or hereafter enacted

Section 3 This act shall take effect January 1, 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. O.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Bucchin,	Houk,	Mullen,	Thomas,
Brown,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Eilberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 698, as follows:

An Act amending the act of May 15 1933 (P L 624) entitled as amended "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers and employes' mutual banking associations defining the rights powers duties liabilities and mmunities of such corporations of existent corporotions authorized to engage in a banking business with or without fiduciary powers of private bankers and employes' mutual banking associations and of the officers directors trustees shareholders attorneys and other employes of all such corporations employes' mutual banking association private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" further providing for authorized investments of savings banks

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph (i) of clause (3) of subsection C of section 1208 Act of May 15, 1933 (P. L. 624) known as the "Banking Code" amended July 13, 1953 (P. L. 413) is amended to read

Section 1208 Authorized Investments of Savings Banks Not Under Special Charter

* * * * * * *

C A savings bank other than a savings bank organized under a special act of the General Assembly may make such additional investments as are authorized by its articles but it shall not purchase or invest in bonds secured by mortgage upon real property other than such as are expressly authorized by this act nor shall it invest in the shares of capital of any corporation whatsoever except

* * * * * * *

(3) Preferred stock guaranteed stock and common stock of any other corporation organized under the laws of the United States or of any Commonwealth or State thereof or of the District of Columbia subject to the following conditions

* * * * * * *

(i) When a corporation has acquired a substantial part of its property within sixteen years immediately preceding the investment by a savings bank as herein provided by consolidation or merger or by the purchase of a substantial part of the property of any other corporation or corporations the earnings of the predecessor or constituent corporations shall be consolidated so as to ascertain whether the net profit requirements of this clause (3) have been satisfied and the dividend requirements of this clause (3) shall be satisfied by payment of the required dividends by any predecessor or constituent corporation

Section 2 Paragraph (i) of clause (3) of subsection A of section 1209 of said act amended July 13, 1953 (P. L. 413) is amended to read

Section 1209 Authorized Investments of Special Charter Savings Banks A A savings bank organized under a special act of the General Assembly may make such investments as may be authorized by its articles of incorporation but no such savings bank shall purchase or invest in the shares of capital of any corporation whatsoever except

* * * * * * *

(3) Preferred stock guaranteed stock and common stock of any other corporation organized under the laws of the United States or of any Commonwealth or State thereof or of the District of Columbia subject to the following conditions

* * * * * * *

(i) When a corporation has acquired a substantial part of its property within sixteen years immediately preceding the investment by a savings bank as herein provided by consolidation or merger or by the purchase of a substantial part of the property of any other corporation or corporations the earnings of the predecessor or constituent corporation shall be consolidated so as to ascertain whether the net profit requirements of this clause (3) have been satisfied and the dividend requirements of this clause (3) shall be satisfied by payment of the required dividends by any predecessor or constituent corporation

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Garlock,	Magee,	Royer,
Agnew,	Gelfand,	Mahan,	Rubin,
Amarando,	George,	Markley,	Rudisill,
Anderson, M. S.,	Gibb,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibson,	McCann,	Scarcelli,
Ashton,	Goldstein,	McCormack,	Schuster,
Auker,	Gramlich,	McGee,	Sherman,
Banker,	Greenwood,	McInroy,	Sigman,
Barnatovich,	Guss,	McKeever,	Smith, C. C.
Bazin,	Guthrie,	McLaughlin,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	McWherter,	Snider,
Blair,	Hamilton, W. H.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Breisch,	Hewitt,	Monroe,	Stoner,
Brennan, A. P.,	Hocker,	Moody,	Strausser,
Brennan, J. J.,	Holt,	Moran,	Stroup,
Brenninger,	Horst,	Moscrip,	Swartz,
Breth,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Bucchin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, T. H. W.	Murray, J. J.,	Toomey,
Cioffi,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varner,
Comer,	Kehler,	Naugle,	Vaughan,
Connelly,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Kubacki,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
Frost,	Lutty,	Rovansek,	Speaker
Gaffney,			

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILL PASSED OVER

There being no objection

Senate Bill No. 797, Printer's No. 499.

was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 830, as follows:

An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended "An act relating to assessment for taxation in counties of the fourth fifth sixth seventh and eighth classes designating the subjects property and persons subject to and exempt from taxation for county borough town township school except in cities and county institution district purposes and providing for and regulating the assessment and valuation thereof for such purposes creating in each such county a board for the assessment and revision of taxes defining the powers and duties of such boards providing for the acceptance of this act by cities regulating the office of ward borough town and township assessors abolishing the office of assistant triennial assessor in townships of the first class providing for the appointment of a chief assessor assistant assessors and other employes providing for their compensation payable by such counties prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits imposing duties on taxables making improvements on land and grantees of land prescribing penalties and eliminating the triennial assessment" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 21, 1943 (P. L. 571) known as "The Fourth to Eighth Class County Assessment Law" is amended by adding after section 703 a new section to read

Section 703.1 Notice of Changes Given to Taxing Authorities When the board shall make any change in the amount of three hundred dollars ($300) or more in the assessed value of property as finally fixed in the preceding assessment roll or shall fix the valuation of property which has not theretofore been separately fixed whether such change or new valuation is made before or after an appeal has been heard by the board or the Court of Common Pleas the board shall give notice of such change or new valuation to the clerk of the city (if it has accepted the provisions of this act) in which the assessed property is located to the secretary of the school district in which the assessed property is located and to the secretary of the borough or township in which the assessed property is located The time limit within which the city borough township and school district is entitled to appeal from the actions of the board or from the decision of the Court of Common Pleas shall commence to run on the day such notice is mailed or otherwise delivered

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Lovett,	Rovansek,
Agnew,	Gaffney,	Lutty,	Royer,
Amarando,	Garlock,	Magee,	Rubin,
Anderson, M. S.,	Gelfand,	Mahan,	Rudisill,
Anderson, S. A.,	George,	Markley,	Sarraf,
Ashton,	Gibb,	Maxwell,	Scarcelli,
Auker,	Gibson,	McCann,	Schuster,
Banker,	Goldstein,	McCormack,	Sherman,
Barnatovich,	Gramlich,	McGee,	Sigman,
Bazin,	Greenwood,	McInroy,	Smith, C. C.,
Bell,	Guss,	McKeever,	Smith, Wm. B.,
Blair,	Guthrie,	McLaughlin,	Snider,
Boles,	Hamilton, R. K.,	McWherter,	Stank,
Bonner,	Hamilton, W. H.,	Meholchick,	Stebbins,
Boory,	Hass,	Metz,	Steckel,
Bower,	Haudenshield,	Mihm,	Stephens,
Branca,	Heavey,	Mikula,	Stevenson,
Breisch,	Helm,	Miller,	Stone,
Brennan, A. P.,	Henzel,	Mills,	Stoner,
Brennan, J. J.,	Hewitt,	Monroe,	Strausser,
Brenninger,	Hocker,	Moody,	Stroup,
Breth,	Holt,	Moran,	Swartz,
Brown,	Horst,	Moscrip,	Taylor,
Bucchin,	Houk,	Muldowney,	Thomas,
Bullen,	Isaacs,	Mullen,	Thompson,
Capano,	Jenkins,	Munley,	Toll,
Cianfrani,	Johnson,	Murphy,	Tompkins,
Cioffi,	Jones, G. E.,	Murray, H. P.,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, J. J.,	Varallo,
Comer,	Jump,	Murray, P. G.,	Vaughan,
Connelly,	Kamyk,	Musto,	Varner,
Curwood,	Kehler,	Naugle,	Verona,
Davis,	Keller,	Needham,	Wall,
Donahue,	Kent,	Ogilvie,	Wallace,
Donaldson,	Kline,	Olsen,	Walsh,
Dougherty,	Knecht,	O'Neil,	Wargo,
Down,	Kolankiewicz,	Pacchioli,	Waterhouse,
Ehrgood,	Kooker,	Parry,	Weidner,
Eilberg,	Kornick,	Pashley,	Welsh,
Erb,	Kratz,	Paulhamus,	Wescott,
Eshleman,	Kromer,	Petrosky,	Wheeler,
Ewing,	Kubacki,	Pettigrew,	Whitenight,
Farabaugh,	Lafore,	Polaski,	Willaredt,
Filo,	Lawyer,	Polen,	Williams,
Fineman,	Leiby,	Pomeroy,	Wilt,
Flint,	Leisey,	Price,	Wood,
Floyd,	Leonard,	Pursley,	Worley,
Flynn,	Leven,	Readinger,	Yetter,
Foster,	Light,	Reibman,	Yetzer,
Frank,	Limper,	Reidenbach,	Young,
Frascella,	Lippincott,	Renwick,	Ziegler,
	Lopresti,	Rigby,	Andrews,
		Rosen,	Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 831, as follows:

An Act amending the act of June 26, 1931 (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town townships school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 26, 1931 (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town townships school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities' is amended by adding after section 8 a new section to read

Section 8.1 When the board shall make any change in the amount of three hundred dollars ($300) or more in the assessed value of property as finally fixed in the preceding assessment roll or shall fix the valuation of property which has not theretofore been separately fixed whether such change or new valuation is made before or after an appeal has been heard by the board or by the Court of Common Pleas the board shall give notice of such change or new valuation to the clerk of the city (if it has accepted the provisions of this act) in which the assessed property is located to the secretary of the school district in which the assessed property is located and to the secretary of the borough or township in which the assessed property is located The time limit within which the city borough township and school district is entitled to appeal from the actions of the board or from the decision of the Court of Common Pleas shall commence to run on the day such notice is mailed or otherwise delivered.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibb,	McCann,	Scarcelli,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	Goldstein,	McGee,	Sherman,
Banker,	Gramlich,	McInroy,	Sigman,
Barnatovich,	Greenwood,	McKeever,	Smith, C. C.,
Bazin,	Guss,	McLaughlin,	Smith, Wm. B.,
Bell,	Guthrie,	McWherter,	Snider,
Blair,	Hamilton, R. K.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breisch,	Horst,	Moscrip,	Swartz,
Breth,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Bucchin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cioffi,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varner,
Comer,	Kehler,	Naugle,	Vaughan,
Connelly,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitenight,
Ewing,	Leiby,	Polen,	Willaredt,
Farabaugh,	Leisey,	Pomeroy,	Williams,
Filo,	Leonard,	Price,	Wilt,
Fineman,	Leven,	Pursley,	Wood,
Flint,	Light,	Readinger,	Worley,
Floyd,	Limper,	Reibman,	Yetter,
Flynn,	Lippincott,	Reidenbach,	Yetzer,
Foster,	Lopresti,	Renwick,	Young,
Frank,	Lovett,	Rigby,	Ziegler,
Frascella,	Lutty,	Rosen,	Andrews,
Frost,		Rovansek,	Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 832, as follows:

An Act amending the act of May 22, 1933 (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 22 1933 (P. L. 853) known as "The General County Assessment Law" is amended by adding after section 514 a new section to read

Section 514.1 Notice of Changes Given to Taxing Authorities When the commissioners acting as a board of revision or the board for the assessment and revision of taxes as the case may be shall make any change in the amount of three hundred dollars ($300) or more in the assessed value of property as finally fixed in the preceding assessment roll or shall fix the valuation of property which has not therefore been separately fixed whether such change or new valuation is made before or after an appeal has been heard by the board or by the Court of Common Pleas the board shall give notice of such change or new valuation to the clerk of the city (if it has accepted the provisions of this act) in which the assessed property is located to the secretary of the school district in which the assessed property is located and to the secretary of the borough or township in which the assessed property is located The time limit within which the city borough township and school district is entitled to appeal from the actions of the board or from the decision of the Court of Common Pleas shall commence to run on the day such notice is mailed or otherwise delivered

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Magee,	Royer,

Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. O.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boies,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Dougherty,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Eilberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

On the question,

Will the House agree to the bill on third reading?

Mr. MIHM. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section (3)b (12), page 9, lines 18 and 19 by deleting after the word "corporation" beginning in line 18 the following: "(13) to have the power of eminent domain," and insert a new subparagraph to read: "(13) to have the power of eminent domain."

Amend Section 3(b) (18), pages 10 and 11, lines 20 and 1 by deleting after the word "obligations" in line 20 "(18)" and by inserting "(19)" before the word "private" in line 1.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection

Senate Bill No. 918, Printer's No. 456

was passed over at the request of the SPEAKER.

BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. PETROSKY,

The House resumed the consideration on final passage of House Bill No. 1562, entitled:

An Act amending the act of April 12 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" redefining the term "population"

RECONSIDERATION OF VOTE

Mr. PETROSKY. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. CAPANO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky, vote on the third reading of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Washington, Mr. Capano, vote on the third reading of this bill?

Mr. CAPANO. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. PETROSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1 (Sec. 102), page 2, line 8, by inserting brackets before and after "decennial" and inserting immediately thereafter "official."

Amend Sec. 1 (Sec. 102), page 2, lines 8, 9 and 10, by striking out "or by any census" in line 8 and all of lines 9 and 10.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

RESOLUTION

Mr. PRICE offered a resolution which was filed with the Clerk under the Rules.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 730, Printer's No. 1270, together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 730.

An Act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pullorum testing programs

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "Agriculture" the following: "shall license lay technicians to draw" and inserting in lieu thereof the following: "when he determines that there is a need for trained technicians to aid in drawing"; line 4, page 1, by inserting after the word "programs" the words "may license as many trained technicians as he deems necessary to aid the programs"; Section 2, line 4, page 2, by striking out after the word "least" the word "eighteen" and inserting in lieu thereof the words "twenty-one"; page 2, line 10, by striking out at the beginning of the line the words "in a school selected" and inserting in lieu thereof the words "as prescribed"; Section 3, page 2, line 12, by striking out after the article "a" the words "licensed veterinarian" and inserting in lieu thereof the words "person who is a graduate of an accredited school of veterinary medicine"; page 2, line 15, by inserting after the word "poultry" the words "the proper handling and preservation of blood samples"; Section 4, page 3, line 3, by striking out after the word "force" the words "until July" and inserting in lieu thereof the words "unless revoked for cause until January"; page 3, by inserting after line seven the following:

"Appeals from any action of the Secretary of Agriculture which results in a refusal to issue or renew or in a suspension or revocation of a license shall be taken in accordance with the provisions of the Act of June 4, 1945 (P. L. 1388) known as the 'Administrative Agency Law'"

Amend Section 6, page 3, by inserting after the figure "6" the following: "The Secretary of Agriculture may (1) adopt and promulgate rules and regulations governing the activities methods and functions of all technicians licensed under the provisions of this act and (2) suspend or revoke the license of any licensee who is (I) incompetent (II) fails to comply with the provisions of this act or any rule or regulation of the secretary or (III) is intemperate in the use of stimulants narcotics or any other substance which impairs the performances of his duties."

Section 7.

Amend page 4, line 16, by striking out after the word "section" the figure "7" and inserting in lieu thereof the following: "8 A person licensed under the provisions of this act engaged to draw blood samples from poultry to be used in pullorum testing shall not be employed by the owner of the poultry"

Section 9.

Page 5, line 3, by striking out after the word "section" the figure "8" and inserting in lieu thereof the figure "10."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Auker,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. O.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boies,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Connelly,	Kehler,	Needham,	Verona,

Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Welsh,
Eilberg,	Kratz,	Petrosky,	Wescott,
Erb,	Kromer,	Pettigrew,	Wheeler,
Eshleman,	Lafore,	Polaski,	Whitenight,
Ewing,	Lawyer,	Polen,	Willaredt,
Farabaugh,	Leiby,	Pomeroy,	Williams,
Filo,	Leisey,	Price,	Wilt,
Fineman,	Leonard,	Pursley,	Wood,
Flint,	Leven,	Readinger,	Worley,
Floyd,	Light,	Reibman,	Yetter,
Flynn,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rosen,	Ziegler,
Frascella,	Lovett,	Rovansek,	Andrews,
	Lutty,	Rigby,	Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1294, Printer's No. 1350, together with the communication from thte Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1294.

An Act amending the act of June 24, 1939 (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" regulating the advertising and offering for sale of merchandise commodities and services

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 1, line 3, by inserting after the word "advertising" the following: "and offering for sale" and striking out the following: "and offering for sale."

Amend Section 1, page 3, line 4, by striking out the bracket before the word 'and"; line 5, by striking out the bracket after the word "misleading."

Page 4, line 13, by inserting after the word "publication" the following: "or radio or television station."

Page 5, line 9, by inserting after the figures "857.1" the following: "offers for sale of" and striking out the following: "offers for sale of"; line 11, by inserting after the part word "vertises" the following "or offers for sale to the general public" and striking out the following: "or offers for sale"; line 13, by striking out after the word "sell" the word "it" and inserting in lieu thereof the following: "or with intent not to sell"; line 15, by striking out after the word "fine" the following: "of not less than five hundred dollars ($500) nor more than" and inserting in lieu thereof the following: "not exceeding"; line 17, by inserting after the word "or" the word "to"; line 17, by striking out after the word "imprisonment" the following: "for not less than six months nor more than one year or both" and inserting in lieu thereof the following: "not exceeding" and striking out "one (1) year" and inserting the following: "six (6) months or both."

Page 6, line 5, by inserting after the word "thing" the following: "advertised or offered for sale to the general public"; line 6, by inserting after the word "be" the following: "prima facie evidence of" and striking out "prima facie evidence of"; line 7, by inserting after the word "section" the following: "provided that this subsection shall not be applicable when a person advertises or offers for sale any merchandise commodity service or thing and clearly sets out in such advertisement or offer by quantity or number that he has a specific limited quantity of such merchandise commodity service or thing for sale and when at the time of such advertisement or offer such person did in fact have at least such quantity or amount for sale."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—206

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibb,	McCann,	Scarcelli,
Ashton,	Gibson,	McCormack,	Schuster,
Auker,	Goldstein,	McGee,	Sherman,
Banker,	Gramlich,	McInroy,	Sigman,
Barnatovich,	Greenwood,	McKeever,	Smith, C. C.,
Bazin,	Guss,	McLaughlin,	Smith, W. B.,
Bell,	Guthrie,	McWherter,	Snider,
Blair,	Hamilton, B. K.,	Meholchick,	Stank,
Boles,	Hass,	Metz,	Stebbins,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stephens,
Bower,	Helm,	Miller,	Stevenson,
Branca,	Henzel,	Mills,	Stone,
Breisch,	Hewitt,	Monroe,	Stoner,
Breth,	Hocker,	Moody,	Strausser,
Brennan, A. P.,	Holt,	Moran,	Stroup,
Brennan, J. J.,	Horst,	Moscrip,	Swartz,
Brenninger,	Houk,	Muldowney,	Taylor,
Brown,	Isaacs,	Mullen,	Thomas,
Bucchin,	Jenkins,	Munley,	Thompson,
Bullen,	Johnson,	Murphy,	Toll,
Capano,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cioffi,	Jump,	Murray, P. G.,	Varallo,
Cochran,	Kamyk,	Musto,	Varner,
Comer,	Kehler,	Naugle,	Vaughan,
Connelly,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitenight,
Ewing,	Leiby,	Polen,	Willaredt,
Farabaugh,	Leisey,	Pomeroy,	Williams,
Filo,	Leonard,	Price,	Wilt,
Fineman,	Leven,	Pursley,	Wood,
Flint,	Light,	Readinger,	Worley,
Floyd,	Limper,	Reibman,	Yetter,
Flynn,	Lippincott,	Reidenbach,	Yetzer,
Foster,	Lopresti,	Renwick,	Young,
Frank,		Rigby,	Ziegler,

Frascella, Lovett, Rosen, Andrews,
Frost, Lutty, Rovanšek, Speaker

NAYS—0

NOT VOTING—1

Cooper,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE MEETINGS

AGRICULTURE AND DAIRY INDUSTRIES, Mr. Snider, Chairman, Room 331, Tuesday, February 21st at 11:00 a. m.

COUNTIES, Mr. Wheeler, Chairman, Room 323, Tuesday, February 21st at 11:30 a. m.

JUDICIARY, Mr. Lopresti, Chairman, Room 145, Tuesday, February 21st at 10:00 a. m.

LAW AND ORDER, Mr. Yetzer, Chairman, Room 325, Tuesday, February 21st at 12:45 p. m.

LIQUOR CONTROL, Mr. Stank, Chairman, Room 325, Tuesday, February 21st at 11:30 a. m.

STATE GOVERNMENT, Mr. Polaski, Chairman, Room 324, Tuesday, February 21st at 11:45 a. m.

The Legislative Service Club will meet for breakfast tomorrow morning, February 21, at 8:30 a. m. in the Private Dining Room of the Capitol Cafeteria.

ADJOURNMENT

Mr. KRATZ, Mr. Speaker, I move that this House do now adjourn until Tuesday, February 21, 1956 at 1:00 p. m.

The motion was agreed to, and (at 549 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., TUESDAY, FEBRUARY 21, 1956. No. 141.

SENATE

TUESDAY, February 21, 1956.

The Senate met at 1:00 o'clock p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

Almighty God, our Heavenly Father, again we come to Thee in humility and faith. We pray that Thy spirit will guide us that we may do our work in a way that shall be pleasing to Thee and benefiicial to those whom we serve.

Today, we again remember our colleagues who are sick and afflicted. We pray that Thou, as the Great Psysician, wilt heal them and bring them back to us here.

Guide us always that when opportunity comes to serve Thee and our fellowman that we may give the best which we have. We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. HARNEY, further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBERS OF SNYDER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 21, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Snyder County Board of Assistance:

Mrs. Sara E. Bolig (Dem.), 7 West Pine Street, Selinsgrove, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Clarence M. Bailey (Rep.) Beavertown, to serve until December 31, 1958. (Reappointment)

Mrs. Kathleen M. Kline (Dem.), McClure, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF BOARD OF TRUSTEES OF CLARION STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 21, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Clarion State Teachers' College, to serve until the third Tuesday of January 1961, and until their successors shall have been appointed and qualified:

John H. Hughes, Brookville, Jefferson County, vice Maj. Raymond E. Brown, Brookville, whose term expired.

Keva H. L. Miller, 304 Orange Street, Oil City, Venango County, vice Samuel E. Breene, Esq., Oil City, whose term expired.

Alvin B. Coppolo, Esq., St. Marys, Elk County, vice Christian Feit, Smethport, whose term expired.

GEORGE M. LEADER

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 1756, entitled:

An Act amending the "Public School Employes Retirement Law" of July 18, 1917 (P. L. 1043) * * * extending the time for employes of the Department of Health engaged as teachers to withdraw from the retirement system and receive reimbursement for moneys paid in and validating past membership

Which was committed to the Committee on State Government.

House Bill No. 1757, entitled:

An Act amending the "State Employes' Retirement Law" approved June 27, 1923 (P. L. 858) * * * specifically including employes of the Department of Health engaged as teachers in the definition of "State employe" * * *

Which was committed to the Committee on State Government.

House Bill No. 1886, entitled:

An Act to amend section two hundred one of the "Fiduciaries Act of 1949" approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 512) entitled "An act relating to the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates both as to real and personal property and the procedure relating thereto * * *" by changing the amount of wages on salary which an employer may pay to a deceased employee's spouse or other certain persons whether or not a personal representative has been appointed.

Which were committed to the Committee on Judiciary General.

House Bill No. 1975, entitled:

An Act making an appropriation to the Department of Property and Supplies to be used for rehabilitating and reinscribing Chief Cornplanter's monument.

Which was committed to the Committee on Appropriations.

House Bill No. 2006, entitled:

An Act amending the act of May 21, 1943 (P. L. 595) entitled "An act authorizing the Department of Property and Supplies to establish operate and maintain self-sustaining restaurants as herein defined in the State Capitol * * *" changing provisions relating to the operation of restaurants in the basement of the Main Capitol Building

Which was committed to the Committee on Rules

House Bill No. 2020, entitled:

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the Legislative session of 1955

Which was committed to the Committee on Appropriations.

AMENDMENT TO HOUSE BILL No. 844
RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 844, entitled:

An Act amending the "Vehicle Code" act of May 1, 1929 (P. L. 905) authorizing use of warning figures commonly known as "silent policemen" to be erected within school zones on highways and State highways by certain political subdivisions

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 970
RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 970, entitled:

An Act amending the "Vehicle Code" Act of May 1, 1929 (P. L. 905) by changing requirements and penalties concerning lamps and illuminating devices.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

HOUSE CONCURS IN SENATE BILL No. 646

He also returned to the Senate, Senate Bill No. 646, entitled:

An Act amending "The Pennsylvania Occupational Disease Act" * * * entitling certain unemployed persons to benefits and fixing minimum compensation payments

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 688

He also returned to the Senate, Senate Bill No. 688, entitled:

An Act amending the "Fiduciaries Investment Act of 1949" * * * by making further provision respecting the qualification of common stock for investment where there is a predecessor or constituent corporation and by changing the requirements of an interest bearing deposit

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 698

He also returned to the Senate, Senate Bill No. 698, entitled:

An Act amending the "Banking Code" * * * further providing for authorized investments of savings banks

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 830

He also returned to the Senate, Senate Bill No. 830, entitled:

An Act amending the "Fourth to Eighth Class County Assessment Law * * *" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 831

He also returned to the Senate, Senate Bill No. 831, entitled:

An Act amending the "Fourth to Eighth Class County Assessment Law * * *" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 832

He also returned to the Senate, Senate Bill No. 832, entitled:

An Act amending "The General County Assessment Law" approved May 22, 1933 (P. L. 853) * * *" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 730

He also presented communication from the House of Representatives informing the Senate that the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 730, entitled:

An Act providing for and regulating the licensing of poultry technicians, by the Secreaary of Agriculture, for the drawing of blood from poultry to be used in pullorum testing programs.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1294

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1294, entitled:

An act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code," regulating the advertising and offering for sale of merchandise, commodities and services.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

RECALLING SENATE BILL No. 862 FROM THE GOVERNOR

In the Senate, February 20, 1956.

Resolved (if the House concur), That Senate Bill No. 862, Printer's No. 384, entitled "An act amending the act of June 16, 1836 (P. L. 715), entitled 'An act relating to Reference and Arbitration,' providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue," be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

TIME OF NEXT MEETING

In the Senate, February 20, 1956.

Resolved (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, February 27, 1956, at a time to be fixed by the Senate; and when the House of Representatives adjourns this week, it reconvene on Monday, February 27, 1956, at a time to be fixed by the House of Representatives.

BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 407, entitled:

An Act amending the act of August 10, 1951 (P. L. 1182), entitled "Chiropractic Registration Act of 1951," extending the period for application for limited examination, clarifying certain provisions thereof, establishing further standards of educational conferences and requiring board approval thereof, providing for branch office certificates and prohibiting branch office practice without such certificate.

House Bill No. 1002, entitled:

An Act relating to conditional sales made and filed prior to July 1, 1954.

House Bill No. 1340, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," further providing for payments to school districts on account of pupil transportation.

House Bill No. 1406, entitled:

An Act amending the act of March 30, 1937 (P. L. 115), entitled "The First Class City Registration Act," increasing compensation of the chairman and other members of the registration commission.

House Bill No. 1857, entitled:

An Act amending the act of May 2, 1925 (P. L. 448), entitled "Fish Law of 1925," authorizing refunds of fees, fines and other moneys erroneously or unjustly collected.

House Bill No. 1871, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225), entitled "The Game Law," regulating refund of fees, fines or other moneys erroneously or unjustly collected and deposited; and appropriating moneys from the Game Fund for the refund of fees, fines or other moneys unjustly collected.

Whereupon, The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of holding a meeting of the Committee on Executive Nominations.

Mr. PECHAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations made by His Excellency, the Governor:

MEMBERS OF THE PENNSYLVANIA FAIR EMPLOYMENT PRACTICE COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Fair Employment Practice Commission:

Hon. Homer S. Brown (Dem.), 744 Anaheim Street, Pittsburgh, Allegheny County, for a term of one year, or until his successor shall have been duly appointed and qualified.

Mrs. Florence Reizenstein (Dem.), 1301 Inverness Street, Pittsburgh, Allegheny County, for a term of two years, or until her successor shall have been duly appointed and qualified.

Rev. Jesse D. Reber (Rep.), 3401 Cloverfield Road, Harrisburg, Dauphin County, for a term of two years, or until his successor shall have been duly appointed and qualified.

Samuel H. Daroff (Rep.), Walnut at 23rd Streets, Philadelphia 3, Philadelphia County, for a term of three years, or until his successor shall have been duly appointed and qualified.

William H. Sylk (Rep.), 4855 Lancaster Avenue, Philadelphia, Philadelphia County, for a term of three years, or until his successor shall have been duly appointed and qualified.

Matthew H. McCloskey III (Dem.), Muirfield Road, Bryn Mawr, Montgomery County, for a term of four years, or until his successor shall have been duly appointed and qualified.

Edward G. Petrillo, Esq. (Rep.), 515 G. Daniel Baldwin Building, Erie, Erie County, for a term of four years, or until his successor shall have been duly appointed and qualified.

Charles R. Brown (Dem.), 918 North Wayne Street, Hollidaysburg, Blair County, for a term of five years, or until his successor shall have been duly appointed and qualified.

Harry Boyer (Dem.), 904 Rose Street, Reading, Berks County, for a term of five years, or until his successor shall have been duly appointed and qualified.

GEORGE M. LEADER.

JUDGE OF THE SUPERIOR COURT OF THE COMMONWEALTH OF PENNSYLVANIA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Philip O. Carr, 58 East Berkly Street, Uniontown, Fayette County, for appointment as Judge of the Superior Court of the Commonwealth of Pennsylvania, to serve until the first Monday of January 1957, vice Hon. F. Clair Ross, deceased.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Anastasia R. Panone, 1 Front Street, Dunbar, Fayette County, for appointment as Justice of the Peace in and for the Borough of Dunbar, Fayette County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

MEMBER OF THE VALLEY FORGE PARK COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Charles Kaercher, Jr., Inchill Farm, Valley Forge, Chester County, as a Member of the Valley Forge Park Commission, to serve until the third Tuesday of January, 1959, and until his successor shall have been appointed and qualified.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 14, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert L. Fisher, Box 146, Millerstown, Perry County, for appointment as Justice of the Peace in and for the Borough of Millerstown, Perry County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

ARMSTRONG COUNTY

Harry A. Heilman, Jr., Esq. (Rep.), 224 North Jefferson Street, Kittanning, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Robert D. Noel, Jr., Kittanning, whose term expired.

N. J. Huselton (Rep.), Ford Cliff, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Frances Calarie (Rep.), Rural Valley, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

COLUMBIA COUNTY

Dr. C. E. Sweppenhiser (Dem.), 118 East Front Street, Berwick, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Frank C. Elmes, Berwick, whose term expired.

Mrs. Hannah L. Groner (Rep.), 3 East Fifth Street, Bloomsburg, to serve until December 31, 1956, and until her successor is duly appointed and qualified. (Reappointment)

Robert W. Coffman (Rep.), 405 East Street, Bloomsburg, to serve until December 31, 1956, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Fala M. Shuman (Dem.), Shuman Street, Catawissa, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Rev. Wayne A. Lutz (Dem.), 313 West Second Street, Berwick, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania:
Governor's Office, Harrisburg, January 31, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance, to serve until December 31, 1958 and until their successors are duly appointed and qualified

BERKS COUNTY

Woodrow W. Mertz (Dem.), West Main and Noble Streets, Kutztown, vice Paul B. Albright, Hamburg resigned.

Mrs. Jean S. Schoffstall (Dem.), 1337 Garfield Avenue Wyomissing. (Reappointment)

William E. Norman (Dem.), R. D. 2, Boyertown. (Reappointment)

BUTLER COUNTY

R. L. Butler (Rep.), Sarver. (Reappointment)

I. Max Jaffe (Rep.), R. D. 5, Butler. (Reappointment)

Lawrence G. Gemperle (Rep.), 6 Jefferson Apartments, Butler. (Reappointment)

DAUPHIN COUNTY

Vernon M. Wood, Sr. (Dem.), Greenwood Hills, Harrisburg, vice E. R. Eckenrode, Harrisburg, whose term expired.

Mrs. Virginia S. Morgenthaler (Dem.), 2815 North Second Street, Harrisburg. (Reappointment)

Joseph Bazdar (Dem.), 11 North Fourth Street, Steelton. (Reappointment)

NORTHUMBERLAND COUNTY

William McKaig (Rep.), 1260 West Willow Street, Shamokin, vice Donald W. Myers, Shamokin, whose term expired.

Robert L. Shotsberger (Dem.), 1114 South Eleventh Street, Sunbury, vice Mrs. Veronica Tamecki, Mt. Carmel, whose term expired.

John Strausser (Dem.), 825 West Independence Street, Shamokin, vice Robert E. Malick, Shamokin, whose term expired.

WARREN COUNTY

Mrs. Kathryn M. Frantz (Rep.), 411 Conewango Avenue, Warren, vice Frederick M. Ludwick, Russell, whose term expired.

Mrs. Arleine S. Whitehill (Rep.), 7 Lansing Street, North Warren. (Reappointment)

Gerald M. Newton (Dem.), 14 Jackson Street, Warren. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

CAMERON COUNTY

Mrs. Trenna English (Dem.), 129 East Sixth Street, Emporium, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice Mrs. Mary Tartaglia, Driftwood, resigned.

Dr. Francis J. O'Malley (Dem.), 504 North Broad Street, Emporium, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice J. Wright Mason, Driftwood, whose term expired.

Charles Vassallo (Rep.), 45 East Fourth Street, Emporium, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Mrs. Grace Ostrum, West Creek, resigned.

Mrs. Lola Horning (Dem), R. D. 2, Emporium, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Mrs. Ruth M. Sullivan (Dem.), 311 Chestnut Street, Emporium, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

DAUPHIN COUNTY

Jack W. Harman (Dem.), 3400 Rutherford Street, Paxtang, Harrisburg, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Dr. H. M. Kirkpatrick, Harrisburg, resigned.

PERRY COUNTY

Rev. Richard E. Sigler (Dem.), Loysville, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Laura H. Stees (Rep.), R. D. 1, Landisburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Ralph L. Smith (Rep.), R. D. 1, Millerstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

YORK COUNTY

Clair S. Tozer (Dem.), 1536 Second Avenue, York, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Rev. Irvin M. Lau (Dem.), 109 East Jackson Street, York, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Mildred Chapman (Non-Part.), 135 South Queen Street, York, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

REPORTS FROM COMMITTEES

Mr. HARNEY, from the Committee on Agriculture, reported as committed, House Bill No. 258, entitled:

An Act amending the act of May 11, 1921 (P. L. 522) entitled as amended "Dog Law of 1921," providing for free license tags for guide dogs for the blind.

SENATE CONCURRENT RESOLUTION, SERIAL No. 166, REPORTED FROM COMMITTEE

Mr. HARNEY, from the Committee on Constitutional Changes and Federal Relations, to which was referred resolution offered by Messrs. Wagner, Scott and Van Sant, on January 30, 1956, reported the same without amendment as follows:

MEMORIALIZING CONGRESS TO PROVIDE ADEQUATE SAFEGUARDS INCLUDING IMPORT QUOTAS IN TARIFF AND TRADE LEGISLATION

In the Senate, January 30, 1956.

Whereas, The increased importation of numerous products that come into competition with the output of factories, farms and mines of Pennsylvania, replacing the products of Pennsylvania's industries, is a constant menace to the State's continuing economic stability; and

Whereas, The lower wages paid abroad make it impossible for many of our smaller and medium-sized producers to compete with imports without resorting to ruinous price-cutting, which in turn would result either in financial losses or heavy pressure for wage reductions and outright unemployment; and

Whereas, Our National obligations have reached such extreme proportions that the National income must be maintained at its present unprecedented high level, or close thereto, lest we become involvent; and

Whereas, Unemployment caused by the imports of residual oil, which increased 300% from an average of 45 million barrels in 1946, to more than 136 million barrels in 1954, or the yearly equivalent of 33 million tons of coal; and unemployment caused by imports of crude oil; various types of glass, steel, aluminum, brass and zinc products; pottery and chinaware; granite, tiles, cement, hardboard, plywood, hardware, plumbing, flat glass and other building supplies, lace, carpets and all kinds of woolen, cotton and synthetic fibre manufactured goods; leather and fabric gloves; bicycles; hydraulic turbines; machine tools and other machinery; heavy electrical equipment and other electrical industry products and electronics; watches, clocks and parts; optical industry products; cutlery; scientific apparatus; pencils and pens; pins, clips and fasteners; soft fibre; insulation board and manufactured cork products; chemicals; toys; mushrooms; farm, dairy and dried milk products, wallpaper, hats and millinry, printing industry products; ladies hand bags and leather goods; nails, wire, screws, bolts and nuts and many other commodities; will render the upholding of the economy at its highest levels most uncertain and

difficult, unless all import trade is placed on a fair competitive basis and the potential injury therefrom thus eliminated; and

Whereas, Agricultural products such as wheat, wheat flour, cotton, butter, cheese and peanuts enjoy the protection of import quotas; and

Whereas, A maximum of satisfactory trade results from a prosperous domestic economy freed from the threat of a breakdown resulting from unfair import competition; therefore be it

Resolved (if he House of Representatives concurs), That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize the Congress of the United States that adequate safeguards be provided in tariff and trade legislation, including import quotas, against the destruction or lowering of our American standard of living, the labor standard of our workmen, and the stability of our economy by unfair import competition and that the existing trade agreements legislation be amended accordingly; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Secretary of State, the Secrtary of Commerce, the Secretary of Labor, the Secretary of Agriculture, the Chairman of the United States Tariff Commission, the Speaker of the House of Representatives, and each Senator and Representative from Pennsylvania

Laid over for one day under the Rules.

BILLS INTRODUCED AND REFERRED

Mr. PECHAN read in his place and presented to the Chair Senate Bill No. 994, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing compensation for the secretary of the county board of school directors when not a member of the board.

Which was committed to the Committee on Education.

Mr. WATKINS read in his place and presented to the Chair Senate Bill No. 995, entitled:

An Act authorizing and directing the Department of Highways with approval of the Governor to construct a highway and to erect and maintain a bridge over the Chester River in Delaware County between Twenty-second Street and Upland Avenue in the Borough of Upland to a point on Chester Expressway in the City of Chester, and to provide the necessary approaches and connections with State highways; empowering counties to pay certain damages and making an appropriation therefor.

Which was committed to the Committee on Highways.

BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman(announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 730, entitled:

An Act providing for and regulating the licensing of poultry technicians, by the Secretary of Agriculture, for the drawing of blood from poultry to be used in pullorum testing programs.

House Bill No. 1294, entitled:

An Act amending the act of June 24, 1939 (P. L. 872), entitled "The Penal Code," regulating the advertising and offering for sale of merchandise, commodities and services.

House Bill No. 1795, entitled:

An Act to further amend the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 723), entitled "An act regulating the investment of funds by administrative departments, boards, commissions, and officers of the State Government," by increasing the investment powers of State administrative departments, boards, commissions or officers.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1623

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, February 21, 1956.

Resolved (if the Senate concur), That House Bill No. 1623, Printer's No. 1348, entitled:

An Act amending the act of May 2, 1929 (P. L. 1778), entitled "General County Law," extending retirement benefits to veterans of armed conflicts.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 215

He also presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 215, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority, municipality authorities and nonprofit corporations.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 215

Mr. MAHANY. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 215, and that a Committee of Conference on the part of the Senate be appointed.

Mr. PECHAN. Mr. President, I second the motion.

The motion was agreed to.

COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 215

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. WAGNER, KESSLER and HAYS, as a committee of conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such

committee) to consider the differences existing between the two houses in relation to Senate Bill No. 215.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL INTRODUCED AND REFERRED

Mr. WAGNER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. WAGNER and WHALLEY (By request) read in place and presented to the Chair Senate Bill No. 996, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," authorizing and limiting the imposition of a tax for school purposes on certain residents of school districts of the first class A; prescribing the duties of public officials; requiring the filing of returns and the giving of information by employers and those subject to the tax; imposing on employers the duty of collecting the tax at source; providing for the lien and collection of the tax; and imposing penalties.

Which was committed to the Committee on Education.

SENATE RESOLUTION

URGING THE SECRETARY OF THE HIGHWAY DEPARTMENT TO COMPLETE AS SOON AS PRACTICABLE THE CHESTER EXPRESSWAY

Mr. WATKINS offered the following resolution, which was twice read as follows:

In the Senate, February 21, 1956.

The inadequate State Highway System extending in and about the City of Chester is totally inadequate for local and through traffic.

The City of Chester, County of Delaware, Baltimore & Ohio Railroad, and the State of Pennsylvania have heretofore entered into an agreement for the construction of a limited access highway to be known as "Chester Expressway," connecting the Conchester Road and U.S. Highway 13, known as the Chester Pike, connecting Chester and Philadelphia.

Construction of the first portion thereof has actually been completed.

The City of Chester and County of Delaware have specifically allocated $1,000,000 to pay for land damage claims covering the construction of the remaining link of the said proposed Chester Expressway.

No further action has been taken concerning the construction of that portion of the proposed Chester Expressway situate between Kerlin Street and Chester Pike.

The travelling public, including tens of thousands of employes in the heavy industries of Chester and lower Delaware County are daily inconvenienced by the failure of the State Highway Department to push to completion the remainder of the "Chester Expressway."

Hundreds of thousands of residents of Philadelphia and eastern Delaware County are subject to daily traffic jams caused by the overload condition of an antiquated State Highway System existing between Eddystone Borough and the Delaware state line; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the Secretary of the Highway Department of this Commonwealth to complete as soon as practicable the Chester Expressway in the County of Delaware for the convenience and safety of the travelling public of this Commonwealth.

RULE 39 SUSPENDED

Mr. WATKINS. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nominations reported at today's Session.

EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. BERGER,

That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

The nominations were read as follows:

MEMBERS OF THE PENNSYLVANIA FAIR EMPLOYMENT PRACTICE COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania Fair Employment Practice Commission:

Hon. Homer S. Brown (Dem.), 744 Anaheim Street, Pittsburgh, Allegheny County, for a term of one year, or until his successor shall have been duly appointed and qualified.

Mrs. Florence Reizenstein (Dem.), 1301 Inverness Street, Pittsburgh, Allegheny County, for a term of two years, or until her successor shall have been duly appointed and qualified.

Rev. Jesse D. Reber (Rep.), 3401 Cloverfield Road, Harrisburg, Dauphin County, for a term of two years, or until his successor shall have been duly appointed and qualified.

Samuel H. Daroff (Rep.), Walnut at 23d Streets, Philadelphia 3, Philadelphia County, for a term of three years, or until his successor shall have been duly appointed and qualified.

William H. Sylk (Rep.), 4855 Lancaster Avenue, Philadelphia, Philadelphia County, for a term of three years, or until his successor shall have been duly appointed and qualified.

Matthew H. McCloskey III (Dem.), Muirfield Road, Bryn Mawr, Montgomery County, for a term of four years, or until his successor shall have been duly appointed and qualified.

Edward G. Petrillo, Esq. (Rep.), 515 G. Daniel Baldwin Building, Erie, Erie County, for a term of four years, or until his successor shall have been duly appointed and qualified.

Charles R. Brown (Dem.), 918 North Wayne Street, Hollidaysburg, Blair County, for a term of five years, or until his succesor shall have been duly appointed and qualified.

Harry Boyer (Dem.), 904 Rose Street, Reading, Berks County, for a term of five years, or until his successor shall have been duly appointed and qualified.

GEORGE M. LEADER.

JUDGE OF THE SUPERIOR COURT OF THE COMMONWEALTH OF PENNSYLVANIA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Phillip O. Carr, 58 East Berkly Street, Uniontown, Fayette County, for appointment as Judge of the Superior Court of the Commonwealth of Pennsylvania, to serve until the first Monday of January, 1957, vice Hon F. Clair Ross, deceased.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Anastasia R. Panone, 1 Front Street, Dunbar, Fayette County, for appointment as Justice of the Peace in and for the Borough of Dunbar, Fayette County, to serve until the first Monday of January, 1958, to fill a vacancy.

GEORGE M. LEADER.

MEMBER OF THE VALLEY FORGE PARK COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Charles Kaercher, Jr., Innhill Farm, Valley Forge, Chester County, as a Member of the Valley Forge Park Commission, to serve until the third Tuesday of January, 1959, and until his successor shall have been adopted and qualified.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 14, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert L. Fisher, Box 146, Millerstown, Perry County, for appointment as Justice of the Peace in and for the Borough of Millerstown, Perry County, to serve until the first Monday of January, 1958, to fill a vacancy.

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

ARMSTRONG COUNTY

Harry A. Heilman, Jr., Esq. (Rep.), 224 North Jefferson Street, Kittanning, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Robert D. Noel, Jr., Kittanning, whose term expired.

N. J. Huselton (Rep.), Ford Cliff, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Frances Calarie (Rep.), Rural Valley, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

COLUMBIA COUNTY

Dr. C. E. Sweppenhiser (Dem.), 118 East Front Street, Berwick, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Frank C. Elmes, Berwick, whose term expired.

Mrs. Hannah L. Groner (Rep.), 3 East Fifth Street, Bloomsburg, to serve until December 31, 1956, and until her successor is duly appointed and qualified. (Reappointment)

Robert W. Coffman (Rep.), 405 East Street, Bloomsburg, to serve until December 31, 1956, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Fala M. Shuman (Dem.), Shuman Street, Catawissa, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Rev. Wayne A. Lutz (Dem.), 313 West Second Street, Berwick, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARD OF ASSISTANCE
Start, Martin, machine 15, Feb. 23, f8 424, t 48-67 inc.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 31, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

BERKS COUNTY

Woodrow W. Mertz (Dem.), West Main and Noble Streets, Kutztown, vice Paul B. Albright, Hamburg, resigned.

Mrs. Jean S. Schoffstall (Dem.), 1337 Garfield Avenue, Wyomissing. (Reappointment)

William E. Norman (Dem.), R. D. 2, Boyertown. (Reappointment)

BUTLER COUNTY

R. L. Butler (Rep.), Sarver. (Reappointment)

I. Max Jaffe (Rep.), R. D. 5, Butler. (Reappointment)

Lawrence G. Gemperle (Rep.), 6 Jefferson Apartments, Butler. (Reappointment)

DAUPHIN COUNTY

Vernon M. Wood, Sr. (Dem.), Greenwood Hills, Harrisburg, vice E. R. Eckenrode, Harrisburg, whose term expired.

Mrs. Virginia S. Morgenthaler (Dem.), 2815 North Second Street, Harrisburg. (Reappointment)

Joseph Bazdar (Dem.), 11 North Fourth Street, Steelton. (Reappointment)

NORTHUMBERLAND COUNTY

William McKaig (Rep.), 1260 West Willow Street, Shamokin, vice Donald W. Myers, Shamokin, whose term expired.

Robert L. Shotsberger (Dem.), 1114 South Eleventh Street, Sunbury, vice Mrs. Veronica Tamecki, Mt. Carmel whose term expired.

John Strausser (Dem.), 825 West Independence Street Shamokin, vice Robert E. Malick, Shamokin, whose term expired.

WARREN COUNTY

Mrs. Kathryn M. Frantz (Rep.), 411 Conewango Avenue Warren, vice Frederick M. Ludwick, Russel, whose term expired.

Mrs. Arleine S. Whitehill (Rep.), 7 Lansing Street, North Warren. (Reappointment)

Gerald M. Newton (Dem.), 14 Jackson Street, Warren. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

CAMERON COUNTY

Mrs. Trenna English (Dem.), 129 East Sixth Street, Emporium, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice Mrs. Mary Tartaglia, Driftwood, resigned.

Dr. Francis J. O'Malley (Dem.), 504 North Broad Street, Emporium, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice J. Wright Mason, Driftwood, whose term expired.

Charles Vassallo (Rep.), 45 East Fourth Street, Emporium, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Mrs. Grace Ostrum, West Creek ,resigned.

Mrs. Lola Horning (Dem.), R. D. 2, Emporium, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Mrs. Ruth M. Sullivan (Dem.), 311 Chestnut Street, Emporium, to serve until December 31, 1958, and under her successor is duly appointed and qualified. (Reappointment)

DAUPHIN COUNTY

Jack W. Harman (Dem.), 3400 Rutherford Street, Paxtang, Harrisburg, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Dr. H. M. Kirkpatrick, Harrisburg, resigned.

PERRY COUNTY

Rev. Richard E. Sigler (Dem.), Loysville, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Laura H. Stees (Rep.), R. D. 1, Landisberg, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Ralph L. Smith (Rep.), R. D. 1, Millerstown, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

YORK COUNTY

Clair S. Tozer (Dem.), 1536 Second Avenue, York, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Rev. Irvin M. Lau (Dem.), 109 East Jackson Street, York, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Mildred Chapman (Non-Part.), 135 South Queen Street, York, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

A motion was made by Mr. WOLFE and Mr. BERGER,

That the Senate do advise and consent to said nominations.

On the question.

Will the Senate agree ot the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affrmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. BERGER. Mr. President, I second the motion.

The motion was agreed to.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 235, Printer's No. 509, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

THIRD READING CALENDAR

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 344, as follows:

An Act amending the act of June 10, 1897 (P. L. 115) entitled "An act to limit the period of time within which suits may be brought against sureties of constables" providing that suits on constables' bonds shall be brought six years from time at which cause of action arose

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of June 10, 1897 (P. L. 139 No. 115) entitled "An act to limit the period of time within which suits may be brought against sureties of constables" is amended to read

...

Sectin 1 Be it enacted &c That suits against sureties [in constables bond] on constables' bonds shall not be sustained unless the same shall be instituted within [five] six years [after the date of such bond or obligation] to be computed from the time at which the cause of action shall have accrued

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 491, as follows:

An Act adopting an interpleader compact for the complete and expeditious adjudication of adverse claims to property in the hands of a stakeholder where one or more claimants are in different jurisdictions and entering into the compact with other states territories and possessions of the United States the District of Columbia and states of the community of nations and component governmental units thereof that adopt the compact and are acceptable to this Commonwealth for the purposes of the compact

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as the "Interpleader Compact Law"

Section 2 The following interpleader compact is hereby approved ratified adopted and entered into by this Commonwealth as a party state to take effect between this Commonwealth and any other state or states as defined in the compact when entered into in accordance with the terms of the compact by the other state or states and not disapproved by the Governor of this Commonwealth under paragraph (c) of article seven of the compact

The Interpleader Compact

The contracting states solemnly agree

Article 1 Purpose The aims of this compact are to promote comity and judicial cooperation among the states party thereto and to relieve from undue risk and uncertainty a person who may be subject to double or multiple liability because of the existence of adverse claimants one or more of whom in the absence of this compact may not be subject to the jurisdiction of the adjudicating court when such person makes all reasonable efforts to secure judicial determination and discharge of his liability

Article 2 Definitions For the purpose of this compact the following definitions shall apply

(a) A state shall mean (1) a state of the United States or any territory or possession of the United States and the District of Columbia acting under Article 1 section 10 clause 3 of the Constitution of the United States in entering this compact with an American or a foreign jurisdiction or (2) a state of the community of nations and any component governmental unit of such a state which under the laws thereof may validly become party to this compact

(b) A person shall include any entity capable of suing or being sued in the state in which the interpleader is pending

(c) Interpleader shall mean a judicial procedure by which two or more persons who have adverse claims on account of the same debt or duty against a third person may be required to litigate these claims in one proceeding

Article 3 Service of process (a)Service of process sufficient to acquire personal jurisdiction may be made within a state party to this compact by a person who institutes an interpleader proceeding in another state party to this compact provided that such service shall fulfill the requirements for service of process of the state in which the service is made and provided further that such service shall meet the minimum standards for service of the jurisdiction where the proceeding is pending

(b) No such service of process shall be valid unless the person who institutes the interpleader proceeding is either a permanent resident or domiciliary of the state in which the proceeding is pending or a corporation authorized to do business in that state or unless the subject matter of the proceeding is specific real or personal property situated within that state

Article 4 Scope of interpleader unaffected Nothing in this compact shall be construed to change any requirement or limitation on the scope of interpleader of the state in which the interpleader proceeding is pending except in relation to acquisition of personal jurisdiction

Article 5 Finality of judgment No judgment obtained against any person in any proceeding to which he had become a party by reason of service of process effected pursuant to the provisions of this compact shall be subject to attack on the ground that the adjudicating court did not have personal jurisdiction over such person

Article 6 Enactment (a) This compact shall enter into force and effect as to a state one year from the date it has taken whatever action may be necessary pursuant to its required processes to make this compact part of the laws of such state and the appropriate authority of such state shall have deposited a duly authenticated copy of its statute proclamation order or similar official pronouncement having the force of law and embodying this compact as law with the appropriate officer or agency of each of the states party thereto In the statute proclamation order or similar act by which a state adopts this compact it shall specify the officer or agency with whom the documents referred to in this article shall be deposited

(b) Unless the statute proclamation order or similar act by which a state adopts this compact shall specify otherwise and name the states with which the state, intends to compact such adoption shall apply to all other states then party to or who may subsequently become party to this compact In the event that a state shall enter this compact with some states but not with others the deposit of documents required by paragraph (a) of this article shall be effected only with those states to which the adopting state specifies an intention to be bound

Article 7 Withdrawal (a) This compact shall continue in force and remain binding on a party state until such state shall withdraw therefrom To be valid and effective any withdrawal must be preceded by a formal notice in writing of one year from the appropriate authority of that state Such notice shall be communicated to the same officer or agency in each party state with which the notice of adoption was deposited pursuant to article six of this compact In the event that a state wishes to withdraw with respect to one or more states but wishes to remain a party to this compact with other states party thereto its notice of withdrawal shall be communicated only to those states with respect to which withdrawal is contemplated

(b) Withdrawal shall not be effective as to service of process accomplished pursuant to this compact prior to the actual date of withdrawal

(c) Any state receiving a notice of adoption from another state may by action of its executive head within a year from the receipt of such notice in the manner provided for withdrawal in paragraph (a) of this article specify its intention not to be bound to the state depositing such notice and such adoption thereupon shall not be binding upon the state so acting

Article 8 Severability and construction The provisio

of this compact shall be severable and if any phrase clause sentence or provision of this compact is declared to be contrary to the constitution of any participating state or in the case of a component governmental unit to the constitution of the state of which it is a part or the applicability thereof to any government agency person or circumstance is held invalid the validity of the remainder of this compact and the applicability thereof to any government agency person or circumstance shall not be affected thereby provided that if this compact shall be held invalid or contrary to the constitution of any government participating therein the compact shall remain in full force and effect as to the remaining governments and in full force and effect as to the government affected as to all severable matters It is the intent that the provisions of this compact shall be reasonably and liberally construed

Section 3 The Secretary of the Commonwealth is hereby designated as the officer to receive all documents deposited pursuant to articles six and seven of the interpleader compact The Secretary of the Commonwealth is also directed to act as the repository for all such documents and to keep and make available upon request a complete list of the states with which this Commonwealth is party to the interpleader compact together with such other information as may be in his possession concerning the status of such compact in respect to enactment and withdrawals therefrom

Section 4 As used in paragraph (c) of article seven of the interpleader compact the phrase "executive head" shall mean the Governor of this Commonwealth In the event that the Governor takes any action pursuant to paragraph (c) of article seven of the interpleader compact he shall promptly notify the Secretary of the Commonwealth and shall deposit with him copies of all official communication and documents relating to the action The Governor shall take appropriate action pursuant to paragraph (c) of article seven of the interpleader compact so as not to become party thereto with any state not recognized by the United States of America or with any state the feautres of whose legal system make the equitable operation of the compact impractical

Section 5 This act shall take effect immediately

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 660, as follows:

An Act amending the act of May 16, 1923 (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" further regulating the sale of real property for the non-payment of tax and municipal claims and providing for the discharge of all liens mortgages ground rents estates and claims against such property by such sale subject to the right of redemption in cities of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 16, 1923 (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is amended by adding after section 31.1 thereof a new section to read

Section 31.2 (a) In addition to the remedies prescribed in sections 28 31 and 31.1 of this act in cities of the first class whenever a claimant has obtained a judgment upon its tax or municipal claim it may file its petition in the court in which the proceeding is pending setting forth the facts necessary to show the rght to sell together with searches or a title insurance policy showing the state of record and the ownership of the property and of all tax and municipal claims mortgages ground rents or other charges on or estates in the land as shown by the official records of the city or county or the political subdivision in which the real estate is situate and thereupon the court shall grant a rule upon all parties thus shown to be interested to appear and show cause why a decree should not be made that the property be sold freed and cleared of their respective claims mortgages ground rents charges and estates If upon a hearing the court is satisfied that service had been made of the rule upon the parties respondent in the manner provided in this act for the service of writs of scire facias to obtain judgments upon tax and municipal claims and that contemporaneously with the service of the rule on the parties respondent notice of the rule has been published by the claimant in at least one newspaper of general circulation in the county and in a legal periodical published therein if any and that the facts stated in the petition be true it shall order and decree that the property be sold at a subsequent sheriff's sale at a time to be fixed thereafter by the claimant clear of all claims liens mortgages ground rents charges and estates to the highest bidder at such sale and after payment of the tax or municipal lien the balance of the proceeds realized therefrom shall be distributed in accordance with the priority of the remaining claims liens mortgages ground rents charges and estates and the purchaser at such sale shall take and forever thereafter have an absolute title to the property sold free and discharged of all tax and municipal claims liens mortgages ground rents charges and estates of whatsoever kind subject only to the right of redemption as provided by law the date of the sale shall be advertised in at least one newspaper of general circulation in the county and in the legal periodical published therein

(b) The deed to the purchaser shall be executed acknowledged and delivered as in other real estate sales by the sheriff Any person interested may at any time prior

to the proposed sale pay all the costs of the proceedings including the cost for the title search or title insurance policy and all tax and municipal claims penalties and interest thereon charged against the property whereupon the proceedings on petition shall at once determine

(c) For the purpose of enabling the petitioner in any proceedings to give the notice required it may take the testimony of the defendant in the claim or of any other person whom it may have reason to believe has knowledge of the whereabouts of any of the parties respondent either by deposition commission or letters rogatory

(d) Any claimant may bid and become the purchaser of the property at such sale and if such purchaser shall be a taxing authority within the city or county such property while held and owned by such taxing authority shall not be subject to tax claims unless it be redeemed by the former owner or other person having the right to redeem as provided by law If however a city or county or a taxing authority within the city or county shall become the purchaser at said sale the former owner or other persons desiring to redeem shall pay all taxes and municipal claims accrued and chargable against the property prior to the sale thereof together with the costs and interest thereon and also all taxes and claims whether filed or not which would have accrued and become chargeable against the property had the same been purchased at the sale by some party other than the city or county or a taxing authority within the city or county

(e) Upon the delivery by the sheriff of a deed for any property sold under the provisions of this section the judgment upon which such sale was had shall thereupon and forever thereafter be final and conclusive and the validity thereof shall not be questioned for any cause whatsoever

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 826, Printer's No. 355, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 944, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" requiring cotton fabrics used in State institutions to be flameproofed

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of April 9, 1929 (P. L. 177) known as "The Administrative Code of 1929" is amended by adding after section 527 a new section to read

Section 528 Cotton Fabrics All cotton fabrics used in State institutions for mattress ticking or uniforms or used for any other purpose or use which involves the threat of fire shall be treated or processed to render them permanently flameproof with a non-soluble permanent flameproof agent or compound Those cotton fabrics used for the above stated purposes which cannot be satisfactorily treated by a nonsoluble permanent flameproof agent or compound shall be treated with some other commercially acceptable compound which will give the fabrics the best possible flameproofing characteristics commercially available at a reasonable cost

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 957, as follows:

An Act amending the act of June 4, 1937 (P. L. 1625) entitled "An act providing for the creation maintenance

and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties" providing for reinstatement of county employes and officers returning to county employment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 4, 1937 (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties" is amended by adding after section 17.3 a new section to read

Section 17.4 Reinstatement on Return to County Employment Any contributor separated from county employment by dismissal resignation or any other reason except death or retirement or any county officer having legally withdrawn from the retirement system who within five years from the date of such dismissal resignation or withdrawal or within six months after the effective date of this amendment whichever is later returns to county employment and restores to the retirement fund to the credit of the member's annuity reserve account his accumulated deductions as they were at the time of separation shall have the annuity rights forfeited by him restored Such payments may be made either in a lump sum or by installments but in no event shall the installments be less than sufficient to pay such amount by the time the member attains superannuation retirement age

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 970, as follows:

An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the height location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand the size of courts yards and other open spaces appurtenant thereto and the density of population and for these purposes to establish districts and boundaries to designate and regulate residential commercial and industrial or other uses within such districts and boundaries and providing for the appointment of a zoning commission and a board of adjustment the creation of a bureau of zoning and setting forth the duties and functions of said commission board and bureau providing for the administration and enforcement of rules and ordinances authorized by this act and penalties for violations thereof" further regulating the duties and functions of the board of adjustment in cities of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The first and fourth paragraphs of section 8 act of May 6, 1929 (P. L. 1551) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the height location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand the size of courts yards and other open spaces appurtenant thereto and the density of population and for these purposes to establish districts and boundaries to designate and regulate residential commercial and industrial or other uses within such districts and boundaries and providing for the appointment of a zoning commission and a board of adjustment the creation of a bureau of zoning and setting forth the duties and functions of said commission board and bureau providing for the administration and enforcement of rules and ordinances authorized by this act and penalties for violations thereof" are amended to read

Section 8 Board of Adjustment If a city of the first class avails itself of the provisions of this act the mayor of such city shall with the approval of council appoint a board of adjustment and in the regulations and restrictions adopted pursuant to the authority of this act may provide that the said board of adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinance in harmony with its general purposes and intent and in accordance with general or specific rules therein contained The board of adjustment shall consist of five members one of whom shall be designated to serve until the first day of January following the adoption of the zoning ordinance two until the first day of the second January thereafter and two until the first day of the third January thereafter Their successors shall be appointed on the expiration of their respective terms to serve three years The members of the board shall be removable for cause by the appointing authority upon written charges and after public hearing Vacancies shall be filled by the appointing authority for the unexpired term of any member whose term becomes vacant The council may provide for the compensation of those members of the board of adjustment who do not hold any other office or position of profit under the city government or any department thereof or in or under the government of the United States or of this Commonwealth or of any county city or other public political subdivision thereof The mayor of such city shall designate the chairman of the board The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine The chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses All meetings of the board shall be open to the public The board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact and shall [keep records of its examinations and] make a stenographic record of all testimony presented at the hearing or of other official actions all of which shall be immediately transcribed The board shall within fourteen days after the hearing or other official action unanimously approve all matters contained in the transcript Upon approval the transcribed record shall be filed in the office of the board and [shall be a] be made a part of the public record

* * *

[The] Prior to the fixing of a date for a hearing the board of adjustment shall appoint two members of the board to make a personal investigation as to whether the grounds specified in the appeal are meritorious and the members appointed shall within a reasonable time thereafter submit to the board a written report of their findings Upon receipt of the report the board shall fix a reasonable time for the hearing of the appeal give public notice thereof as well as due notice to the parties in interest and

decide the same within a reasonable time Upon the hearing any party may appear in person or by agent or by attorney

* * *

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

Aa majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1025, as follows:

An Act authorizing the owners of cemeteries with the approval of the court of quarter sessions to improve neglected cemeteries without the removal of the dead therefrom in certain cases and conferring jurisdiction on courts of quarter sessions for such purposes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any cemetery or any part or section thereof owned by any incorporated or unincorporated church cemetery or burial association shall become so neglected as in the opinion of the court of quarter sessions of the county wherein such cemetery is situated to become a public nuisance such court upon petition of the incorporated or unincorporated church cemetery or burial association managing and conducting such cemetery and after such notice as is required in section 4 of this act may authorize the management thereof at its cost and expense to improve the cemetery or any part or section thereof without the removal of any dead therefrom by the restoration improvement or removal of some or all of the gravestones posts railings fences or other structures or improvements thereon

Section 2 If the court authorizes the removal of gravestones it shall direct the petitioner to erect and maintain a prominent location in the cemetery a suitable memorial of stone bronze or similar material having inscribed thereon the available names and dates of all persons buried in the cemetery or part or section thereof the gravestones for whom have been authorized to be removed

Section 3 The petition filed by the church cemetery or burial association shall set forth the proposed plans of petitioner for the improvements of the cemetery part or section thereof including if it proposes to remove the gravestones a description of the memorial it intends to erect the known names and dates of the dead buried therein and the known names and addresses of the persons or persons having rights of interment theein

Accompanying the petition shall be a scale drawing of the area to be improved which shall show and designate the location of the graves from which the gravestones are to be removed the drawing shall be filed and preserved by the court of quarter sessions and a copy thereof shall be filed and preserved by the church cemetery or burial association

Section 4 Whenever a chuch cemetery or burial association shall file a petition as hereinbefore provided the court shall direct such notice of the filing of the petition and of a date fixed for hearing thereon to be given to the owners of rights of interment therein and to the known descendants of the dead buried therein in such manner as it shall deem appropriate An opportunity to be heard shall be afforded to all such persons if any appear before the court shall make an order authorizing the petitioner to improve such cemetery part or section thereof

Section 5 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. LANE. Mr. President, I desire to be recorded as voting "no" on this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Haluska,	McPherson, Jr.	Stevenson,
Berger,	Harney,	Miller,	Stiefel,
Blass,	Kessler,	Mullin,	Taylor,
Camiel,	Kopriver, Jr.	Pechan,	Van Sant,
Chapman,	Madigan,	Peelor,	Wade,
Dent,	Mahany,	Propert,	Wagner,
Diehm,	Mallery,	Ruth,	Watkins,
DiSilvestro,	McCreesh,	Schmidt,	Weiner,
Donolow,	McGinnis,	Scott,	Whalley,
Flack,	McMenamin,	Seyler,	Wolfe,
Fleming,		Silvert,	Yosko,

NAYS—2

Hays,	Lane,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1197, as follows:

An Act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece prescribing forms therefor and fixing the fees thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions As used in this act

(1) "Mortgagee" includes any person partnership association corporation society organization or fiduciary holding a mortgage against real estate in a city or county of the first class and entitled to payment of the mortgage debt or the heir legal representative successor or assignee of any of the foregoing

Section 2 Every mortgagee shall upon receipt of payment of the mortgage debt and tender of satisfaction and filing costs at the request of the mortgagor or owner of the mortgaged premises enter of record in the office where the mortgage is recorded a duly executed satisfaction piece to be phrased substantially as provided in the form set out in section 7 of this act and acknowledged as provided by law The satisfaction piece when recorded shall

forever thereafter discharge defeat and release the lien and debt of the mortgage

Section 3 Every satisfaction piece shall contain the name of the mortgagor and mortgagee the date and amount of the mortgage a reference by book and page (or appropriate designation in the case of microfilm recording) to the record of the original mortgage a brief description of the real estate and any assignment or assignments thereof the satisfaction piece shall be accompanied on presentation for recording by the original mortgage instrument nothing herein contained shall impose liability on any city or county of the first class for any mistake error or inaccuracy found in any satisfaction piece filed by any mortgagee which shall appear complete and correct at the time of its filing

Section 4 The recording officer shall properly index all satisfaction pieces against the name of the mortgagee or last assignee as each is indicated in the satisfaction piece and the recording officer shall indicate the recording of the satisfaction piece in the mortgage record

Section 5 This act shall not affect or impair any other act or any rule of civil procedure promulgated by the Supreme Court of the Commonwealth which provides for the satisfaction or discharge of a mortgage by order or decree of any court upon payment of the fee prescribed in section 6 hereof The recording officer shall accept for recording a copy of the order or decree certified by the prothonotary and shall index and indicate the same in the record as is herein provided for a satisfaction piece

Section 6 The fee for recording a satisfaction piece shall be two dollars and fifty cents ($2.50) exclusive of any State tax now levied or that may hereafter be levied on recorded instruments The council of any city of the first class may by ordinance establish any other fees as it may determine to be proper to cover the costs of the recording and the maintenance of the records of satisfied mortgages

Section 7 (a) Form of Individual Satisfaction Piece Complete Satisfaction

Know All Men By These Presents

That .....
.....
do .... hereby certify that a certain Indenture of Mortgage bearing date the ..... day of ..... Nineteen Hundred and ..... made and executed by .....
.....
to .....
to secure payment of the principal sum of .....
..... dollars and duly recorded in the Department of Records of the City of Philadelphia Mortgage Book No .... page .... on the ..... day of ..... Nineteen Hundred and ..... 19 .... and secured upon (describe real estate) .....
.....
has been paid and that upon the recording of this instrument the said mortgage shall be and is hereby forever discharged The mortgage has not been assigned except as follows .....
.....
Witness .... hand and seal this .... day of .... AD 19..
Signed sealed and delivered in the presence of

..... (Seal)
..... (Seal)
.....

(b) Form of Corporation Satisfaction Piece Complete Satisfaction

Know All Men By These Presents

That .....
.....
do.... hereby certify that a certain Indenture of Mortgage bearing date the ..... day of ..... Nineteen Hundred and ..... made and executed by .....
.....
to .....
to secure payment of the principal sum of .....
..... Dollars and duly recorded in the Department of Records of the City of Philadelphia Mortgage Book No . . page .... on the ..... day of ..... Nineteen Hundred and ..... 19.... and secured upon (describe real estate) .....
.....
has been paid and that upon the recording of this indenture the said mortgage shall be and is hereby forever discharged The mortgage has not been assigned except as follows .....
.....
In witness whereof the said Corporation has caused its common or corporate seal to be hereunto affixed the ....
..... day of ..... in the year of our Lord one thousand nine hundred and .....
.....

President

Attest .....
Secretary

Section 8 All acts and parts of acts are repealed in so far as they are inconsistent herewith

.....

Section 9 This act shall take effect July 1, 1956

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Dent,	Kopriver, Jr.,	Pechan,	Van Sant,
Chapman	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1282, as follows:

An Act authorizing the sale of vacant land located in areas certified as conservation areas in counties of the first class under a judgment obtained on a tax claim by the sheriff of the county providing for the discharge of all liens mortgages ground rents estates and claims against the property by sale and limiting the right of redemption

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 (a) It is hereby determined and declared as a matter of legislative finding that

(1) There exists in counties of the first class in this Commonwealth areas which have become blighted or are deteriorating and thus in serious danger of becoming

blighted because of the unsafe unsanitary inadequate or overcrowded condition of the dwellings therein because of the conditions of vacant lots or because of the conditions of vacant lots or because of inadequate planning of the area or the excessive land coverage by the building thereon or the lack of proper light and air and open space or because of the defective design and arrangement of the buildings thereon or faulty street or lot layout or economically or socially undesirable land uses As a result of these conditions blighted and deteriorated areas have been conducive to the spread of disease and have been productive of an alarming rise in juvenile delinquency and crime

(2) These areas contain numerous empty lots which are generally used for dumping and are breeding places for vermin These empty lots are detrimental to the health safety and welfare of the community and result in accelerating the trend toward neighborhood deterioration and blight

(3) These vacant lots are generally tax delinquent Neighboring land owners and others generally refrain from purchasing these lots at tax sales rehabilitating them (i) because of the necessity of two sales under existing law and (ii) because the prior owner has under existing law an outstanding right to redeem the property and oust the purchaser from possession

(b) It is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote the health safety and welfare of the inhabitants thereof by encouraging neighboring land owners and others to purchase vacant lots at tax sales by authorizing the purchaser at a tax sale wherever tax delinquencies exist for a period of at least five years to take title upon such sale free of all tax and municipal claims liens mortgages ground rents charges and estates and without any right of redemption

Section 2 Whenever the Planning Commission having jurisdiction in a county determines that any area is blighted or in serious danger of becoming blighted it may certify the area as a conservation area In making its determination the Planning Commission shall consider the extent to which the following conditions exist

(1) Unsafe unsanitary and overcrowded dwellings

(2) Vacant lots overgrown by weeds and used for dumping grounds

(3) A disproportionate number of tax delinquent properties causing the taxes received from the area to be less than the cost of the State and municipal services rendered

(4) Excessive land coverage by buildings with resulting lack of proper light air and open space

(5) Defective design and arrangement of buildings or faulty street or lot layout

(6) Economically and socially undesirable land uses

Section 3 The term "vacant lot" shall mean any piece of ground without any permanent building or structure erected thereon

Section 4 (a) When a claimant in any county of the first class has obtained a judgment upon its tax or municipal claim against any vacant lot located in an area which has been certified as a conservation area by the Planning Commission having jurisdiction in the county and there shall be charged against the property tax delinquencies for a period of at least five years the claimant may file a petition in the court in which the proceeding is pending setting forth the facts necessary to establish the right to sell the property together with a title search or a title insurance policy showing the state of the record and the ownership of the property and of all tax and municipal claims mortgages ground rents or other charges on or estates in the real property as shown by the official record of the county in which the real property is situate The court shall thereupon grant a rule upon all parties shown to be interested to appear and show cause why a decree should not be made that the property be sold free and clear of the respective tax and municipal claims liens mortgages ground rents charges and estates and without any right of redemption after a sale

(b) If upon a hearing the court is satisfied that (1) service of the rule has been made upon the interested parties in the manner provided for the service of writs of scire facias in section 18 of the act of May 16 1923 (P L 207) for the obtaining of a judgment upon tax and municipal claims and (2) notice of the rule has been published by the claimant in at least one newspaper of general circulation in the county and in the authorized legal periodical published therein if any and (3) the facts stated in the petition are true it shall order and decree that the property be sold at a subsequent sheriff sale at a time to be fixed thereafter by the court free and clear of all tax and municipal claims liens mortgages ground rents charges and estates to the highest bidder at the sale and the purchaser at the sale shall take and forever thereafter have an absolute title to the property sold free and discharged of all tax and municipal claims liens mortgages ground rents charges and estates of whatsoever kind The property shall not thereafter be subject to any right of redemption Notice of the sale shall be published by the claimant in at least one newspaper of general circulation in the county and in the authorized legal periodical published therein if any

Section 5 For the purpose of enabling the petitioner in any proceedings to give the notice required the court may take the testimony of any interested party or of any other person whom it may have reason to believe has knowledge of the whereabouts of any of the other interested parties

Section 6 Any claimant shall have the right to bid and become the purchaser of the property at a sale

Section 7 The deed for the property shall be executed acknowledged and delivered as in other real estate sales by the sheriff Upon the delivery of a deed for any property sold under the provisions of this act the judgment upon which the sale was had shall thereupon and forever thereafter be final and conclusive and the validity thereof shall not be questioned for any cause whatsoever

Section 8 The costs and the expenses of any sale shall first be paid out of the proceeds The balance thereof shall be applied first to the payment of tax claims the oldest thereof having priority municipal claims shall be next the oldest in point of lien having priority and any surplus shall be distributed in accordance with law

Section 9 Notwithstanding any provisions of this act any person may at any time prior to the proposed sale pay all costs of the proceeding including the cost of the necessary title search or title insurance policy and all tax and municipal claims penalties and interest thereon charged against the property whereupon the proceedings on petition shall at once determine

Section 10 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1397, as follows:

An Act amending the act of June 21, 1939 (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" changing provisions relating to liability of employers and benefits and persons entitled thereto changing certain rules of evidence and regulating practice and procedure authorizing commutation of certain awards providing for certain subrogation rights and the fixing of certain fees prescribing penalties making an appropriation and generally clarifying and changing the provisions of the act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The hereinafter designated sections and parts of sections of the act of June 21, 1939 (P. L. 566) known as "The Pennsylvania Occupational Disease Act" are amended or added to read

Section 104

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes all natural persons who perform services except agricultural services or domestic services performed in a private home for another for a valuable consideration exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer and exclusive of persons to whom articles or materials are given out to be made up cleaned washed altered ornamented finished or repaired or adapted for sale in the worker's own home or on other premises not under the control or management of the employer Every executive officer of a corporation elected or appointed in accordance with the charter and by-laws of the corporation except elected officers of the Commonwealth or any of its political subdivisions shall be an employe of the corporation

Addition of New Subsection (n) to Section 108

Section 108 The term "occupational disease" as used in this act shall mean only the following diseases

* * *

(n) All other occupational diseases (1) to which the claimant is exposed by reason of his employment and (2) which are peculiar to the industry or occupation and (3) which are not common to the general population For the purposes of this clause partial loss of hearing due to noise shall not be considered an occupational disease

New Section 109

Section 109 No compensation shall be paid for any occupational disease if during hostile attacks on the United States disability or death of an employe results solely from military activities of the armed forces of the United States or from military activities or enemy sabotage of a foreign power

Section 301 Claus (2) of Subsection (a) and Subsection (g)

Amended August 24, 1953 (P. L. 1389) Subsections (a) and (e)

Amended January 2, 1952 (P. L. 1811) and Subsection (c)

Amended May 14, 1949 (P. L. 1379)

Section 301 (a) When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for disability or death of such employe caused by occupational disease arising out of and in the course of his employment shall be paid by the employer without regard to negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article but

1 No compensation shall be paid when the disability or death is caused by the employe's violation of law but the burden of proof of such fact shall be upon the employer

2 The maximum compensation payable under this article for disability and death resulting from silicosis anthraco-silicosis or asbestosis shall not exceed the sum of [seven thousand five hundred dollars ($7500)] ten thousand dollars ($10,000) which shall be full and complete payment for all disability present or future or for death from such occupational diseases arising out of employment by any and all employers in this Commonwealth

(b) The right to receive compensation under this act shall not be affected by the fact that a minor is employed or is permitted to be employed in violation of the laws of this Commonwealth relating to the employment of minors or that he obtained his employment by misrepresenting his age

(c) Compensation for the occupational diseases enumerated in this act shall be paid only when such occupational diseases is peculiar to the occupation or industry in which the employe was engaged and not common to the general population Wherever compensable disability or death is mentioned as a cause for compensation under this act it shall mean only compensable disability or death resulting from occupational disease and occurring within [three] four years after the date of his last employment in such occupation or industry

(d) Compensation for silicosis or anthraco-silicosis and asbestosis shall be paid only when it is shown that the employe has had an aggregate employment of at least [four] two years in the Commonwealth of Pennsylvania during a period of [eight] ten years next preceding the date of disability in an occupation having a silica or asbestos hazard

(e) Compensation shall not be payable for partial disability due to silicosis anthraco-silicosis or asbestosis Compensation shall be payable as otherwise provided in this act for total disabiliy or death caused by silicosis anthraco-silicosis or asbestosis or by silicosis anthraco-silicosis or asbestosis when accompanied by active pulmonary tuberculosis

(f) If it be shown that the employe at or immediately before the date of disability was employed in any occupation or industry in which the occupational disease is a hazard it shall be presumed that the employe's occupational disease arose out of and in the course of his employment but this presumption shall not be conclusive

(g) The employer liable for the compensation provided by this article shall be the employer in whose employment the employe was last exposed to the hazard of the occupational disease claimed regardless of the length of time of such last exposure Provided That when a claimant alleges that disability or death was due to silicosis anthraco-silicosis asbestosis or any other occupational disease which developed to the point of disablement only after an exposure of five or more years the only employer liable shall be the last employer in whose employment the employe was last exposed to the hazard of such occupational disease during a period of six months or more [after the effective date of this act] And provided further That in those cases where disability or death is not conclusively proven to be the result of such last exposure all compensation shall be paid by the Commonwealth An exposure during a period of less than six months after the effective date of this act shall not be deemed an exposure The notice of disability or death and claim shall be made to the employer who is liable under this subsection his insurance carrier if any and the Commonwealth

(h) Except as hereinafter provided all compensation payable under this article shall be payable in periodic

installments as the wages of the employe were payable before the accident

Section 305

Section 305 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the department from such insurance An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the department showing his financial ability to pay such compensation whereupon the department if the applicant establishes his financial ability shall issue to the applicant a permit authorizing such exemption From a refusal of the department to issue such permit an appeal shall lie to the court of common pleas of Dauphin County In any such appeal the only question shall be whether the department abused its discretion in refusing such permit The department shall establish a period of twelve calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application The department may from time to time require further statements of the financial ability of such employer and if at any time such employer appear no longer able to pay compensation shall revoke its permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in any insurance company or mutual association or company as aforesaid

[If any employer] Any employer who fails to comply with the provisions of this section [such employer shall be guilty of a misdemeanor and upon conviction thereof] for every such failure shall upon summary conviction before any official of competent jurisdiction be sentenced to pay a fine of not less than one hundred dollars or more than five hundred dollars and costs of prosecution or imprisonment for a period of not more than six months or both [at the discretion of the court] Every day's violation shall constitute a separate offense It shall be the duty of the department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof All fines recovered under the provisions of this section shall be paid [by the clerk of the court] to the department and by it paid into the State Treasury

Section 306 Subsections (a) (b) the Last Paragraph of Subsection

(c) Subsections (d) and (f) Amended August 24, 1953 (P. L. 1389) Subsection (c) amended January 2, 1952 (P. L. 1811)

Section 306 The following schedule of compensation is hereby established [for total disability resulting from occupational disease] subject to the limitations of section 301

(a) For [the first seven hundred weeks after the seventh day of] total disability sixty-six and two-thirds per centum of the wages of the disabled employe as defined in section three hundred and nine [but the compensation shall not be more than thirty-two dollars and fifty cents per week nor less than twenty-two dollars and fifty cents per week and shall not exceed in the aggregate the sum of twenty thousand dollars Provided That if at the date when disability begins the employe receives wages of less than twenty-two dollars and fifty cents per week then he shall receive the full amount of such wages per week as compensation but in no event less than twelve dollars and fifty cents per week] beginning after the seventh day of total disability and payable for the duration of total disability but the compensation shall not be more than thirty-seven dollars and fifty cents per week nor less than twenty-five dollars per week If at the time when disability begins the employe receives wages of twenty-five dollars per week or less than he shall receive ninety per cntum of the wages per week as compensation but in no event less than fifteen dollars per week Nothing in his clause shall require payment of compensation after disability shall cease [Should partial disability be followed by total disability the period of seven hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability]

(b) For disability partial in character (except the particular cases mentioned in clause (c) sixty-six and two-thirds per centum of the difference between the wages of the disabled employe as defined in section three hundred and nine and the earning power of the employe thereafter but such compensation shall not be more than [twenty-three dollars] twenty-seven dollars and fifty cents per week This compensation shall be paid during the period of such partial disability [not however beyond three hundred and fifty weeks after the seventh day of disability] except as provided in clause (e) of this section but not more than three hundred and fifty weeks Should total disability be followed by partial disabiliy the period of three hundred and fifty weeks [mentioned in this clause] shall not be reduced by the number of weeks during which compensation was paid for total disability The term "earning power" as used in this section shall in no case be less than the weekly amount which the employe receives after disability begins [and shall in no case] and in those cases in which the employe works fewer than five days per week for reasons not connected with or arising out of the disability resulting from the injury shall not be less than five times his actual daily wage as fixed by the day hour or by the output of the employe and in no instance shall an employe receiving compensation under this section receive more in compensation and wages combined than a fellow employe in [similar] employment similar to that in which the injured employe was engaged at the time of disability

(c) For all disability resulting from loss or loss of the use of members resulting from occupational disease the compensation shall be exclusively as follows

For the loss of a hand sixty-six and two-thirds per centum of wages during one hundred and seventy-five weeks

For the loss of a forearm sixty-six and two-thirds per centum of wages during one hundred and ninety-five weeks

For the loss of an arm sixty-six and two-thirds per centum of wages during two hundred and fifteen weeks

For the loss of a foot sixty-six and two-thirds per centum of wages during one hundred and fifty weeks

For the loss of a lower leg sixty-six and two thirds per centum of wages during one hundred and eighty weeks

For the loss of a leg sixty-six and two thirds per centum of wages during two hundred and fifteen weeks

For the loss of an eye sixty-six and two-thirds per centum of wages during one hundred and [twenty-five] fifty weeks

For the complete loss of hearing in both ears sixty-six and two-thirds per centum of wages during one hundred and [fifty] eighty weeks

For the loss of a thumb sixty-six and two-thirds per centum of wages during sixty weeks

For the loss of a first finger commonly called index finger sixty-six and two-thirds per centum of wages during thirty-five weeks

For the loss of a second finger sixty-six and two-thirds per centum of wages during thirty weeks

For the loss of a third finger sixty-six and two-thirds per centum of wages during twenty weeks

For the loss of a fourth finger commonly called little finger sixty-six and two-thirds per centum of wages during fifteen weeks

[The loss of the first phalange of the thumb or of any finger shall be considered equivalent to the loss of one half of such thumb or finger and shall be compensated at the same rate as for the loss of a thumb or finger but for one-half of the period provided for the loss of a thumb or finger

The loss of more than one phalange of a thumb or finger shall be considered equivalent to the loss of the entire thumb or finger]

The loss of the first phalange of the thumb shall be considered the loss of the thumb The loss of a substantial part of the first phalange of the thumb shall be considered the loss of one-half of the thumb

The loss of any substantial part of the phalange of a finger or an amputation immediately below the first phalange for the purpose of providing an optimum surgical result shall be considered the loss of one-half of the finger Any greater loss shall be considered the loss of the entire finger

The loss of one-half of the thumb or a finger shall be compensated at the same rate as for the loss of a thumb or finger but for one-half of the period provided for the loss of a thumb or finger

For the loss of or permanent loss of the use of any two or more such members not constituting total disability sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each

For the loss of a great toe sixty-six and two-thirds per centum of wages during forty weeks

For the loss of any other toe sixty-six and two-thirds per centum of wages during sixteen weeks

The loss of the first phalange of the great toe or of any toe shall be considered equivalent to the loss of one-half of such great toe or other toe and shall be compensated at the same rate as for the loss of a great toe or other toe but for one-half of the period provided for the loss of a great toe or other toe

The loss of more than one phalange of a great toe or any toe shall be considered equivalent to the loss of the entire great toe or other toe

For the loss of or permanent loss of the use of any two or more such members not constituting total disability sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute total disability to be compensated according to the provisions of clause (a)

Amputation at the wrist shall be considered as the equivalent of the loss of a hand and amputation at the ankle shall be considered as the equivalent of the loss of a foot Amputation between the wrist and the elbow shall be considered as the loss of a forearm and amputation between the ankle and the knee shall be considered as the loss of a lower leg Amputation at or above the elbow shall be considered as the loss of an arm and amputation at or above the knee shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye finger or thumb great toe or other toe shall be considered as the equivalent of the loss of such hand arm foot leg eye finger or thumb great toe or other toe

In addition to the payments hereinbefore provided for disabilities of the classes specified any period of disability necessary and required as a healing period shall be compensated in accordance with the provisions of this subsection the healing period shall end (I) when the claimant returns to employment without impairment in earnings or (II) on the last day of the period specified in the following table whichever is the earlier

For the loss of a hand twenty weeks
For the loss of a forearm twenty weeks
For the loss of an arm twenty weeks
For the loss of a foot twenty-five weeks
For the loss of the lower leg twenty-five weeks
For the loss of a leg twenty-five weeks
For the loss of an eye ten weeks
For the loss of hearing ten weeks
For the loss of a thumb or any part thereof ten weeks
For the loss of any other finger or any part thereof six weeks ..
For the loss of a great toe or any part thereof twelve weeks
For the loss of any other toe or any part thereof six weeks

This compensation shall not be more than]thirty-two] thirty-seven dollars and fifty cents per week nor less than [twenty-two dollars and fifty cents] twenty-five dollars per week Provided That if at the time of disability the employe receives wages of [less than twenty-two dollars and fifty cents] twenty-five dollars per week or less than he shall receive [the full amount] ninety per centum of such wages per week as compensation but in no event less than [twelve dollars and fifty cents] fifteen dollars per week When an employe works during the healing period his wages and earning power shall be as defined in this act and he shall not receive more in wages and compensation combined than his wages at the time of disability as defined in section 309

(d) [The period of total disability mentioned in clause (a) three hundred and fifty weeks mentioned in clause (b) and the specific periods (or aggregate specific periods as the case may be) mentioned in clause (c) shall begin to run seven days after disability begins and shall run concurrently] Where at the time of disability the employe incurs other disabilities separate from those which result in permanent disabilities enumerated in clause (c) of this section the number of weeks for which compensation is specified for the permanent disabilities shall begin at the end of the period of temporary total disability which results from the other separate disability but in that event the employe shall not receive compensation provided in clause (c) of this section for the specific healing period In the event the employe incurs two or more permanent disabilities of the above enumerated classes compensable under clause (c) of this section he shall be compensated for the largest single healing period rather than the aggregate of the healing periods

(e) No compensation shall be allowed for the first seven days after disability begins except as [hereinafter] provided in this clause (e) and clause (f) of this section If the period of disability lasts more than six weeks after disability begins the employe shall also receive compensation for the first seven days of disability

(f) During the first [one hundred and twenty days] six months after disability begins the employer shall furnish reasonable surgical and medical services medicines and supplies as and when needed unless the employe refuses to allow them to be furnished by the employer The cost of such services medicines and supplies shall not exceed four hundred fifty dollars If the employer shall upon application made to him refuse to furnish such services medicines and supplies the employe may procure same and shall receive from the employer the reasonable cost thereof within the above limitations In addition to the above service medicines and supplies hospital treatment services and supplies and orthopedic appliances and prostheses shall be furnished by the employer for the said period of [one hundred and twenty days] six months The board may order further medical surgical and hospital services after the end of the six month period if it is established that further care will result in restoring the disabled employe's earning power to a substantial degree In each order the board shall specify the maximum period and the maximum costs of the treatment designed for the employe's rehabilitation The cost for such hospital treatment service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals If the employe shall refuse reasonable surgical medical and hospital services medicines and supplies tendered to him by his employer he shall forfeit all rights to compensation for disability or any increase in his disability shown to have resulted from such refusal Provided That the provisions of this section shall apply [in injuries] to occupational diseases where no loss of earning power occurs

(g) [Should the employe die as a result of the occupational disease the period during which compensation shall be payable to his dependents under section three hundred and seven of this article shall be reduced by the period during which compensation was paid to him in his lifetime under this section of this article No reduction shall be made for the amount which may have been paid or contracted to be paid for medical and hospital services and medicines nor for the expenses of the last sickness and burial] Should the employe die from some other cause than the occupational disease the liability for compensation shall cease

Section 307 Amended August 24, 1953 (P. L. 1389)

Section 307 In case of death resulting from occupational disease compensation shall be computed on the following basis and distributed to the following persons subject to the limitations of section 301

1 If there be no widow nor widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereinafter provided as follows

(a) If there be one child thirty-two per centum of wages of deceased but not in excess of [thirteen] fifteen dollars per week

(b) If there be two children forty-two per centum of wages of deceased but not in excess of [seventeen dollars and fifty cents] twenty dollars and twenty-five cents per week

(c) If there be three children fifty-two per centum of wages of deceased but not in excess of [twenty-two dollars] twenty-five dollars and fifty cents per week

(d) If there be four children sixty-two per centum of wages of deceased but not in excess of [twenty-six] thirty dollars and fifty cents per week

(e) If there be five children sixty-four per centum of wages of deceased but not in excess of [twenty-nine dollars and fifty cents] thirty-four dollars per week

(f) If there be six or more children sixty-six and two-thirds per centum of wages of deceased but not in excess of [thirty-two] thirty-seven dollars and fifty cents per week

2 To the widow or widower if there be no children fifty-one per centum of wages but not in excess of [twenty dollars and fifty cents] twenty-three dollars and seventy-five cents per week

3 To the widow or widower if there be one child sixty per centum of wages but not in excess of [twenty-five dollars] twenty-eight dollars and seventy-five cents per week

4 To the widow or widower if there be two children sixty-six and two-thirds per centum of wages but not in excess of [twenty-nine dollars and fifty cents] thirty-four dollars per week

5 To the widow or widower if there be three or more children sixty-six and two-thirds per centum of wages but not in excess of [thirty-two] thirty-seven dollars and fifty cents per week

6 If there be neither widow widower nor children entitled to compensation then to the father or mother if dependent to any extent upon the employe at the time of his death thirty-two per centum of wages but not in excess of [eleven dollars and fifty cents] thirteen dollars and twenty-five cents per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be presumed And provided further That if the father or mother was totally dependent upon the deceased employe at the time of his death the compensation payable to such father or mother shall be fifty-two per centum of wages but not in excess of [nineteen] twenty-two dollars per week

7 If there be neither widow widower children nor dependent parent entitled to compensation then to the brothers and sisters if actually dependent upon the decedent for support at the time of his death twenty-two per centum of wages for one brother or sister and five per centum additional for each additional borther or sister with a maximum of thirty-two per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designated by the board as hereinafter provided

8 Whether or not there be dependents as aforesaid the reasonable expense of burial not exceeding four hundred and twenty-five dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses)

Compensation shall be payable under this section to or on account of any child brother or sister only if and while such child brother or sister is under the age of eighteen No compensation shall be payable under this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him and receiving from him a substantial portion of her support No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time depndent upon her for support If members of decedent's household at the time of his death the terms "child" and "children" shall include step children adopted children and children to whom he stood in loco parentis and shall include posthumous children Should any dependent of a deceased employe die or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow the compensation of such widow shall continue as hereinbefore provided for one-third of the period during which compensation then remains payable to her Provided further That if upon investigation and hearing it shall be ascertained that the widow or widower is living with a man or woman as the case may be in meretricious relationship and not married or the widow living a life of prostitution the board may order the termination of compensation payable to such widow or widower If the compensation payable under this section to any person shall for any cause cease the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only prsons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any case be taken to exceed [forty-nine dollars] fifty-six dollars and twenty-five cents per week nor be less than [twenty-nine] thirty-seven dollars and fifty cents per week

This compensation shall be paid during three hundred and fifty weeks and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of three hundred and fifty weeks until such child reaches the age of eighteen at the rate of twenty-four and one-half per centum of wages but not in excess of [nine dollars and forty cents] ten dollars and seventy-five cents per week if there is one child thirty-four and one-half per centum of wages but not in excess of [thirteen] fifteen dollars per week if there are two children forty-five and one-half per centum of wages but not in excess of [seventeen dollars and fifty cents] twenty dollars and twenty-five cents per week if there are three children fifty-seven per centum of wages but not in excess of [twenty-two dollars] twenty-five dollars and fifty cents per week if there are four children sixty-two per centum of wages but not in excess of [twenty-three dollars and fifty cents] twenty-seven dollars per week if there be five children and sixty-six and two-thirds per centum of wages but not in excess of [twenty-six] thirty dollars and fifty cents per week if there be six children or more

The board may if the best interests of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow or a widower on account of any child or children to be paid to the guardian of such child or children or if there be no guardian to such other person as the board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or dependent may be paid to any surviving parent or to such other person as the board may order and direct and the board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Subsection (a) and (d) of Section 308 Subsection (a) Amended August 24, 1953 (P. L. 1389) and Subsection (d) amended June 12, 1941 (P. L. 125)

Section 308 (a) When compensation is awarded because of disability or death caused by silicosis anthraco-silicosis asbestosis or any other occupational disease which developed to the point of disablement only after an exposure of five or more years the compensation for disabiliy or death due to such disease shall except as otherwise provided in subsection (g) of section 301 be paid jointly by the employer and the Commonwealth [in accordance with the following provisions If disability begins between October 1, 1939 and September 30, 1941 both dates inclusive the employer shall be liable for and pay fifty per centum of the compensation due and the Commonwealth fifty per centum thereof Thereafter depending upon the date when disability begins the proportions of compensation for which the employer and the Commonwealth shall respectively become liable shall be If disability begins between October 1, 1941 and September 30, 1943 the employer sixty per centum of the Commonwealth forty per centum] [of between October 1, 1943 and September 30, 1945 the employer seventy per centum and the Commonwealth thirty per centum if between October 1, 1945 and September 30, 1947 the employer eighty per centum and the Commonwealth twenty per centum if between October 1, 1947 and September 30, 1951 the employer ninety per centum and the Commonwealth ten per centum If disability begins after September 30, 1951] and the employer shall be liable for sixty per centum of the compensation due and the Commonwealth forty per centum

* * *

(d) In all agreements for the payment of compensation and all awards the amount payable by the employer and the amount payable by the Commonwealth shall be separately stated an award against the employer shall be for only the percentage of the total compensation which the employer is obligated to pay under subsection (a) of this section not to exceed the stated percentage of the maximum payable by the employer under section 301 (a) 2 of this act or if section 301 (a) 2 be inapplicable then under sections 306 and 307 of this act A separate award shall be made against the Commonwealth for the balance of the compensation payable under said sections which shall be payable out of appropriations made as aforesaid Nothing in this section shall prohibit the Commonwealth from entering into agreements to pay the compensation for which it is liable provided however that where compensation is payable under the provisions of subsection (a) of this section the Commonwealth shall not enter into an agreement unless the employer is a party to the agreement and provided further that any such agreement shall contain facts sufficient to entitle the claimant to compensation and shall be accompanied by a supporting medical certificate All such agreements shall be approved by the board or by a referee

Section 309 Amended May 14, 1949 (P. L. 1379)

Section 309 Whenever in this article the term "wages" is used it shall be construed to mean the average weekly wages of the employe ascertained as follows

(a) If at the time of the disability the wages are fixed by the week the amount so fixed shall be the average weekly wage

(b) If at the time of the disability the wages are fixed by the month the average weekly wage shall be the monthly wage so fixed multiplied by twelve and divided by fifty-two

(c) If at the time of the disability the wages are fixed by the year the average weekly wage shall be the yearly wage so fixed divided by fifty-two

(d) If at the time of the disability the wages are fixed by the day hour or by the output of the employe the average weekly wage shall be the wage most favorable to the employe computed by dividing by thirteen the total wages of said employe earned in the employ of the employer in the first second third or fourth period of thirteen consecutive calendar weeks in the fifty-two weeks immediately preceding the [accident] disability or in case the employe receives wages monthly or semi-monthly by dividing by thirteen the total wages of said employe earned in the employ of the employer in the first second third or fourth period of three consecutive calendar months in the year immediately preceding the [accident] disability

If the employe has been in the employ of employer less than thirteen calendar weeks (or three calendar months if the employe receives wages monthly or semi-monthly) immediately preceding the disability his average weekly wage shall be computed under the foregoing paragraph taking "total wages" for such purposes to be the amount he would have earned had he been so employed by employer the full thirteen calendar weeks (or three calendar months) immediately preceding the disability and had worked when work was available to other employes in a similar occupation unless it be conclusively shown that by reason of exceptional causes such method of computation does not ascertain farily the "total wages" of the employe so employed less than thirteen calendar weeks (or three calendar months)

(e) In occupations which are exclusively seasonal and therefore cannot be carried on throughout the year the average weekly wage shall be taken to be one-fiftieth of the total wages which the employe has earned from all occupations during the twelve calendar months immediately preceding the disability unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings.

The term "average weekly wage" and "total wages" as used in this section shall include board and lodging received from the employer and when so received the board shall be rated at [one dollar per day and board together with lodging shall be rated at] two dollars per day if more than one meal is served and one dollar per day if only one meal is served and lodging shall be rated at one dollar and fifty cents per day In employments in which employes customarily receive not less than one-third of their remuneration in tips or gratuities not paid by the employer gratuities shall be added to the wages received at the rate of two dollars per day but such terms shall not include [gratuities received from the employer or other nor shall such terms include] amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employe nor shall such terms include deduction from wages due the employer for rent and supplies necessary for the employe's use in the performance of his labor

Where the employe is working under concurrent contracts with two or more employers and the defendant employer has knowledge of such employment prior to the disability his wags from all such employers shall be considered as if earned from the employer liable for compensation

If under clauses (a) (b) (c) (d) and (e) of this section the amount determined is less than if computed as follows this computation shall apply viz divide the total wages earned by the employe during the last two completed calendar quarters with the same employer by the number of days he worked for such employer during such period multiplied by five

The weekly wage upon which compensation shall be computed shall be the wage earned by the employe in his last employment in the occupation or industry in which the occupational disease is a hazard

Section 310

Section 310 Alien widows children [widowers] and parents [brothers and sisters] not residents of the United State shall [not] be entitled to [any] compensation but only to the amount of fifty per centum of the compensation which would have been payable if they were residents of the United States provided that compensation benefits are granted residents of the United States under the laws of the foreign country in which the widow children or parents reside alien widowers brothers and sisters who are not residents of the United States shall not be entitled to receive any compensation in no event shall any nonresident alien widow or parent be entitled to

compensation in the absence proof that the alien widow or parent has actually been receiving a substantial portion of his or her support from the decedent where transmission of funds in payment of any such compensation is prohibited by any law of the Commonwealth or of the United States to resident of such foreign country the no compensation shall accrue or be payable while such prohibition remains in effect and unless such prohibition is removed within six years from the date of death all oblgation to pay compensation under this section shall be forever extinguished

In every instance where an award is made to alien widows children or parents not residents in the United States the referee or the board shall in the award fix the amount of any fee allowed to any person for services in connection with presenting the claim and it shall be a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than six months or both to accept any remuneration for the services other than that provided by the referee or board

Section 311

Section 311 Unless the employe or someone in his behalf or some of the dependents or someone in their behalf shall give notice of disability to the employer liable for compensation under this article within [fourteen] twenty-one days after [the] compensable disability begins no compensation shall be due until such notice be given and unless such notice be given with [ninety] one hundred and twenty days after the beginning of compensable disability no compensation shall be allowed

Section 312

Section 312 The notice referred to in section three hundred and eleven [hereof shall be substantially in the following form

To (name of employer)]

[You are hereby notified that (name of employe disabled) who was in your employment at (place) while engaged as (kind of employment) became disabled as the result of (name of occupational disease) on or about the .....day of ..... Anno Domini ..... and that compensation will be claimed therefor

Date ..... Signed .....

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe by name became disabled as the result of occupational disease the character of which is described in ordinary language in the course of his employment on or about the time specified] shall inform the employer that a certain employe became disabled as a result of the occupational disease described in ordinary language in the course of his employment on or about a specified time

Section 313

Section 313 [The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the employe was working] or by sending them through the registered mail to the employer at his or its last known resident or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof Notice served upon any of said agents shall be notice to the employer] The notice referred to in sections three hundred and eleven and three hundred and twelve may be given to the immediate or other superior of the employe to the employer or any agent of the employer regularly employed at the place of employment of the disabled employe

Section 314

Section 314 At any time after disability begins the employe if so requested by his employer must submit himself for examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer If the employe shall refuse upon the request of the employer to submit to the examination by the physician or physicians selected by the employer the board may upon petition of the employer order the employe to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physicians designated by it and paid by the employer [and if the employe shall without reasonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article] The board may at any time after such first examination upon petition of the employer order the employe to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination The refusal or neglect without reasonable cause or excuse of the employe to submit to such examination ordered by the board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employe shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the board

Section 315

Section 315 In cases of disability all claims for compensation shall be forever barred unless within [one year after the] sixteen months after compensable disability begins the parties shall have agreed upon the compensation payable under this article or unless within [one year after the] sixteen months after compensable disability begins one of the parties shall have filed a petition as provided in article four hereof In cases of death all claims for compensation shall be forever barred unless within [one year] sixteenth months after the death the parties shall have agreed upon the compensation payable under this article or unless within [one year] sixteen months after the death one of the parties shall have filed a petition as provided in article four hereof Where however payments of compensation have been made in any case said limitations shall not take effect until the expiration of [one year] sixteen months from the time of the making of the most recent payment made prior to the date of filing such petition

Section 316

Section 316 The compensation contemplated by this article may at any time be commuted by the board at its then value when discounted at five per centum interest with annual rests upon application of either party with due notice to the other if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe and that it will avoid undue expense or undue hardship to either party or that such employe or dependent has removed or is about to remove from the United States or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets Provided however That unless the employer agrees to make such commutation the board [shall] may require the employe or the dependents of the deceased employe to furnish proper indemnity safeguarding the employer's right

Section 319 Amended May 18, 1945 (P. L. 661)

Section 319 Where the compensable [injury] disability is caused in whole or in part by the act or omission of a third party the employer shall be subrogated to the right of the employe his personal representative hi

estate or his dependents against such third party for the balance of any sum recovered in litigation or paid in compromise settlement after subtraction of reasonable attorney's fees and other proper disbursements but only to the extent of the compensation payable under this article by the employer Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe or to the dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation

Where an employe has received payments for the disability or medical expense resulting from a disability in the course of his employment paid by the employer or an insurance company on the basis that the disability was not compensable under this act in the event of an agreement or award for that disability the employer or insurance company who made the payments shall be subrogated out of the agreement or award to the amount so paid if the right to subrogation is agreed to by the parties or is established at the time of hearing before the referee or the board

Subsection (a) of Section 320

Section 320 (a) If the employe is a minor under the age of eighteen years employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age compensation either in the case of disability or death of such employe shall be one hundred and [ten] fifty per centum of the amount that would be payable to such minor if legally employed The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation"

Section 413

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an existing original or existing supplemental agreement upon petition filed by either party with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement was [procured by the fraud coercion or other improper conduct of a party or was founded upon a mistake of law or of fact Provided That an agreement can only be reviewed modified or set aside if a petition is filed with the board within one year after the date of the most recent payment of compensation made prior to the date of filing such petition] in any material respect incorrect

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of [an injured] the employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of date upon which it is shown that the disability of the employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed Provided That an agreement or an award can only be reviewed modified or reinstated during the time such agreement or award has to run if for a definite period and no agreement or award shall be reviewed or modified or reinstated unless a petition is filed with the board within [one year] two years after the date of the most recent payment of compensation made prior to the date of filing such petition Where compensation has been suspended because the employe's earnings are equal to or in excess of his wages prior to the disability payments under the agreement or award may be resumed at any time during the period for which compensation for partial disability is payable unless it be shown that the loss of earnings does not result from the disability due to the exposure.

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award in whole or to such extent as the facts alleged in the petition would if proved require

Section 416

Section 416 Within [ten] twenty days after a copy of any petition has been served upon any adverse party he may file with the secretary of the board if the petition has been directed to be heard by the board or with the referee if the petition has been assigned to a referee an answer in the form prescribed by the board

Every fact alleged in a claim petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or referee before whom the petition is heard from requiring of its or his own motion proof of such fact

Section 417

Section 417 As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereto the board shall fix a time and place for hearing the petition If a petition be assigned to a referee he shall [twelve days after notice that such petition has been assigned to him has been served upon the adverse parties] as soon as practicable thereafter fix a time and a place for hearing the petition [Such hearing shall not be less than seven nor more than fourteen days after the mailing of notice thereof by the referee] The secretary of the board if the petition has been directed to be heard by the board or by one or more of its members or the referee to whom the petition has been assigned shall serve upon all parties in interest a notice of the time and place of hearing and shall serve upon the petitioner a copy of any answer of any adverse party

Section 418

Section 418 The board if a petition is directed to be heard by it or by one or more of its members or the referee to whom a petition is assigned for hearing may subpoena witnesses order the production of books and other writings and hear evidence and shall make in writing and as soon as may be after the conclusion of the hearing such findings of fact conclusions of law and award or disallowance of compensation or other order as the petition and answers and the evidence produced before it or him and the provisions of this act shall in its or his judgment require. The findings of fact made by the board in any petition heard by it or by one or more of its members or upon a hearing de novo shall be final except as hereinafter provided and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the provisions of section four hundred and nineteen shall be final unless an appeal is taken as provided in this act or unless the board shall under the provisions of [section] sections four hundred and twenty-five or four hundred and twenty-six of this article grant a hearing de novo or a rehearing

Section 419

Section 419 [(a)] The board may refer any question of fact arising under any petition including a petition for commutation heard by it to a referee to hear evidence and report to the board the testimony taken before him or such testimony and findings of facts thereon as the board may order The board may refer any question of fact arising out of any petition assigned to a referee to any other referee to hear evidence and report the testimony so taken thereon to its original referee

[(b) The board or a referee if it or he deem is necessary may of its or his own motion either before during or after any hearing make investigation of the facts set forth in the petition or answer]

New Section 420

Section 420 The board or a referee if it or he deem it necessary may of its or his own motion either before during or after any hearing make an investigation of the facts set forth in the petition or answer The board or referee with the consent of the board may appoint one or more impartial physicians or surgeons to examine the claimant and report thereon or he may employ the services of such other experts as shall appear necessary to ascertain the facts The report of any physician surgeon or expert appointed by the board or by a referee shall be filed with the board or referee as the case may be and shall be a part of the record and open to inspection as such

The board shall fix the compensation of such physicians surgeons and experts which when so fixed shall be paid out of the sum appropriated to the Department of Labor and Industry

The sum of fifty thousand dollars ($50,000) is hereby appropriated to the Department of Labor and Industry for compensation payable by the Commonwealth under the provisions of this section for the biennium one thousand nine hundred fifty-five one thousand nine hundred fifty-seven

Section 422 Amended January 2, 1952 (P. L. 1811)

Section 422 The board its members and the referees shall not be bound by the technical rules of evidence in conducting hearings and investigations but all findings of fact shall be based only upon sufficient competent evidence to justify them

If any party or witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the board or a referee his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the board may by special order or general rule prescribe The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein but shall not be conclusive proof of such matters

Where any claim for compensation at issue before a referee involves five weeks or less of disability either the employe or the employer may submit a certificate by any qualified physician as to the history examination treatment diagnosis and cause of the condition and the statements shall be admissible as evidence of medical and surgical matters therein stated but such statements and certificates shall not be admissible in any subsequent proceedings

Where an employer has furnished surgical and medical services or hospitalization in accordance with the provisions of subsection (f) of section 306 or where the employe has himself procured them the employer or employe shall upon request in any pending proceeding be furnished with or have made available a true and complete record of the medical and surgical services and hospital treatment including X-rays laboratory tests and all other medical and surgical data in the possession or under the control of the party requested to furnish or made available such data

Section 426 Amended May 27, 1943 (P. L. 743)

Section 426 The board upon petition of any party and upon cause shown at any time before the court of common pleas of any county of this Commonwealth other than Allegheny County and in Allegheny County before the county court of Allegheny County to which an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon may grant a rehearing of any petition upon which the board has made an award or disallowance of compensation or other order or ruling or upon which the board has sustained or reversed any action of a referee but such rehearing shall not be granted more than [one year] eighteen months after the board has made such award disallowance or order or ruling or has sustained or reversed any action of the referee If the board shall grant a rehearing of any petition from the board's action on which an appeal has been taken to and is pending in the court of common pleas or in the county court of Allegheny County as the case may be under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board Provided however That nothing contained in this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an original or supplemental agreement or an award in accordanc with the provisions of section four hundred thirteen of this article

Section 434

Section 434 A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award Provided however That the board or a referee designated by the board may at any time within two years from the date to which [payment is made as evidenced by such final receipt] payments have been made set aside a final receipt upon petition filed with the board if it be conclusively proved that [such receipt was procured by fraud coercion or other improper conduct of a party or is founded upon mistake of law or of fact] all disability due to the occupational disease in fact had not terminated

Section 501

Section 501 No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid or binding in any respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the common pleas court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article three of this act shall be an enforceable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the board Any such claim or agreemeht shall be filed with the department which shall as soon as may be notify the person by whom the same was filed of the board's approval or disapproval thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreement for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employe's compensation is payable by the employer in periodic instalments the board shall fix at the time of approval the proportion of each instalment to be paid on account of legal services and disbursements and the board may upon application made to it commute the sum awarded for legal services and disbursements

Section 2 This act shall take effect in thirty days

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel.	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1398, as follows:

An Act amending the act of June 2, 1915 (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" changing provisions relating to liability of employers and benefits and persons entitled thereto changing certain rules of evidence and regulating practice and procedure authorizing commutation of certain awards providing for certain subrogation rights and the fixing of certain fees prescribing penalties making appropriations and generally clarifying and changing the provisions of the act The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The hereinafter designated sections and parts of sections of the act of June 2, 1915 (P. L. 736) known as "The Pennsylvania Workmen's Compensation Act" reenacted and amended June 21, 1939 (P. L. 520) are amended to read

Section 101

Section 101 That this act shall be called and cited as The Pennsylvania Workmen's Compensation Act and shall apply to all accidents occurring within this Commonwealth irrespective of the place where the contract of hiring was made renewed or extended and shall not apply to any accident occurring outside of the Commonwealth except to accidents occurring to Commonwealth employes outside the Commonwealth while such employes are engaged in duly authorized business of the Commonwealth and except accidents occurring to [Pennsylvania] employes whose duties require them to go temporarily beyond the territorial limits of the Commonwealth not over [ninety days] six months when such employes are performing services for employers whose place of business is within the Commonwealth

Section 104

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes

All natural persons who perform services for another for a valuable consideration exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer and exclusive of persons to whom articles or materials are given out to be made up cleaned washed altered ornamented finished or repaired or adapted for sale in the worker's own home or on other premises not under the control or management of the employer Every executive officer of a corporation elected or appointed in accordance with the charter and by-laws of the corporation except elected officers of the Commonwealth or any of its political subdivisions shall be an employe of the corporation

Subsection (a) of Section 301

Section 301 (a) When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for personal injury to or for the death of such employe by an accident in the course of his employment shall be paid in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article provided that no compensation shall be paid when the injury or death is intentionally self inflicted or is caused by the employe's violation of law but the burden of proof of such fact shall be upon the employer and no compensation shall be paid if during hostile attacks on the United States injury or death of employes results solely from military activities of the armed forces of the United States or from military activities or enemy sabotage of a foreign power

Section 305 Amended May 22, 1953 (P. L. 204)

Section 305 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the department from such insurance An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the department showing his financial ability to pay such compensation whereupon the department if satisfied of the applicant's financial ability shall upon the payment of a fee of fifty dollars ($50.00) issue to the applicant a permit authorizing such exemption From a refusal of the department to issue such permit an appeal shall lie to the court of common pleas of Dauphin County In any such appeal the only question shall be whether the department abused its discretion in refusing such permit The department shall establish a period of twelve (12) calendar months to begin and end at such times as the department shall prescribe which shall be known as the annual exemption period Unless previously revoked all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued Permits issued under this act shall be renewed upon the filing of an application and the payment of a renewal fee of fifty dollars ($50.00) The department may from time to time require further statements of the financial ability of such employer and if at any time such employer appear no longer able to pay compensation shall revoke its permit granting exemption in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund or insure his liability in any insurance Company or mutual association or company as aforesaid

[If any employer] Any employer who fails to comply with the provisions of this section [such employer shall be guilty of a misdemeanor and upon conviction thereof] for every such failure shall upon summary conviction before any official of competent jurisdiction be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) and costs of prosecution or imprisonment for a period of not more than six months or both [at the discretion of the court] Every day's violation shall constitute a separate offense It shall be the duty of the department to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof All fines recovered under the provisions of this section shall be paid [by the clerk of the court] to the department and by it paid into the State Treasury

In any proceeding against an employer under this section a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the de-

fendant has not been exempted from obtaining insurance under this section shall be prima facie evidence of the facts therein stated

Section 306 Subsection (a) Amended August 24, 1953 (P. L. 1379) and August 24, 1953 (P. L. 1382) Subsection (b) the Last Paragraph of Subsection (c) and Subsections (d) (f) and (h) Amended August 24, 1953 (P. L. 1382) and Subsection (c) Amended January 2, 1952 (P. L. 1803)

Section 306 The following schedule of compensation is hereby established [for injuries resulting in total disability]

(a) For [the first seven hundred weeks after the seventh day of] total disability sixty-six and two-thirds per centum of the wages of the injured employe as defined in section three hundred and nine [but the compensation shall not be more than thirty-two dollars and fifty cents per week nor less than twenty-two dollars and fifty cents per week and shall not exceed in the aggregate the sum of twenty thousand dollars Provided That if at the time of the injury the employe receives wages of less than twenty-two dollars and fifty cents per week then he shall receive the full amount of such wages per week as compensation but in no event less than twelve dollars and fifty cents per week] beginning after the seventh day of total disability and payable for the duration of total disability but the compensation shall not be more than thirty-seven dollars and fifty cents per week nor less than twenty-five dollars per week If at the time of injury the employe receives wages of twenty-five dollars per week or less than he shall receive ninety per centum of the wages per week as compensation but in no event less than fifteen dollars per week Nothing in this clause shall require payment of compensation after disability shall cease [Should partial disability be followed by total disability the period of seven hundred weeks mentioned in the clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability]

(b) For disability partial in character (except the particular cases mentioned in clause (c) sixty-six and two-thirds per centum of the difference between the wages of the injured employe as defined in section three hundred and nine and the earning power of the employe thereafter but such compensation shall not be more than [twenty-three dollars] twenty-seven dollars and fifty cents per week This compensation shall be paid during the period of such partial disability [not however beyond three hundred and fifty weeks after the seventh day of disability] except as provided in clause (e) of this section but for not more than three hundred and fifty weeks Should total disability be followed by partial disability the period of three hundred and fifty weeks [mentioned in this clause] shall not be reduced by the number of weeks during which compensation was paid for total disability The term "earning power" as used in this section shall in no case be less than the weekly amount which the employe receives after the accident [and shall in no case] and in those cases in which the employe works fewer than five days per week for reasons not connected with or arising out of the disability resulting from the injury shall not be less than five times his actual daily wage as fixed by the day hour or by the output of the employe and in no instance shall an employe receiving compensation under this section receive more in compensation and wages combined than a fellow employe in [similar] employment similar to that in which the injured employe was engaged at the time of the accident

(c) For all disability resulting from permanent injuries of the following classes the compensation shall be exclusively as follows

For the loss of a hand sixty-six and two-thirds per centum of wages during one hundred and seventy-five weeks

For the loss of a forearm sixty-six and two-thirds per centum of wages during one hundred and ninety-five weeks

For the loss of an arm sixty-six and two-thirds per centum of wages during two hundred and fifteen weeks

For the loss of a foot sixty-six and two-thirds per centum of wages during one hundred and fifty weeks

For the loss of a lower leg sixty-six and two-thirds per centum of wages during one hundred and eighty weeks

For the loss of a leg sixty-six and two-thirds per centum of wages during two hundred and fifteen weeks

For the loss of an eye sixty-six and two-thirds per centum of wages during one hundred and [twenty-five] fifty weeks

For the complete loss of hearing in both ears sixty-six and two-thirds per centum of wages during one hundred and [fifty] eighty weeks

For the loss of a thumb sixty-six and two-thirds per centum of wages during sixty weeks

For the loss of a first finger commonly called index finger sixty-six and two-thirds per centum of wages during thirty-five weeks

For the loss of a second finger sixty-six and two-thirds per centum of wages during thirty weeks

For the loss of a third finger sixty-six and two-thirds per centum of wages during twenty weeks

For the loss of a fourth finger commonly called little finger sixty-six and two-thirds per centum of wages during fifteen weeks

[The loss of the first phalange of the thumb or of any finger shall be considered equivalent to the loss of one-half of such thumb or finger and shall be compensated at the same rate as for the loss of a thumb or finger but for one-half of the period provided for the loss of a thumb or finger

The loss of more than one phalange of a thumb or finger shall be considered equivalent to the loss of the entire thumb or finger]

The loss of the first phalange of the thumb shall be considered the loss of th thumb The loss of a substantial part of the first phalange of the thumb shall be considered the loss of one-half of the thumb

The loss of any substantial part of the first phalange of a finger or an amputation immediately below the first phalange for the purpose of providing an optimum surgical result shall be considered loss of one-half of the finger Any greater loss shall be considered the loss of the entire finger

The loss of one-half of the thumb or a finger shall be compensated at the same rate as for the loss of a thumb or finger but for one-half of the period provided for the loss of a thumb or finger

For the loss of or permanent loss of the use of any two or more such members not constituting total disability sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each

For the loss of a great toe sixty-six and two-thirds per centum of wages during forty weeks

For the loss of any other toe sixty-six and two-thirds per centum of wages during sixteen weeks

The loss of the first phalange of the great toe or of any toe shall be considered equivalent to the loss of one-half of such great toe or other toe and shall be compensated at the same rate as for the loss of a great toe or other toe but for one-half of the period provided for the loss of a great toe or other toe

The loss of more than one phalange of a great toe or any toe shall be considered equivalent to the loss of the entire great toe or other toe

For the loss of or permanent loss of the use of any two or more such members not constituting total disability sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each

For serious and permanent disfigurement of the head neck or face of such a character as to produce an unsightly appearance and such as is not usually incident to the employment sixty-six and two-thirds per centum of wages not to exceed one hundred and fifty weeks

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute total disability to be compensated according to the provisions of clause (a)

Amputation at the wrist shall be considered as the equivalent of the loss of a hand and amputation at the ankle shall be considered as the equivalent of the loss of a foot Amputation between the wrist and the elbow shall be considered as the loss of a forearm and amputa-

tion between the ankle and the knee shall be considered as the loss of a lower leg Ampuataiton at or above the elbow shall be considered as the loss of an arm and amputation at or above the knee shall be considered as the loss of a leg Permanent loss of the use fo a hand arm foot leg eye finger or thumb great toe or other toe shall be considered as the equivalent of the loss of such hand arm foot leg eye finger or thumb great toe or other toe

In addition to the payments hereinbefore provided for permanent injuries of the classes specified any period of disability necessary and required as a healing period shall be compensated in accordance with the provisions of this subsection the healing period shall end (I) when the claimant returns to employment without impairment in earnings or (II) on the last day of the period specified in the following table whichever is the earlier

For the loss of a hand twenty weeks
For the loss of a forearm twenty weeks
For the loss of an arm twenty weeks
For the loss of a foot twenty-five weeks
For the loss of the lower leg twenty-five weeks
For the loss of a leg twenty-five weeks
For the loss of an eye ten weeks
For the loss of hearing ten weeks
For the loss of a thumb or any part thereof ten weeks
For the loss of any other finger or any part thereof six weeks
For the loss of a great toe or any part thereof twelve weeks
For the loss of any other toe or any part thereof six weeks

This compensation shall not be more than [thirty-two] thirty-seven dollars and fifty cents per week nor less than [twenty-two dollars and fifty cents] twenty-five dollars per week Provided That if at the time of injury the employe receives wages of [less than twenty-two dollars and fifty cents] twenty-five dollars per week or less than he shall receive [the full amount] ninety per centum of such wages per week as compensation but in no event less than [twelve dollars and fifty cents] fifteen dollars per week when an employe works during the healing period his wages and earning power shall be as defined in this act and he shall not receive more in wages and compensation combined than his wages at the time of the accident as defined in section 309

(d) [The period of total disability mentioned in clause (a) three hundred and fifty weeks mentioned in clause (b) and the specific periods (or aggregate specific periods as the case may be) mentioned in clause (c) shall begin to run seven days after disability begins and shall run concurrently] Where at the time of the accident the employe receives other injuries separate from these which result in permanent injuries enumerated in clause (c) of this section the number of weeks for which compensation is specified for the permanent injuries shall begin at the end of the period of temporary total disability which results from the other separate injuries but in that event the employe shall not receive compensation provided in clause (c) of this section for the specific healing period In the event the employe suffers two or more permanent injuries of the above enumerated classes compensable under clause (c) of this section he shall be compensated for the largest single healing period rather than the aggregate of the healing periods

(e) No compensation shall be allowed for the first seven days after disability begins except as [hereinafter] provided in this clause (e) and clause (f) of this section If the period of disability lasts more than six weeks after the date of the accident the employe shall also receive compensation for the first seven days of disability

(f) During the first [one hundred and twenty days] six months after disability begins the employer shall furnish reasonable surgical and medical services medicines and supplies as and when needed unless the employe refuses to allow them to be furnished by the employer The cost of such services medicines and supplies shall not exceed four hundred and fifty dollars If the employer shall upon application made to him refuse to furnish such services medicines and supplies the employe may procure same and shall receive from the employer the reasonable cost threof within the above limitations In addition to the above service medicines and supplies hospital treatment services and supplies and orthopedic appliances and prostheses shall be furnished by the employer for the said period of [one hundred and twenty days] six months The board may order further medical surgical and hospital services after the end of the six month period if it is established that further care will result in restoring the injured employe's earning power to a substantial degree In each order the board shall specify the maximum period and the maximum cost of the treatment designed for the employe's rehabilitation The cost for such hospital treatment service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals If the employe shall refuse rasonable surgical medical and hospital services treatment medicines and supplies tendered to him by his employer he shall forfeit all rights to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal Whenever an employe shall have suffered the loss of a limb part of a limb or an eye the employer shall furnish to the employe in addition to the aforementioned surgical and medical services medicines and supplies an artificial limb or eye of a type and kind recommended by the doctor attending such employe in connection with such injury Provided That the provisions of this section shall apply in injuries where no loss of earning power occurs

(g) [Should the employe die as a result of the injury the period during which compensation shall be payable to his dependents under section three hundred and seven of this article shall be reduced by the period during which compensation was paid to him in his lifetime under this section of this article No reduction shall be made for the amount which may have been paid or contracted to be paid for medical and hospital services and medicines nor for the expenses of the last sickness and burial] Should the employe die from some other cause than the injury the liability for compensation shall cease

[(h) Where claim is made for hernia claimant must notify the employer or a representative of the employer within five calendar days after the occurrence of the accident]

Section 306.1 Amended August 24, 1953 (P. L. 1379) and August 24, 1953 (P. L. 1382)

Section 306.1 If an employe who has incurred (through accident or otherwise) permanent partial disability through the loss or loss of use of one hand one arm one foot one leg or one eye incurs total disability through a subsequent injury causing loss or loss of use of another hand arm foot leg or eye he shall be entitled to additional compensation as follows

After the cessation of payments by the employer for the period of weeks prescribed in Clause (c) of section 306 for the subsequent injury additional compensation shall be paid during the continuance of total disability at the weekly compensation rate applicable for total disability [for the remainder of the seven hundred week period provided in Clause (a) of section 306] This additional compensation shall be paid by the Commonwealth only upon an award by a compensation referee or the board All claims for such additional compensation shall be forever barred unless the employe shall have filed a petition therefor with the board within one year after the last payment made under Clause (c) hereof out of the general fund in the State Treasury The sum of one hundred thousand dollars ($100,000) is hereby appropriated to the Department of Labor and Industry for compensation payable by the Commonwealth under this section for the biennium one thousand nine hundred and forty-five one thousand nine hudred forty-seven

The sum of fifty thousad dollars ($50,000) is hereby appropriated to the Department of Labor and Industry for compensation payable by the Commonwealth under this section for the biennium one thousand nine hundred fifty-five one thousand nine hundred fifty-seven

The Department of Labor and Industry shall be charged

with the conservation of the assets of said appropriation In furtherance of this purpose the Attorney General shall appoint a member of his staff to represent the Commonwealth in all proceedings brought to enforce claims against the Commonwealth In its award the Workmen's Compensation Board of the Department of Labor and Industry shall specifically find the amount the injured employe shall be paid weekly the number of weeks compensation which shall be paid by the employer the date upon which payments out of the State appropriation shall begin and if possible the length of time such payments shall continue all payments to cease upon the death of claimant

Any benefits received by any employe or to which he may be entitled by reasons of such increased disability from any State or Federal fund or agency to which said employe has not directly contributed shall be regarded as a credit to any award made against the Commonwealth as aforesaid excepting those benefits received by an employe by reason of service connected physical injuries incurred during any war between the United States of America and any foreign country

Section 307 Amended August 24, 1953 (P. L. 1382)

Section 307 In case of death compensation shall be computed on the following basis and distributed to the following persons

1 If there be no widow nor widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereinafter provided as follows

(a) If there be one child thirty-two per centum of wages of deceased but not in excess of [thirteen] fifteen dollars per week

(b) If there be two children forty-two per centum of wages of deceased but not in excess of [seventeen dollars and fifty cents] twenty dollars and twenty-five cents per week

(c) If there be three children fifty-two per centum of wages of deceased but not in excess of [twenty-two dollars] twenty-five dollars and fifty cents per week

(d) If there be four children sixty-two per centum of wages of deceased but not in excess of [twenty-six] thirty dollars and fifty cents per week

(e) If there be five children sixty-four per centum of wages of deceased but not in excess of [twenty-nine dollars and fifty cents] thirty-four dollars per week

(f) If there be six or more children sixty-six and two-thirds per centum of wages of deceased but not in excess of [thirty-two] thirty-seven dollars and fifty cents per week

2 To the widow or widower if there be no children fifty-one per centum of wages but not in excess of [twenty dollars and fifty cents] twenty-three dollars and seventy-five cents per week

3 To the widow or widower if there be one child sixty per centum of wages but not in excess of [twenty-five dollars] twenty-eight dollars and seventy-five cents per week

4 To the widow or widower if there be two children sixty-six and two-thirds per centum of wages but not in excess of [twenty-nine dollars and fifty cents] thirty-four dollars per week

4½ To the widow or widower if there be three or more children sixty-six and two-thirds per centum of wages but not in excess of [thirty-two] thirty-seven dollars and fifty cents per week

5 If there be neither widow widower nor children entitled to compensation then to the father or mother if dependent to any extent upon the employe at the time of the accident thirty-two per centum of wages but not in excess of [eleven dollars and fifty cents] thirteen dollars and twenty-five cents per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be presumed And provided further That of the father or mother was totally dependent upon the deceased employe at the time of the accident the compensation payable to such father or mother shall be fifty-two per centum of wages but not in excess of [nineteen] twenty-two dollars per week

6 If there be neither widow or widower children nor dependent parent entitled to compensation then to the brothers and sisters if actually dependent upon the decedent for support at the time of his death twenty-two per centum of wages for one brother or sister and five per centum additional for each additional brother or sister with a maximum of thirty-two per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designated by the board as hereinafter provided

7 Whether or not there be dependents as aforesaid the reasonable expense of burial not exceeding four hundred and twenty-five dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses)

Compensation shall be payable under this section to or on account of any child brother or sister only if and while such child brother or sister is under the age of eighteen No compensation shall be payable under this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him and receiving from him a substantial portion of her support No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support If members of decedent's household at the time of his death the terms "child" and "children" shall include step-children adopted children and children to whom he stood in loco parentis and shall include posthumous children Should any dependent of a deceased employe die or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow the compensation of such widow shall continue as hereinbefore provided for one-third of the period during which compensation then remains payable to her Provided further That if upon investigation and hearing it shall be ascertained that the widow or widower is living with a man or woman as the case may be in meretricious relationship and not married or the widow living a life of prostitution the board may order the termination of compensation payable to such widow or widower If the compensation payable under this section to any person shall for any cause cease the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any case be taken to exceed [forty-nine dollars] fifty-six dollars and twenty-five cents per week nor be less than [twenty-nine]thirty-seven dollars and fifty cents per week

This compensation shall be paid during three hundred and fifty weeks and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of three hundred and fifty weeks until such child reaches the age of eighteen at the rate of twenty-four and one-half per centum of wages but not in excess of [nine dollars and forty cents] ten dollars and seventy-five cents per week if there is one child thirty-four and one-half per centum of wages but not in excess of [thirteen] fifteen dollars per week if there are two children forty-five and one-half per centum of wages but not in excess of [seventeen dollars and fifty cents] twenty dollars and twenty-five cents per week if there are three children fifty-seven per centum of wages but not in excess [twenty-two dollars] twenty-five dollars and fifty cents per week if there are four children sixty-two per centum of wages but not in excess of [twenty-three dollars] [and fifty cents] twenty-seven dollars per week if there are five children and sixty-six and two-thirds per centum of wages but not in excess of [twenty-six] thirty dollars and fifty cents per week if there are six children or more

The board may if the best interest of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow

or a widower on account of any child or children to be paid to the guardian of such child or children or if there be no guardian to such other person as the board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or dependent may be paid to any surviving parent or to such other person as the board may order and direct and the board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Subsection (e) of Section 309 Amended May 14, 1949 (P. L. 1369)

Section 309 Wherever in this article the term "wages" is used it shall be construed to mean the average weekly wages of the employe ascertained as follows

* * *

(e) In occupations which are exclusively seasonal and therefore cannot be carried on throughout the year the average weekly wage shall be taken to be one-fiftieth of the total wages which the employe has earned from all occupations during the twelve calendar months immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings

The terms "average weekly wage" and "total wages" as used in this section shall include board and lodging received from the employer and when so received the board shall be rated at [one dollar per day and board together with lodging shall be rated at] two dollars per day if more than one meal is served and one dollar per day if only one meal is served and lodging shall be rated at one dollar and fifty cents per day In employments in which employes customarily receive part not less than one-third of their remuneration in tips or gratuities not paid by the employer gratuities shall be added to the wages received at the rate of three two dollars per day but such terms shall not include [gratuities received from the employer or others nor shall such terms include] amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employe nor shall such terms include deductions from wages due the employer for rent and supplies necessary for the employe's use in the performance of his labor

Where the employe is working under concurrent contracts with two or more employers and the defendant employer has knowledge of such employment prior to the accident his wages from all such employers shall be considered as if earned from the employer liable for compensation

If under clauses (a) (b) (c) (d) and (e) of this section the amount determined is less than if computed as follows this computation shall apply viz Divide the total wages earned by the employe during the last two completed calendar quarters with the same employer by the number of days he worked for such employer during such period multiplied by five

Section 310

Section 310 Alien widows children [widowers] and parents [brothers and sisters] not residents of the United States shall [not] be entitled to [any] compensation but only to the amount of fifty per centum of the compensation which would have been payable if they were residents of the United States provided that compensation benefits are granted residents of the United States under the laws of the foreign country in which the widow children or parents reside alien widows brothers and sisters who are not residents of the United States shall not be entitled to receive any compensation in no event shall any nonresident alien widow or parent be entitled to compensation in the absence of proof that the alien widow or parent has actually been receiving a substantial portion of his or her support from the decedent where transmission of funds in payment of any such compensation is prohibited by any law of the Commonwealth or of the United States to residents of such foreign country then no compensation shall accrue or be payable while such prohibition remains in effect and unless such prohibition is removed within six years from the date of death all obligation to pay compensation under this section shall be forever extinguished

In every instance where an award is made to alien widows children or parents not residents in the United States the referee or the board shall in the award fix the amount of any fee allowed to any person for services in connection with presenting the claim and it shall be a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than six months or both to accept any remuneration for the services other than that provided by the referee or board

Section 311

Section 311 Unless the employe or someone in his behalf or some of the dependents or someone in their behalf shall give notice thereof to the employer within [fourteen] twenty-one days after the accident no compensation shall be due until such notice be given and unless such notice be given within [ninety] one hundred and twenty days after the occurrence of the [injury] accident no compensation shall be allowed

Section 312

Section 312 The notice referred to in section three hundred and eleven [hereof shall be substantially in the following form

To (name of employer)

You are hereby notified that an injury of the following character (.....) was suffered by (name of employe injured) who was in your employment at (place) while engaged as (kind of employment) on or about the (.....) day of (.....) Anno Domini (.....) and that compensation will be claimed therefor

Date ..... Signed (.....)

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe by name received an injury the character of which is described in ordinary language in the course of his employment on or about a time specified and at or near a place specified] shall inform the employer that a certain employe received an injury described in ordinary language in the course of his employment on or about a specified time at or near a place specified

Section 313

Section 313 [The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the accident occurred or by sending them through the registered mail to the employer at his or its last known residence or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof Notice served upon any of said agents shall be notice to the employer] The notice referred to in sections three hundred and eleven and three hundred and twlve may be given to the immediate or other superior of the employe to the employer or any agent of the employer regularly employed at the place of employment of the injured employe

Section 314

Section 314 At any time after an injury the employe if so requested by his employer must submit himself for

examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer If the employe shall refuse upon the request of the employer to submit to the examination by the physician or physicians selected by the employer the board may upon petition of the employer order the employe to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physicians designated by it and paid by the employer [and if the employe shall without reasonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article] The board may at any time after such first examination upon petition of the employer order the employe to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination The refusal or neglect without reasonable cause or excuse of the employe to submit to such examination ordered by the board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employe shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the board

Section 315 Amended September 29, 1951 (P. L. 1576)

Section 315 In cases of personal injury all claims for compensation shall be forever barred unless within [one year] sixteen months after the accident the parties shall have agreed upon the compensation payable under this article or unless within [one year] sixteen months after the accident one of the parties shall have filed a petition as provided in article four hereof In cases of death all claims for compensation shall be forever barred unless within [one year] sixteen months after the death the parties shall have agreed upon the compensation under this article or unless within [one year] sixteen months after the death one of the parties shall have filed a petition as provided in article four hereof Where however payments of compensation have been made in any case said limitations shall not take effect until the expiration of [one year] sixteen months from the time of the making of the most recent payment prior to date of filing such petition Provided That any payment made under an established plan or policy of insurance for the payment of benefits on account of non-occupational illness or injury shall not be considered to be payment in lieu of workmen's compensation and such payment shall not toll the running of the Statute of Limitations

Section 316

Section 316 The compensation contemplated by this article may at any time be commuted by the board at its then value when discounted at five per centum interest with annual rests upon application of either party with due notice to the other if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe and that it will avoid undue expense or undue hardship to either party or that such employe or dependent has removed or is about to remove from the United States or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets Provided however That unless the employer agrees to make such commutation the board [shall] may require the employe or the dependents of the deceased employe to furnish proper indemnity safe-guarding the employer's rights

Section 319 Amended May 29, 1951 (P. L. 507)

Section 319 Where the compensable injury is caused in whole or in part by the act or ommission of a third party the employer shall be subrogated to the right of the employe his personal representative his estate or his dependents against such third party to the extent of the compensation payable under this article by the employer reasonable attorney's fees and other proper disbursements incurred in obtaining a recovery or in effecting a compromise settlement shall be prorated between the employer and employe his personal representative his estate or his dependents Any recovery against such third person in excess of the compensation therefore paid by the employer shall be paid forthwith to the employe his personal representative his estate or his dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation

Where an employe has received payments for the disability or medical expense resulting from an injury by accident in the course of his employment paid by the employer or an insurance company on the basis that the injury and disability were not compensable under this act in the event of an agreement or award for that injury the employer or insurance company who made the payments shall be subrogated out of the agreement or award to the amount so paid if the right to subrogation is agreed to by the parties or is established at the time of hearing before the referee or the board

Subsection (a) of Section 320 Amended August 24, 1953 (P. L. 1379)

Section 320 (a) If the employe at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age compensation either in the case of injury or death of such employe shall be one hundred and [ten] fifty per centum of the amount that would be payable to such minor if legally employed The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation'

Section 413 Amended September 29, 1951 (P. L. 1576)

Section 413 The board or a referee designated by the board may at any time review and modify or set aside an original or supplemental agreement upon petition filed by either party with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement was [procured by the fraud coercion or other improper conduct of a party or was founded upon a mistake of law or of fact Provided That execpt in the case of eye injuries an agreement can only be reviewed modified or set aside if a petition is filed with the board within one year after the date of the most recent payment of compensation made prior to the filing of such petition] in any material respect incorrect

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of an injured employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of the date upon which it is shown that the disability of the injured employe has increased decreased recurred or has temporarily or finally ceased or upon which it is shown that the status of any dependent has changed Provided That [except in the case of eye injuries an agreement or an award can only be reviewed modified or reinstated during the time such agreement or award has to run if for a definite period and] except in the case of eye injuries no agreement or award shall be reviewed or modified or reinstated unless a petition is filed with the board within [one year] two years after the date of the most recent payment of compensation made prior to the filing of such petitions And provided further than any payment made under an established plan or policy of insurance for the payment of benefits on account of non-occupational illness or injury shall not be considered to

be payment in lieu of workmen's compensation and such payment shall not toll the running of the Statute of Limitations and provided further that where compensation has been suspended because the employe's earnings are equal to or in excess of his wages prior to the accident that payments under the agreement or award may ge resumed at any time during the period for which compensation for partial disability is payable unless it be shown that the loss in earnings does not result from the disability due to the injury

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award in whole or to such extent as the facts alleged in the petition would if proved require

Section 416

Section 416 Within [ten] twenty days after a copy of any petition has been served upon any adverse party he may file with the secretary of the board if the petition has been directed to be heard by the board or with the referee if the petition has been assigned to a referee an answer in the form prescribed by the board

Every fact alleged in a claim petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or referee before whom the petition is heard from requiring of its or his own motion proof of such fact

Section 417

Section 417 As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereof the board shall fix a time and place for hearing the petition If a petition be assigned to a referee he shall [twelve days after notice that such petition has been assigned to him has been served upon the adverse parties] as soon as practicable thereafter fix a time and a place for hearing the petition [Such hearing shall not be less than seven nor more than fourteen days after the mailing of notice thereof by the referee] The secretary of the board if the petition has been directed to be heard by the board or by one or more of its members or the referee to whom the petition has been assigned shall serve upon all parties in interest a notice of the time and place of hearing and shall serve upon the petitioner a copy of any answer of any adverse party

Section 418

Section 418 The board if a petition is directed to be heard by it or by one or more of its members or the referee to whom a petition is assigned for hearing may subpoena witnesses order the production of books and other writings and hear evidence and shall make in writing and as soon as may be after the conclusion of the hearing such findings of fact conclusions of law and award or disallowance of compensation or other order as the petition and answers and the evidence produced before it or him and the provisions of this act shall in its or his judgment require The finindings of fact made by the board in any petition heard by it or by one or more of its members or upon a hearing de novo shall be final except as hereinafter provided and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the provisions of section four hundred and nineteen shall be final unless an appeal is taken as provided in this act or unless the board shall under the provisions of [section] sections four hundred and twenty-five or four hundred and twenty-six of this article grant a hearing de novo or a rehearing

Section 420 Amended Agust 24, 1953 (P. L. 1379)

Section 420 The board or a referee if it or he deem is necessary may of its or his own motion either before during or after any hearing make an investigation of the facts set forth in the petition or answer The board or referee with the consent of the board may appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon or he may employ the services of such other experts as shall appear necessary to ascertain the facts The report of any physician surgeon or expert appointed by the board or by a referee shall be filed with the board or referee as the case may be and shall be a part of the record and open to inspection as such

The board shall fix the compensation of such physicians surgeons and experts which when so fixed shall be paid out of the sum appropriated to the Department of Labor and Industry

The sum of fifty thousand dollars ($50,000) is hereby appropriated to the Department of Labor and Industry for compensation payable b ythe Commonwealth under this section for the biennium one thousand nine hundred fifty-three one thousand nine hundred fifty-five

The sum of fifty thousand dollars ($50,000) is hereby appropriated to the Department of Labor and Industry for compensation payable by the Commonwealth under the provisions of this section for the biennium one thousand nine hundred fifty-five one thousand nine hundred fifty-seven

Section 422

Section 422 Neither the board nor any of its members nor any referee shall be bound by the tchnical rules of evidence in conducting any hearing or investigation but all findings of fact shall be based only upon sufficient competent evidence to justify same

If any party or witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the board or a referee his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the board may by special order or general rule prescribe The records kept by a hospital of the medical or surpical treatment given to an employe in such hospital shall be admissable as evidence of the medical and surgical matters stated therein but shall not be conclusive proof of such matters

Where any claim for compensation at issue before a referee involves five weeks or less of disability either the employe or the employer may submit a certificate by any qualified physician as to the history examination treatment diagnosis and cause of the condition and the statements shall be admissible as evidence of medical and surgical matters therein stated but such statements and certificates shall not be admissible in any subsequent proceedings

Where an employer shall have furnished surgical and medical services or hospitalization in accordance with the provisions of subsection (f) of section 306 or where the employe has himself procured them the employer or employe shall upon request in any pending proceeding be furnished with or have made available a true and complete record of the medical and surgical services and hospital treatment including x-rays laboratory tests and all other medical and surgical data in the possession or under the control of the party requested to furnish or make available such data

Section 426 Amended May 27, 1943 (P. L. 691)

Section 426 The board upon petition of any party and upon cause shown at any time before the court of common pleas of any county of this Commonwealth other than Allegheny County and in Allegheny County before the county court of Allegheny County to which an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon may grant a rehearing of any petition upon which the board has made an award or disallowance of compensation or other order or ruling upon which the

board has sustained or reversed any action of a referee but such rehearing shall not be granted more than [one year] eighteen months after the board has made such award disallowance or other order or ruling or has sustained or reversed any action of the referee If the board shall grant a rehearing of any petition from the board's action on which an appeal has been taken to and is pending in the court of common pleas or in the county court of Allegheny County as the case may be under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board Provided however That nothing contained in this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an original or supplemental agreement or an award in accordance with the provisions of section four hundred thirteen of this article

Section 434

Section 434 A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award shall be prima facie evidence of the trmination of the employer's liability to pay compensation under such agreement or award Provided however That the board or a referee designated by the board may at any time within two years from the date to which [payment is made as evidenced by such final receipt] payments have been made set aside a final receipt upon petition filed with the board if it be conclusively proved that [such receipt was procured by fraud coercion or other improper conduct of a party or is founded upon mistake of law or of fact] all disability due to the accident in fact had not terminated

Section 501

Section 501 No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid or binding in any respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the common pleas court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article three of this act shall be an enforceable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the board Any such claim or agreement shall be filed with the department which shall as soon as may be notify the person by whom the same was filed of the board's approval or disapproval thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreement for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employe's compensation is payable by the employer in periodical instalments the board shall fix at the time of approval the proportion of each instalment to be paid on account of legal services and disbursemens and the board may upon application made to it commute the sum awarded for legal services and disbursements

Section 2 This act shall take effect in thirty days

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1514, as follows:

An Act amending the act of September 26 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trademarks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof and imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith" further defining the right to registration

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (e) of section 2 act of September 26 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trade-marks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof and imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith" is amended to read

Section 2 Registrability

A trade-mark by which the goods of any applicant for registration may be distinguished from the goods of others shall not be registered which

* * *

(e) consists of or comprises any trade-mark which

1 when applied to the goods of the applicant is merely descriptive or deceptively misdescriptive of them or

2 when applied to the goods of the applicant is primarily geographically descriptive or deceptively misdescriptive of them or

3 is primarily merely a surname

Nothing in clause (e) shall prevent the registration of a mark used in this State by the applicant which has become distinctive of the applicant's goods The Secretary of the Commonwealth may accept as evidence that the mark has become distinctive as applied to the applicant's goods proof of continuous use thereof as a mark by the applicant in this State or elsewhere for the five years next preceding the date of the filing of the application for registration or

* * *

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1530, as follows:

An Act amending the act of June 23 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" prescribing an additional amount of tax which may be levied and collected for general revenue purposes upon order of court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2531 act of June 23 1931 (P. L. 932) known as "The Third Class City Code" reenacted revised and amended June 28, 1951 (P. L. 662) and amended June , 1953 (P. L. 267) is amended to read

Section 2531 Tax Levies Council may by ordinance levy and provide for the collection of the following taxes

1 A tax for general revenue purposes not to exceed fifteen mills on the dollar in any one year on all persons and property taxable according to the laws of the Commonwealth for county purposes the valuation of such property to be assessed as hereinbefore provided Where the city council by a majority action shall upon due cause shown petition the court of quarter sessions for the right to levy additional millage the court after such public notice as it may direct and after hearing may order a greater rate than fifteen mills but not exceeding five additional mills to be levied

2 A tax in addition to the above on all persons and property taxable for county purposes for the payment of interest on bonded indebtedness and for sinking fund requirements for the payment of loans

3 A residence tax for general revenue purposes not exceeding five dollars annually on all inhabitants above the age of twenty-one years Any ordinance of council fixing the rate of taxation for any year at a mill rate shall also include a statement expressing the rate of taxation in dollars and cents on each one hundreds dollars of assessed valuation of taxable property

4 The council of any city may by ordinance in any year levy separate and different rates of taxation for city purposes on all real estate classified as land exclusive of the buildings thereon and on all real estate classified as buildings on land When real estate tax rates are so levied they shall be uniform as to all real estate within each such classification and such rates shall be determined by the requirements of the city budget as approved by council.

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 1786, Printer's No. 1170, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SEYLER. Mr. President, I ask unanimous consent that House Bill No. 1792, Printer's No. 1412, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1804, as follows:

An Act authorizing photostating photographing microphotographing microfilming or other mechanical precessing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the disposition destruction or transfer of custody of certain originals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The court having jurisdiction over original papers forming the record in the office of any prothonotary clerk of court clerk of the orphans' court or register of wills may from time to time direct that all of such papers or any part of them that have been on file for a period of ten years or more may be reproduced by any photostatic photgraphic microphotographic microfilm or other mechanical process which produces a clear accurate and permanent copy microcopy or reproduction of the original in accordance with standards not less than those approved for permanent records by the National Bureau of Standards The court order may direct that the originals thereof except original papers which determine ownership or establish title to real property be disposed of or destroyed and the reproductions substituted therefor as public records

Section 2 The photostatic photographic microphotographic or microfilmed copy of any court record destroyed or disposed of as herein authorized or a certified copy thereof shall be admissible in evidence in any court or proceeding and shall have the same force and effect as though the original court record had been produced and proved It shall be the duty of the custodian of the rec-

ords to prepare enlarged typed or photographic copies of the records whenever their production in court is required

Section 3 No prothonotary clerk of any court register of wills or other officer of any court shall be held liable on his official bond or in the way of damages for loss or in any other manner civil or cirminal because of the destruction of records as herein authorized

Section 4 Each roll of microfilm bearing official copies of records shall begin with a separate photographic image showing on a title target the name and location of the office holding the records copied the name and title of the officer having custody of the records at the date of copying a brief but clear title for the particular series of records copied and such term volume numbers inclusive dates and serial numbers as shall make identification of the records filmed clear and positive Each roll shall end with a separate photographic image repeating in substance the information given on the title target together with the signature of the camera operator appended to a certificate which shall state the day month and year on which the records were copied and affirm that the copying was performed in accordance with procedures prescribed by the custodian It shall be the responsibility of the custodian of the records copied to regulate and supervise the copying process and to inspect the resulting microcopies so as to satisfy himself that all copies are complete accurate and clearly legible When any enlarged reproduction of a negative or positive film is to be used as evidence the reproduction shall contain or have attached thereto the signed and sealed attestation of the officer having the official custody of the negative or positive film that the same is a true and correct copy thereof

Section 5 In order to provide insurance for the more actively used film copies against damage or loss through wear or disaster duplicate rolls of all microfilmed records shall be maintained at such locations as shall be approved by the court having jurisdiction of the records

Section 6 If in the opinion of the officer having custody of an original record such original possesses sufficient value that it merits special care he shall make a photographic or microphotographic copy of the record which shall be officially certified and placed on file in lieu of the original record and with the approval of the court he shall transfer the original to the custody of the county commissioners for permanent preservation

Section 7 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Madigan,	Pechan,	Van Sant,
Dent,	Kopriver, Jr.,	Peelor,	Wade,
Diehm,	Lane,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1914, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized on behalf of the Commonwealth of Pennsylvania to sell at public sale to the highest bidder the following described tract of land situate in the Township of Buckingham County of Bucks Commonwealth of Pennsylvania bounded and described as follows

Beginning at a bolt in rock in center of Old York Road thence along land of Edwin P Taylor South fifty-one degrees forty-five minutes East eighty-eight feet to a point thence along land of John A Diemand Jr. South twenty-nine degrees West two hundred ninety-eight and sixty-five hundredths feet to a point thence along the Easterly side of a twelve foot wide lane and land of Mary Day Scarborough North twenty-eight degrees West forty-four and fifty-five hundredths feet to a point thence still along the Easterly side of said land North thirty-two degrees forty-five minutes West one hundred fifteen and five-tenths feet to a point in the center line of York Road a corner thence along the center line of said road North forty-two degrees East two hundred forty-two and fifty-five hundredths feet

Containing one Acre and eighteen square perches of land more or less and being a part of the same land conveyed to the Commonwealth of Pennsylvania by deed of Buckingham and Doylestown Turnpike Road Company dated May 17, 1917 and recorded in Bucks County Deed Book 403 at page 637

The conveyance shall be made under any subject to all easements servitudes and rights of others including but not confined to streets roadways and rights of any telephone telegraph water electric gas or pipe line companies as well as under and subject to any estates or tenancies vested in third persons whether or not appearing of record for any portion of the land or improvements erected thereon

Section 2 The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania

Section 3 All moneys received from the sale of the land shall be deposited in the General Fund

Section 4 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SECOND READING CALENDAR

BILLS ON SECOND READING CALENDAR OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, all of which are on second reading, go over in their order:

House Bill No. 244, Printer's No. 1405;
House Bill No. 245, Printer's No. 1406;
House Bill No. 246, Printer's No. 1407;
House Bill No. 247, Printer's No. 1408;
Senate Bill No. 415, Printer's No. 512;
Senate Bill No. 817, Printer's No. 514;
House Bill 873, Printer's No. 1400;
House Bill No. 876, Printer's No. 1409;
House Bill No. 1908, Printer's No. 1332; and
House Bill No. 1944, Printer's No. 1297.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE RESOLUTION, SERIAL No. 5a, TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Resolution, Serial No. 5a, which I introduced yesterday, relative to investigating conditions prevailing in Sharon as a result of the Westinghouse Corporation strike.

The Clerk read the resolution as follows:

SENATE COMMITTEE TO INVESTIGATE THE INDUSTRIAL STRIFE BETWEEN WESTINGHOUSE ELECTRIC CORPORATION AND ITS UNIONS

In the Senate, February 20, 1956.

The press and other sources of information have reported that a labor dispute between certain Unions and Westinghouse Electric Corporation has resulted in rioting, personal injury to workers, and malicious destruction of property in Sharon and Greensville, all contrary to law.

If this be true, the existence of such conditions jeopardizes not only persons and property of the citizens of Sharon and Greensville, but also the position of this Commonwealth as a leading industrial state.

Repeated requests by local law enforcement agencies to the executive branch of the Commonwealth for assistance from the Pennsylvania State Police in the suppression of rioting and violence appear to have gone unheeded.

The provisions of Article IV, Section 2 of the Constitution of the Commonwealth of Pennsylvania requires that the Governor "shall take care that the laws be faithfully executed."

A similar duty is imposed on the Governor by the Administrative Code of 1929, Article VII, Section 701, as amended.

The Administrative Code of 1929, Article VII, Section 710, as amended, provides, in part, with respect to the State Police, that they are:

"(b) To assist the Governor in the administration and enforcement of the laws of the Commonwealth, in such manner, at such times, and in such places, as the Governor may from time to time request."

"(b) Whenever possible, to cooperate with counties and municipalities in the detection of crime, the apprehension of criminals, and the preservation of law and order throughout the state;"

therefore be it

Resolved, That the President Pro Tempore of the Senate appoint a committee of three members of the Senate, whose duty it shall be to make a thorough, impartial and searching investigation of the industrial strife now existing in Pennsylvania because of the labor dispute between Westinghouse Electric Corporation and its unions to determine whether all necessary measures are being taken to protect the lives and property of our citizens, to determine the effect of such violence and lawlessness on the competive position of Pennsylvania as an industrial state in maintaining industry and attracting new industry in this Commonwealth, to recommend what, if any, remedial legislation is necessary, and to investigate such other matters in connection therewith as may be deemed necessary for the information of the committee and the Senate; and be it further

Resolved, That the committee shall have power to issue subpoenas and subpoenas duces tecum, under the hand and seal of its chairman, requesting and commanding any proper person, corporation, partnership or association to appear before it and to answer such questions touching matters with respect to the matters inquired into by the committee for and on behalf of the Senate and to procure such books, papers. records and documents as the committee may deem necessary. Such subpoenas or subpoenas duces tecum may be served upon any proper person, corporation, partnership, or association and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth or by the General Assembly itself. Each member of the committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee.

If any person, corporation, partnership or association wilfully neglects or refuses to testify before the committee or to produce any books, papers, records, or documents subpoenaed by the committee, the committee, or any member thereof, shall file a petition with a court of common pleas having competent jurisdiction over the person, corporation, partnership or association, setting forth such facts. The Court of Common pleas, or a judge thereof, shall thereupon issue a rule upon the person, corporation, partnership or association, returnable no less than five nor more than seven days from service thereof, commanding the person, corporation, partnership or association to appear before the court and show cause why the subpoena, subpoena duces tecum or similar order of the committee shall not be complied with.

If the person, corporation, partnership or association, upon the return day of said rule to show cause, is or are unable to show legal cause why the subpoena, subpoena duces tecum or order of the committee should not be complied with, the court of common pleas shall forthwith enter an order of court directing the person, corporation, partnership or association to comply with the terms of the subpoena, subpoena duces tecum or order of the committee. If thereupon, the person, corporation, partnership or association shall refuse or fail to comply with the order of court, the court of common pleas shall forthwith adjudge the person, corporation, partnership or association to be in contempt of court and the person, corporation, partnership or association shall thereupon forthwith be subject to the penalties provided by the Commonwealth in such cases. If any subpoena, subpoena duces tecum or order of the committee is deemed invalid by the court, the committee is authorized to issue a proper subpoena, subpoena duces tecum or order against such person, corporation, partnership or association; and be it further

Resolved, That the committee shall make report to the Governor and to the General Assembly of its findings of facts with such recommendation as it deems necessary.

On the question,

Will the Senate agree to the resolution?

Mr. MAHANY. Mr. President, I would like to amend this resolution by striking out the word "three" in the first resolve clause of the resolution, and in lieu thereof placing the word "four," in order to have four Members of the Senate appointed on this investigating committee instead of three Members, as appeared originally in the resolution.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. The Clerk will read the resolution, as amended.

The Clerk read the resolution, as amended, as follows:

SENATE COMMITTEE TO INVESTIGATE THE INDUSTRIAL STRIFE BETWEEN WESTINGHOUSE ELECTRIC CORPORATION AND ITS UNIONS

In the Senate, February 20, 1956.

The press and other sources of information have reported that a labor dispute between certain Unions and Westinghouse Eelectric Corporation has resulted in rioting, personal injury to workers, and malicious destruction of property in Sharon and Greensville, all contrary to law.

If this be true, the existence of such conditions jeopardizes not only persons and property of the citizens of Sharon and Greensville, but also the position of this Commonwealth as a leading industrial state.

Repeated requests by local law enforcement agencies to the executive branch of the Commonwealth for assistance from the Pennsylvania State Police in the suppression of rioting and violence appear to have gone unheeded.

The provisions of Article IV, Section 2 of the Constitution of the Commonwealth of Pennsylvania requires that the Governor" shall take care that the laws be faithfully executed."

A similar duty is imposed on the Governor by the Administrative Code of 1929, Article VII, Section 701, as amended.

The Administrative Code of 1929, Article VII, Section 710, as amended, provides, in part, with respect to the State Police, that they are:

"(b) To assist the Governor in the administration and enforcement of the laws of the Commonwealth, in suc hmanner, at such itmes, and in such places, as the Governor may from time to time request."

and

"(d) Whenever possible, to cooperate with counties and municipalities in the detection of crime, the apprehension of criminals, and the preservation of law and order throughout the state;"

therefore be it

Resolved, That the President Pro Tempore of the Senate appoint a committee of four members of the Senate, whose duty it shall be to make a thorough, impartial and searching investigation of the industrial strife now existing in Pennsylvania because of the labor dispute between Westinghouse Electric Corporation and its unions to determine whether all necessary measures are being taken to protect the lives and property of our citizens, to determine the effect of such violence and lawlessness on the competive position of Pennsylvania as an industrial state in maintaining industry and attracting new industry in this Commonwealth, to recommend what, if any, remedial legislation is necessary, and to investigate such other matters in connection therewith as may be deemed necessary for the information of the committee and the Senate; and be it further

Resolved, That the committee shall have power to issue subpoenas and subpoenas duces tecum, under the hand and seal of its chairman, requesting and commanding any proper person, corporation, partnership or association to appear before it and to answer such questions touching matters with respect to the matters inquired into by the committee for and on behalf of the Senate and to procure such books, papers, records and documents as the committee may deem necessary. Such subpoenas or subpoenas duces tecum may be served upon any proper person, corporation, partnership, or association and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth or by the General Assembly itself. Each member of the committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee.

If any person, corporation, partnership or association wilfully neglects or refuses to testify before the committee or to produce any books, papers, records, or documents subpoenaed by the committee, the committee, or any members thereof, shall file a petition with a court of common pleas having competent jurisdiction over the person, corporation, partnership or association, setting forth such facts. The Court of Common Pleas, or a judge thereof, shall thereupon issue a rule upon the person, corporation, partnership or association, returnable no less than five nor more than seven days from service thereof, commanding the person, corporation, partnership or association to appear before the court and show cause why the subpoena, subpoena duces tecum or similar order of the committee shall not be complied with.

If the person, corporation, partnership or association, upon the return day of said rule to show cause, is or are unable ot show legal cause why the subpoena, subpoena duces tecum or order of the committee should not be complied with, the court of common pleas shall forthwith enter an order of court directing the person, corporation, partnership or association to comply with the terms of the subpoena, subpoena duces tecum or order of the committee. If thereupon, the person, corporation, partnership or association shall refuse or fail to comply with the order of court, the court of common pleas shall forthwith adjudge the person, corporation, partnership or association to be in contempt of court and the person, corporation, partnership or association shall thereupon forthwith be subject to the penalties provided by the Commonwealth in such cases. If any subpoena, subpoena duces tecum or order of the committee is deemed invalid by the court, the committee is authorized to issue a proper subpoena, subpoena duces tecum or order against such person, corporation, partnership or association, and be it further

Resolved, That the committee shall make report to the Governor and to the General Assembly of its findings of facts with such recommendation as it deems necessary.

On the question,

Will the Senate agree to the resolution, as amended?

Mr. MAHANY. Mr. President, when I offered the amendment, I probably should have explained to the Members that the reason this amendment was being offered was so that in the event Senator Dent—if he is a member of this committee and I hope that he will be—may be tied up here in Harrisburg on other matters, it will, therefore, be possible then for some other Democratic Senator to go out to the vicinity of Sharon to conduct this investigation. If it so happens that Senator Dent is available, then we can have two Democratic Members and two Republican Members, and it will not look like a political investigation. I feel sure that we will be able to do a very good job out there in trying to find out whether or not law and order is being preserved. If it is not, perhaps we can find out what we may be able to do about it.

SENATE RESOLUTION, SERIAL No. 5a, ADOPTED AS AMENDED

Mr. MAHANY. Mr. President, I move the adoption of the amended resolution.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President and Members of the Senate, think it only proper that I clear the air a little in this natter. I intend to support the resolution and I am asking ny colleagues on this side to support it. However, that oes not remove the basic objections that I have to this ype of resolution.

As I said yesterday in a few remarks, Mr. President, was born and reared in an atmosphere of the coal mining ommunities of this great State. In my early youth, I an remember very vividly some of the experiences under ne old coal and iron police. It holds true that in matters f industrial strife, tempers run hot and a great many mes, interference by an outside party creates incidents nat, in turn, lead to bloodshed and disaster.

I want to clearly state to the Members of the Senate nat I discussed the entire matter with the Governor after ne Session last night. He gave me some information hich I believe this Senate should have and the people nould have. The question of police patrol at Sharon is ntirely in the hands of the highest police officer in the ommonwealth of Pennsylvania. The head of the Penn-lvania State Police has jurisdiction to use, at any time, ny of the forces under his command to protect life and roperty and to maintain the peace.

Mr. President, the Governor is not interfering in any ay, manner or shape whatsoever. He has left the com-lete control of the situation in the hands of the State olice. The head of the State Police in Pennsylvania is a ery judicious person; a very capable man. He is using ne judgment given him to the best of his ability. He is ying to keep from antagonizing any particular group and trying to refrain from any action that might tempt the reation of an incident which might be very disastrous.

We recently had a strike in western Pennsylvania. I n very much aware of the entire situation because it appened in my area. The police were called for by the cal police officers. The State Police moved onto the ene. Up until that moment, there were the usual little cidents that always happen in any labor dispute. There as some stone throwing; there was some name-calling. is just impossible to stop that. However, the day that ne State Police moved on in force, rifles were brought ut of hiding and unsheathed knives were displayed. Be-re the day was over, the State Police were withdrawn om the area and then they proceeded on the orderly atrol that is now taking place up in Sharon.

Mr. President, every day the Governor receives three mplete reports by telephone, direct from the commander the field up at Sharon. The Governor knows exactly hat is going on and the head of the State Police in this ommonwealth is in hourly contact, with the wire open all times. The situation is well in hand.

As I said to the committee yesterday and I will repeat this Senate body, I am fearful that the investigation e are starting may be the trigger that sets off more cidents in the next few days than have occurred up to is moment in fourteen weeks of strike.

Mr. President, I would ask that we do not pursue this urse. Today, at the instigation of the Governor who, am at liberty to tell this body, recently had Gwylim rice, of Westinghouse, and Jim Carey, of the union, down at the Mansion for dinner and, by persuasion and conservation, he had them arrive at an agreement whereby yesterday the negotiations were again started between labor and management in this Westinghouse strike.

All of us, no matter where our inner leanings may be, are against any kind of violence in any labor dispute. The feeling that labor enjoys the spirit of conflict and the shedding of blood is untrue. They are not anxious to lose any of their own members through physical conflict and they are not in any manner anxious to destroy the property of the company because they, too, must work and keep that property in shape in order to be able to go back to work. I am very fearful of any outside injection or interference into a dispute that is purely one of an industrial nature. I was hopeful that we would not have to pass this resolution.

I am calling upon Senator Mahany, the chairman, as it would be, of this committee, to immediately set up the hearings. Inasmuch as we have now passed the barrier and have decreed that there must be hearings, I would suggest that we immediately proceed with the work in order that before the end of this week, whatever report we may make will be made and no one will be tempted, either on the part of management or the employees, to create an incident for the sake of creating an incident. I am hopeful that we will be able to prove that which I have already told you and which I already know to be the truth; that the Governor is not taking sides, that the Governor of this Commonwealth is trying to fulfill his duty in protecting both property and life. He is attempting to do so through the only agency in this Commonwealth that is qualified to do so.

None of us in this room, I am sure, on either side of the aisle, want to see a throw back to the days of the coal and iron police in this great Commonwealth. We lived through that era of industrial expansion and industrial conflict. We have come through it as a strong and powerful people, recognizing each other's rights. We recognize the right of industry to oppose strikes and we recognize the right of labor to strike. In recognizing these two inherent rights, we are re-establishing the principle of American Government which we all believe in and talk so much about.

I am hopeful that Senator Mahany will conduct this probe in the manner that he is capable of conducting it, so that we will not be the trigger that sets off the spark which can be more dangerous than any incident that has happened heretofore.

Mr. LANE. Mr. President, I have set here and given this problem before us considerable thought. I have to make my position clear here today. If this probe is going to be conducted on a fair and equitable basis, then I feel that I should vote for the resolution. However, I want this distinctly understood; that if this resolution is enacted and presented here for the purpose of forcing this Administration to use the Pennsylvania State Police to break a strike, or to use them in the capacity of coal and iron police, I want it also distinctly understood that there will be considerable opposition on this side.

Mr. President, we in the Democratic Party have worked for years to eliminate the scrouge of the coal and iron police. We have fought for years to do away with Governor Fisher's philosophy of breaking strikes with State Police. Therefore, I want it understood that when

I vote for this resolution, it is with the idea in mind that they are going to conduct a fair and impartial probe and not for the purpose of using the Pennsylvania State Police to break any strike.

Mr. MAHANY. Mr. President, first I want to assure Senator Lane that it is my purpose, if I am named to this committee, to conduct a very impartial investigation. I do not intend to try to place anybody on the hook or place the blame on any particular one for any political purposes. I do not have that in mind.

After this investigation is conducted, Mr. President, I will leave it to Senator Lane as to whether or not that purpose was carried out. The only purpose that I have is to see to it that the people of Sharon, which is in my District, the people of Greenville, which is in my District, and that whole area have whatever protection is necessary given to them so that they do not need to be in far of having hir houses paint-bombed or that when they go down the street they will not be bodily attacked or their children attacked, and that they may drive their automobiles down the street without having large boulders thrown through the windshield and their cars ruined and overturned. When their cars are damaged, they are not even allowed to have a tow truck cart their cars away. Those are things which I definitely think we should investigate.

Mr. President, we, in the legislative body, make the laws and if those laws are not enforced, I think this body then should have a committee to investigate why they are not being enforced. If local enforcement has broken down, either because the local officers do not choose to do their duty or because they are not there in sufficient force, and I understand the latter is the reason in this particular case, then we should do something about it. I do believe that the sheriff of Mercer County and the mayor of the city of Sharon want to see that the law is enforced, but they do not have enough police officers to do the job which needs to be done. I would be the last one to say that the State Police force should be coal and iron police. The coal and iron police were abolished, I think, largely through the efforts of Judge Musmanno, who was then a Representative in the House in, Senator Barr tells me, 1933.

I believe, however, Mr. President, we should investigate as to when State Police should go out. Senator Dent says that the Governor told him that the head of the State Police can send them out to any part of the State anytime he chooses. I do not believe that the head of the State Police, Colonel Henry, feels that he does have that authority because I understand when the sheriff or the judge of Mercer County called Colonel Henry, he told them he could do nothing until he received an order from the Governor. Therefore, this committee should investigate that. How much authority does the head of the State Police have and how shall he exercise that authority? Perhaps this committee should also investigate whether or not we should have throughout the State of Pennsylvania, the same type of legislation that prevails in Allegheny County and affects Allegheny County, which legislation is on the books and provides that if any violence is done in Allegheny County as a result of a strike, I understand, the county has to pay the damages resulting from such violence. Those are things which I believe this committee should inquire into.

Mr. President, I assure Senator Lane that, as always, on any committee with which I have anything to do, I will try to do my best in conducting a very impartial investigation, not favoring either the strikers, the company or anybody else. We just want to inquire into the facts to see whether it is true what these people in Mercer County are writing to me about, and if it is true, what we might do about it.

Mr. LANE. Mr. President, just to set the Majority Leader straight in his thinking, I wish to advise him that the sheriff of any county in Pennsylvania has the right to appoint as many deputies as he sees fit so long as he complies with the law, whereby their photographs are posted in the courthouse and they have no criminal record. The sheriff of any county is the chief law enforcement officer of that county and he is under bond to keep the public peace. Therefore, the sheriff has the right, and you can so advise the sheriff of that county, and the authority to appoint as many deputies as he sees fit so long as they do not have a criminal record and are approved by the court before appointment.

Mr. MULLIN. Mr. President, The Sharon Herold, which was distributed to the Senators yesterday, contains a few items about the strike, but it also shows that Sharon is a very fine, normal community and it also says that six men were held in connection with stoning and I think they are enforcing the law out there. In another part of the paper it says:

"Westinghouse Rejects Plan For Fact-Finding

"Accuses IUE Head of Injecting Politics Into Strike

"The fact-finding body proposed by Governor Leader is composed of two impartial persons, George W. Taylor of Philadelphia, and David L. Cole, a Patterson, New Jersey attorney, both nationally-known labor experts."

Mr. President, if we get into an affair such as this, I do not see how it can be kept from being political. I think Sharon is doing a pretty good job. I also think that this resolution can serve no useful purpose and neither can any fact-finding body. I want to be on record as being against this resolution because, in spite of what has been said. I do think that it is intended to take sides in this strike.

Mr. SEYLER. Mr. President, I do not agree with the principles enunciated by the Majority Leader in which he justified the appropriateness of this action by the Senate. However, I am impressed by the very real, and apparently sincere and genuine, desire that the Senator from Crawford has to investigate into these stories which he has heard about this community in his District. For that reason, without believing the strength of his arguments and the justification of this method of investigation by the Senate, nevertheless, I am not going to oppose the resolution but, rather, I am going to vote for it.

Mr. MULLIN. Mr. President, I would like to be officially recorded as voting "no."

Mr. STIEFEL. Mr. President, I also desire to be recorded as opposing the adoption of this resolution.

And the question recurring,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative and the resolution was agreed to, as amended.)

COMMITTEE APPOINTED PURSUANT TO SENATE RESOLUTION, SERIAL No. 5a

The PRESIDENT. The Chair wishes to announce that the President pro tempore has appointed the following committee pursuant to Senate Resolution, Serial No. 5a: The gentleman from Crawford, Mr. Mahany; the gentleman from Allegheny, Mr. Fleming; the gentleman from Westmoreland, Mr. Dent; and the gentleman from Philadelphia, Mr. Camiel.

RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of holding a meeting of the Committee on Highways.

Mr. PECHAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEE

Mr. FLEMING. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING, from the Committee on Highways, reported as amended, Senate Bill No. 471, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law," deleting certain routes and adding a new route in Erie County.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 700, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," deleting a route in Chester County.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 701, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Chester County.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 702, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Chester County.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 703, entitled:

An Act amending the act of June 22, 1931 (P. L. 1172), entitled "Borough Rural State Highway Law," adding a new route in Chester County.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 704, entitled:

An Act returning to the local authorities a route in West Goshen, Chester County.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 809, entitled:

An Act amending the act of May 18, 1945 (P. L. 809) entitled "An act removing certain roads or sections of road from the State highway system; . . .," removing an additional road from the State highway system.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 810, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," changing a route in Lancaster County.

He also, from the Committee on Highways, reported as amended, Senate Bill No. 865, entitled:

An Act to amend the act approved the twenty-ninth day of July one thousand nine hundred fifty-three (P. L. 1050) entitled "The Intra-State Tunnel Revenue Bond Act" by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenue of the commission including tolls or from such funds as may be available to the commission for such purpose providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 904, entitled:

An Act amending the act of June 22, 1931 (P. L. 720), entitled "City State Highway Law," adding new routes in the city of Titusville.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 934, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Crawford County.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 984, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Delaware County.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 993, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Armstrong County.

He also, from the Committee on Highways, reported as amended, House Bill No. 1863, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "The Vehicle Code," further regulating lighting equipment lights and devices and the use thereof and prescribing penalties.

BILLS ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. VAN SANT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 258, entitled:

An Act amending the act of May 11, 1921 (P. L. 522) entitled as amended "Dog Law of 1921," providing for free license tags for guide dogs for the blind.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 471, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law," deleting certain routes and adding a new route in Erie County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 700, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," deleting a route in Chester County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 701, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law," adding a new route in Chester County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 702, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Chester County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 703, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," adding a new route in Chester County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 704, entitled:

An Act returning to the local authorities a route in West Goshen, Chester County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 809, entitled:

An Act amending the act of May 18, 1945 (P. L. 809) entitled "An act removing certain roads or sections of road from the State highway system . . ." removing an additional road from the State highway system.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 810, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law," changing a route in Lancaster County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 865, entitled:

An Act to amend the act approved the twenty-ninth day of July one thousand nine hundred fifty-three (P. L. 1050) entitled "The Intra-State Tunnel Revenue Bond Act" by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenue of the commission including tolls or from such funds as may be available to the commission for such purpose providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 904, entitled:

An Act amending the act of June 22, 1931 (P. L. 720), entitled "City State Highway Law," adding new routes in the city of Titusville.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 934, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law," adding a new route in Crawford County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 984, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Delaware County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 993, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Armstrong County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and considera-ion of House Bill No. 1863, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) ntitled "The Vehicle Code," further regulating lighting quipment lights and devices and the use thereof and rescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE MAJORITY LEADER

Mr. MAHANY. Mr. President, I would like to announce hat a Republican Caucus will be held in the Republican Caucus Room immediately after the close of today's Ses-ion.

I also wish to announce, Mr. President, for the benefit f the Senators and the press and all people affected, that he committee which was appointed to investigate the onditions which prevail at Sharon relative to the West-nghouse Corporation strike will meet at 1:00 o'clock p.m., n Thursday afternoon, February 23, 1956, in the Assembly toom of the courthouse at Mercer, Pennsylvania, and will ear anyone who wishes to be heard at that time.

We expect to hold the hearings on Thursday afternoon, emain overnight and then continue with the hearings on 'riday. We feel that the hearings can be completed with-n a day and a half. So if the press will publish that, then he people will have notice of it.

ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate o now adourn until Wednesday, February 22, 1956, at 1:00 o'clock, a.m., Eastern Standard Time.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:25 o'clock, p.m., Eastern tandard Time, until Wednesday, February 22, 1956, at 1:00 o'clock, a.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 21, 1956

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

Rabbi Moses N. Friedman, York, guest Chaplain, offered ne following prayer:

Heaenly Father, ere we concentrate on the stints as-gned to our respective offices, we pause to give thought) Thy omnipresence and Thy omniscience. Inspire us, ' Lord, we implore Thee, to face the pressing cares and rgent concerns which affect the welfare of many in-ividuals and communities, who put their trust in our bility and sincerety, with a consciousness of Thy presence ı our midst.

O Thou, who knowest the secrets of our hearts and ne designs of our minds, help us manifest full cognizance f Thy overshadowing presence in this shrine of demo-:atic government as we discharge the duties and re-ponsibilities entrusted into our hands.

Bless all our endeavors toward this end, we beseech Thee, with Thy benign smile on our intentions and our achievements with Thy grace and pleasure. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, February 20, 1956 will be postponed until printed. The Chair hears none.

BILLS INTRODUCED AND REFERRED

By Messrs. POLASKI and JOSEPH J. BRENNAN.
HOUSE BILL No. 2024.

An Act making an appropriation for the maintenance, repair and improvement of Erie Harbor.

Referred to the Committee on Appropriations.

By Messrs. POLASKI and JOSEPH J. BRENNAN.
HOUSE BILL No. 2025.

An Act to promote the welfare of the people of this Commonwealth; creating The Port of Erie Authority as a body corporate and politic, with power to acquire, construct, maintain and operate projects for the improvement and development of the port district and to collect tolls, fares, fees, rentals and charges for the use thereof; defining its powers and duties; authorizing the issuance of bonds for said authority; defining the port district and granting the right of eminent domain within the port district.

Referred to the Committee on Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 651.

An Act amending the "Public School Code of 1949" * * * changing the value of scholarships.

Referred to the Committee on Education.

SENATE BILL No. 929.

An Act amending the "Liquor Code" * * * providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

Referred to the Committee on Judiciary.

SENATE BILL No. 961.

An Act amending "The Game Law" * * * authorizing the raising and disposition of nongame pheasants and eggs without propagating permits.

Referred to the Committee on Conservation and Wild Life.

RESOLUTION INTRODUCED AND REFERRED

By Mr. PRICE. RESOLUTION (Not printed).

In the House of Representatives, February 20, 1956.

April 9, 1956, is the 117th anniversary of the birthday of Dr. John Trimble Rothrock, Native of McVeytown, Mifflin County who has been called the "father of the State Forest idea in Pennsylvania." Dr. Rothrock was a well known conservationist, a pioneer in development of forest fire control, reforestation, and scientific forestry.

Among the accomplishments of Dr. Rothrock, who for some time engaged in the active practice of medicine, was his research and teaching of botany. Much of his

botanical research was done on expeditions into unknown and uncharted territory.

Dr. Rothrock's success was the result of a combination of his knowledge of medical science and his love of and knowledge of the forests. He looked upon forests as a great natural resource which if properly conserved and nurtured, could and would add to the health and well being of humanity. In 1902 he brought to Mont Alto some tubercular patients and established a camp for them on top of the mountain. Out of this experiment grew the Mont Alto Sanatorium for tubercular patients, and all of the other sanatoria of the State.

Dr. Rothrock's lectures on botany, forest geography, forest influences and forest management were of not only Statewide but of nation-wide import in the conservation of forest resources. The lectures were the basis for the Pennsylvania policy with respect to forests.

In 1895 Dr. Rothrock was appointed the first Commissioner of Forestry within this State, and in 1901 was appointed the first head of the Department of Forests, with the status of a member of the Governor's cabinet.

Dr. Rothrock's achievements will long have a beneficial effect on the health and well being of the inhabitants of this State, therefore be it

Resolved, That the House of Representatives hereby commemorates and honors the memory of Dr. Rothrock on April 9, the anniversary of his birth, and looks with renewed awareness and appreciation on this day which has previously been established as Arbor Day and commends Mifflin County for its plans to pay special honor to the memory of Dr. Rothrock during 1956.

Referred to the Committee on Rules.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL NO. 1795.

An Act to further amend the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (P. L. 723) entitled "An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government" by increasing the investment powers of State administrative departments boards commissions or officers.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 730.

An Act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pullorum testing programs.

HOUSE BILL No. 1294.

An Act amending the act of June 24, 1939 (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" regulating the advertising and offering for sale of merchandise commodities and services

HOUSE BILL No. 1795.

An Act to further amend the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (P. L. 723) entitled "An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government" by increasing the investment powers of State administrative departments boards commissions or officers.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 215.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 215.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. LUTTY from the Committee on State Government, reported as committed, House Bill No. 1110, entitled:

An Act amending "The Administration Code of 1929" * * * creating the Pennsylvania Consumer Commission and defining its powers and duties.

Mr. TOLL from the Committee on Judiciary, reported as committed, House Bill No. 1240, entitled:

An Act to amend the act, approved the twenty-third day of May, one thousand eight hundred eighty-seven (P. L. 164), entitled "An act to secure to laborers within this Commonwealth the benefit of the exemption laws of this Commonwealth, and to prevent assignment of claims for the purpose of securing their collection against laborers outside of this Commonwealth," by forbidding creditors to sue resident debtors of this Commonwealth in the courts of another State where the creditor, debtor and intended garnishee are within the jurisdiction of the Pennsylvania courts, and providing penalties.

Mr. SHERMAN from the Committee on Judiciary, reported as committed, House Bill No. 1753, entitled:

An Act amending the "Uniform Criminal Extradition Act," approved July 8, 1941 (P. L. 288), enlarging the power of the court on habeas corpus.

Mr. STEBBINS from the Committee on Counties, reported as committed, House Bill No. 1865, entitled:

An Act amending the "Local Health Administration Law," approved August 24, 1951 (P. L. 1304) regulating pension and retirement rights of employes of single-county and joint-county departments of health.

Start, Martin, February 22, machine 10, f8 432, t 17-19.

Mr. WARGO, from the Committee on Law and Order, reported as committed, House Bill No. 1924, entitled:

An Act to amend the act, approved the thirty-first day of August, one thousand nine hundred fifty-five (Pamphlet Laws) (Act No. 131), entitled "An act permitting and regulating wrestling and boxing contests and exhibitions; * * *" by regulating the use of a fictitions or assumed name by any participant in any amateur boxing contest or exhibition.

Mr. KELLER, from the Committee on Counties, reported as committed, Senate Bill No. 321, entitled:

An Act amending "The General County Law" * * * authorizing the board of commissioners to make appropriations to county firemen's associations for the conducting of fire prevention education.

Mr. PURSLEY, from the Committee on Counties, reported as committed, Senate Bill No. 877, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law" * * * imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act.

Mr. POMEROY, from the Committee on State Government, reported as committed, Senate Bill No. 916, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to make a study of appropriate ways and methods for developing and promoting the historical interest of Philadelphia and vicinity and specifically for developing a "colonial compound" in Germantown.

Mr. THOMAS, from the Committeee on Law and Order, re-reported as committed, House Bill No. 1891, entitled:

An Act amending the "Liquor Code" * * * authorizing the board to investigate and cause the prosecution of unlicensed establishments authorizing the confiscation of certain property with certain limitations and changing penalties.

Mr. STEBBINS, from the Committee on Agriculture and Dairy Industries, re-reported as amended, House Bill No. 977, entitled:

An Act regulating the sale and distribution of mixed fertilizers and fertilizer materials imposing powers and duties on the Secretary of Agriculture and prescribing penalties.

Mr. REIDENBACH, from the Committee on Law and Order, reported as committed, House Bill No. 904, entitled:

An Act amending the act of April 11, 1899 (P. L. 37), entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth," making compliance with certain provisions evidence of innocence in prosecutions for receiving stolen goods.

PERMISSION TO ADD ADDITIONAL SPONSORS

Mr. REIDENBACH asked and obtained unanimous consent to add additional sponsors to a bill reported from Committee by him.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 239.

An Act amending the "Rural State Highway Law" * * * adding a new route in Allegheny County

Referred to the Committee on Highways.

SENATE BILL No. 802.

An Act to provide for an additional law judge of the orphans' court in the fifth judicial district

Referred to the Committee on Judiciary.

WINFIELD AND CLINTON TOWNSHIP SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the House a delegation of students from the Winfield and Clinton Township School of Butler County, who are here under the supervision of their teacher, Mr. Thompson. They are the guests of the gentlemen from Butler, Mr. Stevenson and Mr. Mahan.

RESOLUTION

RECALLING HOUSE BILL No. 1623 FROM THE GOVERNOR

Mr. KOLANKIEWICZ offered a resolution which was read, considered and adopted as follows:

CONCURRENT RESOLUTION

In the House of Representatives, February 21, 1956.

Resolved (if the Senate concur), that House Bill No. 1623, Printer's No. 1348, entitled "An act extending county pension and retirement benefits to veterans of armed conflicts in counties of the second third fourth fifth sixth seventh and eighth class," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 472, entitled:

An Act regulating publication of lawful contributions to or lawful expenditures by candidates for elective office and prescribing penalties

The first section was read.

On the question,

Will the House agree to the section?

Mr. CIOFFI. Mr. Speaker, House Bill 472 pertains to an expense account as filed by a candidate.

This particular bill is a step in the right direction in bringing out all the facts regarding the expense items of all candidates in the state of Pennsylvania. Of course, in the last few weeks the Press took this bill pretty much apart, claiming that it was really restraining the freedom of the Press. I am sorry to hear that.

The bill is only designed to bring out all the facts, not only half of them. The purpose of the bill is in order to clarify the confusion created by the Press, to bring out the facts as they really are in an expense account and to bring them all out. There is an inference left there that only half of them are printed and that is what we wanted to try to avoid.

I realize, Mr. Speaker, what their claims were, that in many expense accounts it would be almost impossible to print them all, especially in candidates filing for state-wide offices. I can agree with them. I know that

there are some kinks in this bill that should be ironed out and we want to help to do that.

For that reason, Mr. Speaker, in order to help to correct this bill, I make the following motion.

On the question recurring,

Will the House agree to the section?

BILL RECOMMITTED

Mr. CIOFFI. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections and Apportionment for purpose of further study.

The motion was agreed to.

LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Wood for Mr. ROYER for the week because of illness.

Mr. Kent for Mr. MAGEE for the week because of illness in his family.

Mr. Helm for Mr. TOMPKINS for the week because of illness.

Mr. Helm for Mr. VAUGHAN for the week because of illness.

Mr. Helm for Mr. HEWITT because of illness.

Mr. Stebbins for Mr. LAWYER for the week because of serious illness.

Mr. Kolankiewicz for Mr. DOUGHERTY for the week because of illness.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvemnt and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. STANK. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks Mr. Readinger vote on the third reading of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Northumberland Mr. Stank vote on the third reading of this bill?

Mr. STANK. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 3, page 11, line 7, by striking out the quotation marks after "property."

Amend Sec. 9, page 33, line 15, by inserting after "may" deem desirable or as may be requested by any Federal agency that.

Amend Sec. 9, page 33, line 17, by striking out all of said line.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of House Bill No. 1128, as follows:

An Act to quiet title to real estate and to facilitate the alienation thereof creating a conclusive presumption of payment satisfaction or release and making unenforceable any claim for money charged against real estate under any deed certain mortgages or any decree of any court of record of this Commonwealth and correcting defects in title arising out of unrecorded deeds and breaks in chain of title and making claims thereunder invalid by creating a conclusive presumption of release and satisfaction where the charges and mortgages mature or become due and payable and decrees or defects of record arise occur exist or are dated more than fifty years prior to the time of the institution of any proceeding hereunder to enforce payment perfect revive or continue the aforesaid lien charge or encumbrances or to enforce any right arising out of a defect in title unless an action is instituted to enforce charges mortgages and decrees as aforesaid against the present owners or action is taken to enforce any right arising out of a defect in title within one year after the effective date of this act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to quiet title to and to facilitate alienation conveyance transfer and sale of real estate in all cases in which under any deed or any mortgage having a definite maturity or due date or decree of any court of record of this Commonwealth any money is charged against land payable at a fixed or determinable time and the period of fifty years has elapsed including minority and disability or shall have elapsed after the principal of the encumbrance or charge has by its own terms or any recorded extension or modification thereof become due and payable and no action or proceeding shall have been instituted for the payment or collection of the charge or decree as provided by law within a period of fifty years on account of the charge mortgage or decree against the owner or owners of the land en-

cumbered or charged therewith there shall be a conclusive persumption of payment release or satisfaction thereof and no charge mortgage or decree shall be effective or enforceable against any owner of real estate so encumbered or charged unless within one year of the effective date of this act a proceeding to enforce payment of or to preserve revive or continue the encumbrance or charge shall be instituted against the present owners of the real estate encumbered or charged therewith as hereinafter provided

Section 2 Wherever any defect in title to real estate appears of record by reason of unrecorded deeds or breaks in chain of title making the title unmarketable arising occurring existing or dating more than fifty years prior to the filing of any proceeding under this act or any existing law to remedy or correct the defect or to enforce any claim thereunder a conclusive presumption of marketability shall be created and no claim title or proceeding thereunder shall be valid or enforceable against any owner of real estate in the chain of title in which the defect in title appears of record unless within one year of the effective date of this act a proceeding to enforce any right arising out of the defect in title shall be instituted by any person or persons claiming any right or title against the present owners of record of real estate affected thereby in accordance with the provisions of this act

Section 3 Any proceeding arising under the provisions of sections 1 and 2 of this act shall be by an action for the payment or enforcement of the charge mortgage or decree or to enforce any right existing by reason of the defect in title as provided under existing law in the court of common pleas of the county in which the major portion of the land is situate

Section 4 The action or complaint to the court of common pleas under any proceeding arising under this act shall set forth to the best of plaintiff's knowledge information and belief the following facts

(a) The character of the charge mortgage or decree or defect in title

(b) The term number date of record and proper volume and page of record of the charge mortgage or decree or the place or places of record where the defct in title appears

(c) The names of the real owners of the land affected or intended to be charged liened or encumbered thereby or of any one having an apparent interest therein together with the addresses of these persons to the extent that their addresses are known to the plaintiff or may have been ascertainable upon reasonable inquiry who shall be named parties defendant or respondent to the action

(d) The location and a short description of the real property affected charged or intended to be charged with the payment of a particular charge mortgage decree or defect in title

(e) The names of the debtors obligors and guarantors and all other persons directly or indirectly liable to the plaintiff for the payment of the charge mortgage or decree together with the addresses of these persons to the extent that their addresses are known to the plaintiff or may have been ascertainable upon reasonable inquiry who shall also be named as parties defendant to the action

(f) An averment if that be the case that plaintiff does not know and after reasonable inquiry has been unable to ascertain the residences or business addresses of the other parties defendant

(g) A demand for payment or for compliance with the terms of any charge mortgage decree or right arising out of the defect in title

(h) All other facts as may be pertinent or necessary under existing law

Section 5 The provisions of this act shall not be construed to take away the right of the owner of any land encumbered by any charges mortgages or decrees or subject to defects in title to proceed in accordance with existing law against any person or persons having an apparent charge lien or encumbrance or apparent title or interest in or against land to compel a person or persons to enforce a claim or to perfect the title

Section 6 No decree or judgment of any court resulting from any proceeding under this act shall be valid or enforceable unless and until a transcript of the judgment or decree shall be filed in the office of the recorder of deeds of the county in which land affected thereby is located and properly indexed against the owners of record named defendants correspondents in the original action or complaint or added thereto in the proceeding and the transcript shall be filed in the miscellaneous index or a special index provided therefor

Section 7 This act shall take effect January 1, 1956

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—157

Adam,	Greenwood,	Meholchick,	Schuster,
Agnew,	Guss,	Metz,	Sherman,
Amarando,	Guthrie,	Mihm,	Smith, C. C.,
Anderson, M. S.,	Hamilton, R. K.,	Mikula,	Smith, Wm. B.,
Anderson, S. A.,	Hass,	Miller,	Snider,
Auker,	Haudenshield,	Mills,	Stank,
Banker,	Heavey,	Monroe,	Stebbins,
Barnatovich,	Helm,	Moody,	Steckel,
Bazin,	Hocker,	Moscrip,	Stephens,
Boies,	Horst,	Muldowney,	Stevenson,
Bonner,	Jenkins,	Mullen,	Stoner,
Boory,	Johnson,	Munley,	Strausser,
Bower,	Jones, G. E.,	Murray, H. P.,	Stroup,
Breisch,	Jones, T. H. W.,	Murray, P. G.,	Swartz,
Breth,	Jump,	Musto,	Taylor,
Bucchin,	Kamyk,	Naugle,	Thomas,
Capano,	Kehler,	Needham,	Thompson,
Cianfrani,	Keller,	Ogilvie,	Toll,
Cioffi,	Kent,	Olsen,	Toomey,
Cochran,	Kline,	O'Neil,	Varallo,
Curwood,	Knecht,	Pacchioli,	Varner,
Davis,	Kolankiewicz,	Parry,	Verona,
Donaldson,	Kooker,	Pashley,	Wall,
Eilberg,	Lafore,	Paulhamus,	Wallace,
Erb,	Leiby,	Petrosky,	Walsh,
Ewing,	Leisey,	Pettigrew,	Wargo,
Farabaugh,	Leonard,	Polen,	Waterhouse,
Filo,	Leven,	Pomeroy,	Welsh,
Flint,	Lopresti,	Price,	Wheeler,
Floyd,	Lovett,	Pursley,	Whitenight,
Flynn,	Lutty,	Readinger,	Willaredt,
Frank,	Mahan,	Reibman,	Williams,
Gaffney,	Markley,	Reidenbach,	Wilt,
Garlock,	Maxwell,	Renwick,	Worley,
George,	McCann,	Rigby,	Yetter,
Gibb,	McGee,	Rovansek,	Yetzer,
Gibson,	McKeever,	Rudisill,	Young,
Goldstein,	McLaughlin,	Sarraf,	Ziegler,
Gramlich,	McWherter,	Scarcelli,	Andrews, Speaker

NAYS—18

Ashton,	Donahue,	Henzel,	Light,
Bell,	Down,	Houk,	Lippincott,
Brenninger,	Foster,	Isaacs,	McInroy,
Brown,	Frost,	Kromer,	Murphy,
Connelly,			Weidner,

NOT VOTING—32

Blair,	Ehrgood,	Kratz,	Rosen,
Branca,	Eshleman,	Lawyer,	Royer,
Brennan, A. P.,	Fineman,	Limper,	Rubin,
Brennan, J. J.,	Frascella,	Magee,	Sigman,
Bullen,	Gelfand,	McCormack,	Stone,
Comer,	Hewitt,	Moran,	Tompkins,
Cooper,	Holt,	Murray, J. J.,	Vaughan,
Dougherty,	Kornick,	Polaski,	Wescott,
			Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

LEAVE OF ABSENCE CANCELLED

Mr. HELM. Mr. Speaker, I note that the gentleman from Indiana, Mr. Hewitt, who has been severeally ill for the last couple of weeks, and for whom I asked for leave of absence, has sufficiently recovered and is now present in the Hall of the House. I would ask, therefore, that his leave of absence be cancelled.

The SPEAKER. The Chair welcomes the gentleman from Indiana back to the Hall of the House.

HOUSE BILLS Nos. 1960, 2009 AND 2010 MADE SPECIAL ORDERS

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1960, Printer's No. 1373 on page 3 of today's calendar House Bill No. 2009, Printer's No. 1380 and House Bill No. 2010, Printer's No. 1381 on page 10 of today's calendar be made a special order of business in that order immediately.

The motion was agreed to.

The SPEAKER. The Chair lays before the House the first bill on special order fixed for this time being House Bill No. 1960.

Agreeably to order,

The House resumed the consideration on final passage of House Bill No. 1960 as follows:

An Act to provide revenue for Commonwealth purposes by imposing an excise tax on net income as defined of individual residents and non-residents of the Commonwealth and of estates and trusts fixing the rate of tax thereon providing for the reporting of income payment of tax interest and penalties and installments of estimated tax collection of tax at the source assessments collections liens reviews appeals refunds and penalties and conferring powers and imposing duties upon the Department of Revenue public officers fiduciaries employers corporations partnerships associations and individuals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Short Title and Definitions

Section 1 Short Title This act shall be known and may be cited as the "Personal Net Income Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

(a) "Department" The Department of Revenue of this Commonwealth

(b) "Fiduciary" A guardian committee trustee executor administrator receiver conservator or any person whether individual or corporate acting in any fiduciary capacity for any person or trust but does not include any person acting as agent custodian or attorney in fact

(c) "Gross Income" All gain from whatever source derived

(d) "Individual" A natural person

(e) "Net Income" Taxable income for the calendar or fiscal year of the taxpayer as returned to ascertained by or ascertainable by the Federal government subject however to any correction thereof for fraud evasion or error as finally ascertained by the Federal government and provided that no deduction shall be allowed for net operating losses sustained during any other taxable year In the case of a taxpayer filing no return with the Federal government net income is the taxable income which would have been ascertained by or ascertainable by the Federal government if a return had been filed

(f) "Paid" For the purpose of this act means "paid or accrued" or "paid or incurred" and the terms "paid or accrued" and "paid or incurred" shall be construed according to the method of accounting upon the basis of which the taxable income is computed under this act

(g) "Partnership" A syndicate group pool joint venture or other unincorporated organization through or by means of which any business financial operation or venture is carried on for profit by two or more individuals and which is not within the meaning of this act a trust or estate

(h) "Person" Every natural person fiduciary partnership or corporation Wherever used in any clause prescribing and imposing a penalty or a fine or imprisonment or both the term "person" as applied to a partnership shall mean the partners or members thereof and as applied to corporations the officers thereof

(i) "Received" For the purpose of the computation of taxable income under this act means "received or accrued" and the phrase "received or accrued" shall be construed according to the method of accounting upon the basis of which taxable income is computed under this act

(j) "Resident" (1) A natural person domiciled in the Commonwealth who either (I) maintains a permanent place of abode within the Commonwealth or (II) maintains no permanent place of abode within the Commonwealth but who spends in the aggregate at least thirty days of the taxable year within the State (2) a natural person who maintains a permanent place of abode within the Commonwealth and spends in the aggregate more than seven months of the taxable year within the Commonwealth whether or not domiciled in the Commonwealth during any portion of said period and such a person shall be taxed the same as though he had been domiciled in the Commonwealth during the entire taxable year (3) a trust created by a person domiciled within the Commonwealth or an estate of a deceased person who at the time of his death was domiciled within the Commonwealth

(k) "Taxpayer" Any individual trust or estate subject to a tax imposed by the provisions of this act or whose income is in whole or in part the base for a tax imposed by the provisions of this act

Article II

Imposition of Tax

Part I Imposition of Tax

Section 201 Tax on resident individuals Every individual resident shall be subject to and shall pay by reason of residing in this Commonwealth and for the privilege of receiving using or holding income an excise tax of two per centum (2%) which tax shall be levied collected and paid annually upon each dollar of net income received during the taxable year

Section 202 Tax on nonresidents Every individual trust or estate not a resident of this Commonwealth shall be subject to and shall pay for the privilege of carrying on or being a member of a partnership which carries on a business trade profession or occupation within this Commonwealth or of owning or leasing real or tangible personal property herein an excise tax of two per centum (2%) which tax shall be levied collected and paid annually upon each dollar of net income received during the taxable year and attributable to any business trade profession or occupation carried on within this Commonwealth or to property owned or leased herein To determine net income attributable to sources within this Commonwealth such nonresident shall multiply his total net income from all sources by a fraction the numerator of which is his gross income attributable to sources within this Commonwealth and the denominator of which is his gross income from all sources

Section 203 Tax on resident estates and trusts The tax imposed by section two hundred one on resident individuals similarly shall be levied collected and paid annually upon each dollar of net income of resident estates and trusts received during the taxable year except income from intangible property owned by a resident fiduciary to be extent such income is collected for the

benefit of a nonresident beneficiary (whether or not paid or credited to such nonresident beneficiary)

Part II Computation of Net Incomes

Section 204 Credit for taxes paid other states Whenever a taxpayer other than a resident of this Commonwealth has become liable for a tax to the State where he resides based upon his net income for the taxable year derived from sources within this Commonwealth and subect to tax under this act the department shall credit the amount of tax payable by him under this act with such proportion of the tax so payable to the State where he resides as his income subect to tax under this act bears to his entire income upon which the tax so payable to such other State was imposed Provided That such credit shall be allowed only if the laws of said State (1) grant a substantially similar credit to residents of this Commonwealth subject to tax under such laws or (2) impose a tax upon the personal incomes of its residents derived from sources in this Commonwealth and exempt from taxation the personal incomes of residents of this Commonwealth No credit shall be allowed against the amount of tax measured by income under this act which is exempt from tax under the laws of such other State As used in this section the word "State" means any state territory or possession of the United States the District of Columbia and any foreign country

Article III

Collection of Income Tax at Source of Wages

Section 301 Income tax collected at source (a) Requirement of withholding Every employer making payment of wages shall deduct and withhold from such wages a tax equal to two percentum (2%) of the net income attributable to such wages as set forth in tables established by the department

(b) Definitions

(1) Wages For purposes of this article the term "wages" means all remuneration for services performed by an employe for his employer including the cash value of all remuneration paid in any medium other than cash except that the term shall not include remuneration paid

(I) for domestic service in a private home local college club or local chapter of a college fraternity or sorority or

(II) for agricultural labor or

(III) for services performed for a foreign government or international organization or

(IV) for services of persons whose employment is casual in character and not in the regular course of business of the employer

(2) Employer For the purpose of this article the term "employer" means the person for whom an invidiual performs or performed any service of whatever nature as the employe of such person

Section 302 Liability for tax (a) General rule Whenever any person is required to collect or withhold any tax from any other person and to pay over such tax to the Commonwealth the amount of tax so collected or withheld shall be held to be a special fund in trust for the Commonwealth The amount of such fund shall be assessed collected and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes from which such fund arose

(b) Tax paid by recipient If the employer fails to deduct and withhold the tax under this article and thereafter the tax against which such tax may be credited is paid the tax so required to be deducted and withheld shall not be collected from the employer but this subsection shall in no case relieve the employer from liability for any penalties or additions to the tax otherwise applicable in respect of such failure to deduct and withhold

Section 303 Statements for employes (a) Requirement Every employer doing business within this Commonwealth shall furnish to each employe who is liable for tax under this act with respect to the remuneration paid by such employer to such employe during the calendar year on or before January 31 of the succeeding year or if his employment is terminated before the close of such calendar year on the day on which the last payment of remuneration is made a written statement showing the following

(1) the name of such employer

(2) the name of the employe and his social security account number

(3) the total amount of wages as defined in section three hundred one (b) (1) and the total amount of any other remuneration

(4) the total amount deducted and withheld as tax under section three hundred one (a)

(b) Additional requirement The statement required to be furnished pursuant to this section in respect of any remuneration shall for the purpose of carrying out the provisions of this act be furnished at such other times contain such other information and be in such form as the department may by regulations prescribe

(c) Duplicate A duplicate of the statement shall be filed with the department at the time it is furnished to the employe

Section 304 Withholding procedure (a) Withholding period The tax required to be withheld by section three hundred one (a) shall be withheld whenever wages are paid to the employe

(b) Commencement of period The duty of making deductions under this act shall commence on the effective date of this act and the amount of the first deductions shall be accounted for and paid to the department on the irst return day thereafter as herein prescribed

(c) Return days Any employer required to withhold the tax imposed by this act shall make a return and pay to the department on or before the last day of January April July and October of each year the amount of the tax so withheld for the three-month period ending on the last day of the month preceding

Section 305 Duty of employe where deductions not made Any employe who performs services for an employer who does not deduct and withhold upon the wage of such employe shall be subject to the requirements of sections four hundred five four hundred twenty-one and four hundred thirty-one notwithstanding that the gross income of said employe is from wages and is less than that required by section four hundred five (a)

Article IV

Procedure and Administration

Part 1 Returns

Section 401 Notice or regulations requiring records statements and special returns Every person liable for any tax imposed by this act or for the collection thereof shall keeep such records render such statements make such returns and comply with such rules and regulations as the department may from time to time prescribe Whenever in the judgment of the department it may require any person by notice served upon such person or by regulations to make such returns render such statements or keep such records as the department deems sufficient to show whether or not such person is liable for the tax under this act

Section 402 Persons required to make returns of income (a) General rule Returns with respect to the tax imposed by this act shall be filed by every individual and by fiduciaries of every estate or trust liable to pay a tax under this act

(b) Returns made by fiduciaries

(1) Returns of decedents If an individual is deceased the return of such individual required under subsection (a) of this section shall be made by his executor administrator or other person charged with the property of such decedent

(2) Persons under a disability If an individual is unable to make a return required under subsection (a) of this section or section four hundred four the return of such individual shall be made by a duly authorized agent fiduciary or other person charged with the care of the person or property of such individual The preceding sentence shall not apply in the case of a receiver appointed by authority of law in possession of only a part of the property of an individual

(3) A return of estates and trusts Returns of an estate or trust shall be made by the fiduciary thereof except that in any case in which no tax is payable by a fiduciary of an estate or trust no return shall be required to be made by such fiduciary

(4) Joint fiduciaries Under such regulations as the department may prescribe a return made by one of two or more joint fiduciaries shall be sufficient compliance with the requirements of this section A return made pursuant to this paragraph shall contain a statement that the fiduciary has sufficient knowledge of the affairs of the person for whom the return is made to enable him to make the return and that the return is to the best of his knowledge and belief true and correct

Section 403 Change of status as to resident or nonresident If a taxpayer during the taxable year changes his status from that of resident to that of nonresident or from that of nonresident to that of resident he shall file two returns one as a resident covering the fraction of the year during which he was a resident and one as a nonresident covering the fraction of the year during which he was a nonresident

Section 404 Information return of partnership income Every partnership one or more of whose partners is subject to the tax imposed by this act with respect to the income of the partnership shall make a return for each taxable year stating specifically the items of its gross income and business expenses and such other information for the purpose of carrying out the provisions of this act as the department may by forms and regulations prescribe and shall include in the return the names and addresses of the individuals (whether or not taxpayers under this act) who would be entitled to share in the taxable income if distributed and the amount of the distributive share of each individual

Section 405 Declaration of estimated tax

(a) Requirement of declaration Every individual shall make a declaration of his estimated tax for the taxable year if his gross income can reasonably be expected to include more than five thousand dollars ($5000) from a source other than wages (as defined in section three hundred one (b) (1)

(b) Estimated tax For purposes of this article in the case of an individual the term "estimated tax" means the amount which the individual estimates as the amount of the income tax imposed by this act for the taxable year minus the amount which the individual estimates as the sum of any tax withheld as provided by Article III

(c) Contents of declaration The declaration shall contain such pertinent information as the department may by forms or regulations prescribe

(d) Amendment of declaration An individual may make amendments of a declaration filed during the taxable then under regulations prescribed by the department

(e) Returns as declaration or amendment If on or before January thirty-first (or February fifteenth in the case of an individual referred to in section four hundred twenty-one (b) relating to income from farming) of the succeeding taxable year the taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on the return as payable then under regulations prescribed by the department

(1) If the declaration is not required to be filed during the taxable year but is required to be filed on or before January fifteenth such return shall be considered as such declaration and

(2) If the tax shown on the return (reduced by the sum of the tax withheld as provided by Article III) is greater than the estimated tax shown in a declaration previously made or in the last amendment thereof such return shall be considered as the amendment of the declaration permitted by subsection (d) of this section

(f) Short taxable years An individual with a taxable year of less than twelve months shall make a declaration in accordance with regulations prescribed by the department

(g) Estates and trusts The provisions of this section shall not apply to an estate or trust

Section 406 When returns to Federal government inaccurate If the taxpayer shall claim in his return that the return made to the Federal government was inaccurate the amount claimed by him to be income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 407 Changes by Federal government (a) Change or correction in taxable income If the taxable income of any taxpayer as returned to the United States Treasury Department is changed or corrected by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or where a renegotiation of a contract or subcontract with the United States results in a change in such income and such change correction or renegotiation affects the net income returned under this act such taxpayer shall report such change or corrected income or the results of such renegotiation within thirty days after the final determination of such change or correction or renegotiation and shall concede the accuracy of such determination or state wherein it is erroneous

(b) Amended return Any taxpayer filing an amended Federal income tax return which affects the net income returned under this act shall also file within thirty days thereafter an amended return with the department containing such information as the department shall require

Part II Time and Place for Filing Returns

Section 420 Time for filing income tax returns In the case of returns under section four hundred two or four hundred four returns made on the basis of the calendar year shall be filed on or before the fifteenth day of April following the close of the calendar year and returns made on the basis of a fiscal year shall be filed on or before the fifteenth day of the fourth month following the close of the fiscal year

Section 421 Time for filing declarations of estimated tax (a) Individuals other than farmers Declarations of estimated tax required by section four hundred five from individuals not regarded as farmers for the purpose of that section shall be filed on or before April fifteenth of the taxable year except that if the requirements of section four hundred five are first met

(1) After April first and before June second of the taxable year the declaration shall be filed on or before June fifteenth of the taxable year or

(2) After June first and before September second of the taxable year the declaration shall be filed on or before September fifteenth of the taxable year or

(3) After September first of the taxable year the declaration shall be filed on or before January fifteenth of the succeeding taxable year

(b) Farmers Declarations of estimated tax required by section four hundred five from individuals whose estimated gross income from farming for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year may in lieu of the time prescribed in subsection (a) of this section be filed at any time on or before January fifteenth of the succeeding taxable year

(c) Amendment An amendment of a declaration may be filed in any interval between installment dates prescribed for that taxable year but only one amendment may be filed in each such interval

(d) Short taxable years The application of this section to taxable years of less than twelve months shall be in accordance with regulations prescribed by the department

(e) Fiscal years In the application of this section in the case of a taxable year beginning on any date other than January first there shall be substituted for the months specified in this section the months which correspond thereto

Section 422 Extension of time for filing returns (a) General rule The department may grant a reasonable extension of time for filing any return declaration statement or other document required by this act or by regulations No such extension shall be for more than sixty days unless the Commissioner of Internal Revenue grants a taxpayer a longer extension of time for filing his Federal income tax return in which case the department may grant an additional extension of time for filing the return under this act of not more than thirty days after the termination of the Federal extension

(b) Taxpayers in military service Notwithstanding any other provisions of this act a taxpayer on active duty with the armed forces of the United States who is serving outside the continental limits of the United States at the time when a rteurn would otherwise be due under this act shall not be required to file such return until the fifteenth day of the fourth month following the month in which such taxpayer returns to the United States

Part III Place and Payment of Tax

Section 423 Place for filing returns Returns shall be filed with the department at its main office or at any branch office which it may establish

Section 430 Place and payment of income tax When a return of tax is required under this act the person required to make such return shall pay such tax to the department at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return)

Section 431 Installment payments of estimated tax (a) General rule The amount of estimated tax (as defined in section four hundred five) with respect to which a declaration is required under section four hundred five shall be paid as follows

(1) If the declaration is filed on or before April fifteenth of the taxable year the estimated tax shall be paid in four equal installments The first installment shall be paid at the time of the filing of the declaration the second and third on June fifteenth and September fifteenth respectively of the taxable year and the fourth on January fifteenth of the succeeding taxable year

(2) If the declaration is filed after April fifteenth and not after June fifteenth of the taxable year and is not required by section four hundred twenty-one (a) to be filed on or before April fifteenth of the taxable year the estimated tax shall be paid in three equal installments The first installment shall be paid at the time of the filing of the declaration the second on September fifteenth of the taxable year and the third on January fifteenth of the succeeding taxable year

(3) If the declaration is filed after June fifteenth and not after September fifteenth of the taxable year and is not required by section four hundred twenty-one (a) to be filed on or before June fifteenth of the taxable year the estimated tax shall be paid in two equal installments The first installment shall be paid at the time of the filing of the declaration and the second on January fifteenth of the succeeding taxable year

(4) If the declaration is filed after September fifteenth of the taxable year and is not required by section four hundred twenty-one (a) to be filed on or before September fifteenth of the taxable year the estimated tax shall be paid in full at the time of the filing of the declaration

(5) If the declaration is filed after the time prescribed in section four hundred twenty-one (a) (including cases in which an extension of time for filing the declaration has been granted under section four hundred twenty-two) paragraphs (2) (3) and (4)of this subsection shall not apply and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in section four hundred twenty-one (a) and the remaining installments shall be paid at the times at which and in the amounts in which they would have been payable if the declaration had been so filed

(b) Farmers If an individual referred to in section four hundred twenty-one (b) (relating to income from farming) makes a declaration of estimated tax after September fifteenth of the taxable year and on or before January fifteenth of the succeeding taxable year the estimated tax shall be paid in full at the time of the filing of the declaration

(c) Amendments of declaration If any amendment of declaration is filed the remaining installments if any shall be ratably increased or decreased to reflect the increase or decrease in the estimated tax by reason of such amendment and if any amendment is made after September fifteenth of the taxable year any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment

(d) Application to short taxable years The application of this section to taxable years of less than twelve months shall be in accordance with regulations prescribed by the department

(e) Fiscal years In the application of this section to the case of a taxable year beginning on any date other than January first there shall be substituted for the months specified in this section the months which correspond thereto

(f) Installments paid in advance At the election of the individual any installment of the estimated tax may be paid prior to the date prescribed for its payment

Section 432 Payment on notice and demand Upon receipt of notice and demand from the department there shall be paid the amount of any tax due under the provisions of this act (including any interest additional amounts additions to tax and assessable penalties) stated in such notice and demand

Part IV Assessment and Collection of Tax

Section 440 Assessment (a) Authority to assess The Department is authorized and required to make the inquiries determinations and assessments of all taxes (including interest additional amounts additions to the tax and assessable penalties) imposed by this act

(b) Mode or time of assessment If the mode or time for the assessment of any tax (including interest additional amounts additions to the tax and assessable penalties) is not otherwise provided for the department may establish the same by regulations

Section 441 Procedure for reassessment Promptly after the date of an assessment by the department the department shall send by mail a copy thereof to the person against whom it was made Within ninety days after the date upon which the copy of any such assessment was mailed such person may file with the department a petition for reassessment of such tax Every petition for reassessment shall state specifically the reasons which the petitioner believes entitle him to such reassessment and it shall be supported by affidavit that it is not made for the purpose of delay and that the facts set forth therein are true It shall be the duty of the department within six months after receiving a petition for reassessment to dispose of such petition for reassessment Notice of the action taken upon any petition for reassessment shall be given to the petitioner promptly after the date of reassessment by the department

Section 442 Review by Board of Finance and Revenue Within sixty days after the date of mailing of notice by the department of the action taken on any petition for reassessment filed with it or after the department's failure to act within the time specified the person against whom the assessment was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies or shall incorporate by reference the petition for reassessment in which such reasons shall have been stated The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall act finally in disposition of such petitions filed with it within six months after they have been received and in event of the failure of said board to dispose of any such petition within six months the action taken by the department upon the petition for reassessment shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for reassessment or it may reassess the tax due upon such basis as it shall deem according to law Notice of the action of the Board of Finance and Revenue shall be given by mail to the department and to the petitioner

Section 443 Appeal to Court of Common Pleas of Dauphin County Any person or the Commonwealth of Pennsylvania aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within six months may within sixty days appeal to the Court of Common Pleas of Dauphin

County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

Section 444 Burden of proof In all cases of petitions for reassessment review or appeal the burden of proof shall be upon the petitioner or appellant as the case may be

Section 445 Collection of tax The department shall collect the taxes imposed by this act in the manner provided by law for the collection of taxes imposed by the laws of this Commonwealth

Section 446 Collection upon failure to request reassessment review or appeal The department may collect any tax

(a) Within ninety days after an assessment of additional tax is made if no petition for reassessment has been filed

(b) Within sixty days from the date of reassessment if no petition for review has been filed

(c) Within sixty days from the date of the decision of the Board of Finance and Revenue upon a petition for review or of the expiration of the Board's time for acting upon such petition if no decision has been made and

(d) Immediately in all cases of judicial sales receiverships assignments or bankruptcies

In any such proceeding for the collection of the tax imposed by this act the person against whom it was assessed shall not be permitted to set up any ground of defense that might have been determined by the department the Board of Financ and Revenue or the courts

Section 447 Lien for tax (a) Lien imposed If any person liable to pay any tax neglects or refuses to pay the same after demand the amount (including any interest addition or penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the Commonwealth against all real estate within the Commonwealth of such taxpayer but only after the same has been entered and docketed of record by the prothonotary of the county where such real estate is situated as hereafter provided

(b) The department may at any time transmit to the prothonotaries of the respective counties certified copies of all liens for taxes imposed by this act and penalties and interest It shall be the duty of each prothonotary receiving such lien to enter and docket the same of record in his office which lien shall be indexed as judgments are now indexed All such liens shall have priority to and be fully before any other obligation judgment claim lien or estate paid and satisfied out of the judicial sale of said real estate with which said real estate may subsequently become charged or for which it may subsequently become liable subject however to mortgage or other liens existing and duly recorded at the time such tax lien is recorded save and except the cost of sale and of the writ upon which it is made and real estate taxes imposed or assessed upon said property The lien of said taxes interest and penalties shall continue for five years from the date of entry and may be revived and continued in the manner now or hereafter provided for renewal of judgments and it shall be lawful for a writ of scire facias to issue and be prosecuted to judgment in the manner in which such writs are ordinarily employed

(c) Any wilful failure of any prothonotary to carry out any duty imposed upon him by this section shall be a misdemeanor and upon conviction he shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and costs of prosecution or to undergo imprisonment by separate or solitary confinement at labor or to simple imprisonment not exceeding one year or both in the discretion of the court

Part V Refunds and Credits

Section 450 Refund or credit for overpayment (a) General rule In the case of any overpayment the department within the applicable period of limitations may credit the amount of such overpayment against any liability in respect of the tax imposed by this act on the part of the person who made the overpayment and shall refund any balance to such person

(b) Credits against estimated tax The department is authorized to prescribe regulations providing for the crediting against the estimated income tax for any taxable year of the amount determined by the taxpayer or the department to be an overpayment of the income tax for a preceding taxable year

(c) Overpayment of installment In the case of a tax payable in installments if the taxpayer has paid as an installment of the tax more than the amount determined to be the correct amount of such installment the overpayment shall be credited against the unpaid installments if any If the amount already paid whether or not on the basis of installments exceeds the amount determined to be the correct amount of the tax the overpayment shall be credited or refunded as provided in subsections (a) or (b)

Section 451 Restriction on refunds No refund shall be made under section four hundred fifty without the approval of the Board of Finance and Revenue except such refunds as arise upon filing by a taxpayer of his final return showing less tax due than the amount of tax withheld from his wages under section three hundred one (a) of the amount of tax paid by him as estimated tax under section four hundred thirty-one

Part VI Limitations

Section 460 Limitations on assessment and collections (a) General rule The amount of any tax imposed by this act shall be assessed within three years after the return or any report of change whichever is later is filed For the purposes of this subsection and subsection (b) a return filed before the last day prescribed for the filing thereof or before the last day of any extension of time for the filing thereof shall be considered as filed on such last day

(b) Omission from gross income If the taxpayer omits from gross income an amount properly includible therein which is in excess of twenty-five per centum of the amount of gross income stated in the return the tax may be assessed at any time within six years after the return was filed

(c) Failure to file return or to report a change or correction by the federal government Where no return is filed or if a taxpayer shall fail to report a change or correction by the Commissioner of Internal Revenue or other officer of the United States or other competent authority or shall fail to file an amended return as required by section four hundred seven (b) the amount of the tax due may be assessed and collected at any time

(d) False or fraudulent return Where the taxpayer files a wilfully false or fraudulent return with the intent to evade the tax imposed by this act the amount of tax due may be assessed and collected at any time

Section 461 Extension of limitation period Notwithstanding any of the foregoing provisions of this part where before the expiration of the period prescribed therein for the determination of a tax a taxpayer has consented in writing that such period be extended the amount of tax due may be determined in any time within such extended period The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period

Section 462 Limitations on refund or credit (a) Application for refund Any application for refund must be filed with the Board of Finance and Revenue within three years from the time the return is required to be filed (determined without regard to any extension of time) or two years from the time the tax was paid whichever is later

(b) Assessment where no return filed If an assessment of tax is made where no return is filed then any application for refund must be filed with the department within one year from the time of such assessment

Part VII Interest Additions Penalties and Crimes

Section 470 Interest If any amount of tax imposed by this act is not paid on or before the last date prescribed for payment interest on such amount at the rate of one-half of one percentum per month for each month or fraction thereof from such date shall be paid for the period from such last date to the date paid The last date prescribed for payment shall be determined without regard to any extension of time for filing the return

Section 471 Additions (a) Failure to file tax return In case of failure to file any return required under authority of section four hundred two on the date prescribed therefor (determined with regard to any extension of time for

filing) unless it is shown that such failure is due to reasonable cause and not due to wilfull neglect there shall be added to the amount required to be shown as tax on such return five per centum of the amount of such tax if the failure is for not more than one month with an additional five per centum for each additional month or fraction thereof during which such failure continues not exceeding twenty-five per centum in the aggregate but in no case shall the amount added be less than five dollars ($5)

(b) Failure to pay tax through negligence or fraud

(1) If any part of any underpayment of any tax imposed by this act is due to negligence or intentional disregard of rules and regulations (but without intent to defraud) there shall be added to the tax an amount equal to five per centum of the underpayment

(2) If any part of any underpayment of tax required to be shown on a return is due to fraud there shall be added to the tax an amount equal to fifty per centum of the underpayment This amount shall be in lieu of any amount determined under paragraph (1)

(c) Failure to pay estimated income tax In the case of any underpayment of estimated tax by an individual there shall be added to the tax imposed by this act for the taxable year an amount determined at the rate of six per centum per annum upon the amount of the underpayment for the period of the underpayment

Section 472 Penalties (a) Penalty assessed as tax The penalties and liabilities provided by this section shall be paid upon notice and demand by the department and shall be assessed and collected in the same manner as taxes Except as otherwise provided any reference in this act to "tax" imposed by this act shall be deemed also to refer to the penalties and liabilities provided by this section

(b) Failure to collect and pay over tax or attempt to evade or defeat tax Any person required to collect truthfully account for and pay over any tax imposed by this act who wilfully fails to collect such tax or truthfully account for and pay over such tax or wilfully attempts in any manner to evade or defeat any such tax or the payment thereof shall in addition to other penalties provided by law be liable to a penalty equal to the total amount of the tax evaded or not collected or not accounted for and paid over No penalty shall be imposed under section four hundred seventy-one (b) for any offense to which this section is applicable

(c) Fraudulent statement or failure to furnish statement to employe Any person required under the provisions of section three hundred three to furnish a statement to an employe who wilfully furnishes a false or fraudulent statement or who wilfully fails to furnish a statement in the manner at the time and showing the information required under section three hundred three or regulations prescribed thereunder shall for each such failure be subject to a civil penalty under this section of fifty dollars ($50)

Section 473 Crimes (a) Attempt to evade or defeat tax Any person who wilfully attempts in any manner to evade or defeat any tax imposed by this act or the payment thereof shall in addition to other penalties provided by law be guilty of a misdemeanor and shall upon conviction be sentenced to pay a fine not exceeding five thousand dollars ($5000) or to undergo imprisonment by separate or solitary confinement at labor or to simple imprisonment not exceeding two years or both

(b) Wilful failure to collect or pay over tax Any person required under this act to collect account for and pay over any tax imposed by this act who wilfully fails to collect or truthfully account for and pay over such tax shall in addition to other penalties provided by law be guilty of a misdemeanor and shall upon conviction be sentenced to pay a fine not exceeding five thousand dollars ($5000) or to undergo imprisonment by separate or solitary confinement at labor or to simple imprisonment not exceeding two years or both

(c) Wilful failure to file return supply information or pay tax Any person required under this act to pay any estimated tax or tax required by this act or by regulations made under authority thereof to make a return (other than a return required under authority of section four hundred five) keep any records or supply any information who wilfully fails to pay such estimated tax or tax make such return keep such records or supply such information at the time or times required by law or regulations shall in addition to other penalties provided by law be guilty of a misdemeanor and shall upon conviction be sentenced to pay a fine not exceeding five thousand dollars ($5000) or to undergo imprisonment by separate or solitary confinement at labor or to simple imprisonment not exceeding two years or both

(d) Fraudulent statement or failure to make statement to employes In lieu of any other penalty provided by law (except the penalty provided by section four hundred seventy-two (c) any person required under the provisions of section three hundred three to furnish a statement who wilfully furnishes a false or fraudulent statement or who wilfully fails to furnish a statement in the manner at the time and showing the information required under section three hundred three or regulations prescribed thereunder shall be guilty of a misdemeanor and for each offense upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo imprisonment by separate or solitary confinement at labor or to simple imprisonment not exceeding one year or both

(e) Fraud and false statements Any person who

(1) Wilfully makes and subscribes any return statement or other document which contains or is verified by a written declaration that it is made under the penalties of perjury and which he does not believe to be true and correct as to every material matter or

(2) Wilfully aids or assists in or procures counsels or advises the preparation or presentation under or in connection with any matter arising under this act of a return affidavit claim or other document which is fraudulent or is false as to any material matter whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return affidavit claim or document shall be guilty of a misdemeanor and shall upon conviction be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo imprisonment by separate or solitary confinement at labor or to simple imprisonment not exceeding two years or both

(f) Fraudulent returns statements or other documents Any person who wilfully delivers or discloses to the department any list return account statement or other document known by him to be fraudulent or to be false as to any material matter shall be guilty of a misdemeanor and shall upon conviction be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo imprisonment by separate or solitary confinement at labor or to simple imprisonment not exceeding two years or both

(g) Unauthorized disclosure of information (1) It shall be unlawful for any officer or employe of the Commonwealth to divulge or to make known in any manner whatever not provided by law to any person the amount or source of income profits losses expenditures or any particular thereof set forth or disclosed in any income return or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law and it shall be unlawful for any person to print or publish in any manner whatsoever not provided by law any income return or any part thereof or source of income profits losses or expenditures appearing in any income return and any person committing an offense against the foregoing provision shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars ($1000) or imprisoned not more than one year or both together with the costs of prosecution and if the offender be an officer or employe of the Commonwealth he shall be dismissed from office or discharged from employment

(2) Notwithstanding paragraph (1) of this subsection it shall be lawful for any officer or employe of the Commonwealth having custody of income returns or reports to produce them or evidence of anything contained in them in any action or proceeding in any court on behalf of the department in an action or proceeding under the provisions of this act to which it is a party or on behalf of any party to any action or proceeding under the pro-

visions of this act when the reports or facts shown thereby are directly involved in such action or proceeding in either of which events the court may require the production of and may admit in evidence so much of said reports or of the facts shown thereby as are pertinent to the action or proceeding and no more Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return or report filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the inspection by the Attorney General or other legal representatives of the Commonwealth of the report or return of any taxpayer who shall bring action to set aside or review the tax based thereon or against whom an action or proceeding has been instituted for the collection or recovery of the tax imposed by this act

Part VIII Enforcement and Examinations

Section 480 Rules and regulations The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

Section 481 Examinations The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any taxpayer or supposed taxpayer and to require the production of a copy of his return as made to and filed with the Federal government if one was so made and filed in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by this act Every such taxpayer or supposed taxpayer is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any taxable income which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such taxable income The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

Section 482 Cooperation with Federal government Notwithstanding the provisions of section four hundred seventy-three (g) the department may permit the Commissioner of Internal Revenue of the United States or the proper officer of any state imposing a tax based upon the incomes of individuals or the authorized representative of either such officer to inspect the income tax returns of any individuals or may furnish to such officer or his authorized representative an abstract of the return of income of any individual or supply him with information concerning any item of income contained in any return of income of any individual Such permission shall be granted or such information furnished to such officer or his representative only if the statutes of the United States or of such other state as the case may be grant substantially similar privileges to the proper officer of the Commonwealth charged with the administration of the personal income tax law thereof

Article V

Miscellaneous Provisions

Section 501 Saving clause Notwithstanding anything contained in any law to the contrary the validity of any ordinance or part of any ordinance or any resolution or part of any resolution and any amendments or supplements thereto now or hereafter enacted or adopted by any political subdivision or school district providing for or relating to the imposition levy or collection of any tax on wages salaries bonuses commissions or other compensation for services or on net profits of a business trade profession or occupation shall not be affected or impaired by anything contained in this act

Section 502 Constitutional Construction (a) If any word phrase clause sentence or provision of section two (e) or sections two hundred one two hundred two and two hundred three is held generally inoperative or unconstitutional by reason of any provision of the Constitution of this Commonwealth this entire act shall be void and of no effect It is hereby declared as the legislative intent that this act would not have been adopted had such word phrase clause sentence or provision thereof not been included herein

(b) If any other word phrase clause sentence section or provision of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional word phrase clause sentence section or provision thereof not been included herein

Section 503 Effective Date (a) In general The provisions of this act shall take effect immediately subject to the provisions of subsection (b) of this section

(b) Measure of tax All income received by a taxpayer after the thirty-first day of December one thousand nine hundred fifty-five shall be included in the base upon which this tax is measured For the purpose of withholding tax from wages as provided in section three hundred one (a) the amounts withheld initially shall be increased according to rules and regulations prescribed by the department until the amount withheld equals the amount which would have been withheld had such withholding begun with the first payment of wages after the thirty-first day of December one thousand nine hundred fifty-five

On the question recurring,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, at long last we have come to the time when we have before us a bipartisan tax program which is, in part, adequate to meet the needs of the Commonwealth. It is also the time for some hard, plain talk concerning the financial agonies of the state, and following the debate on this subject, action by the Members of this body.

This can be a day on which the first and most important step can be taken toward the solution of a most vexatious problem, or it can be another dreary episode in the tax story, leading nowhere. You, and you alone, can determine that.

I have thought long and hard, as others have, and have prayed earnestly for the wisdom necessary to choose words which will persuade a sufficient number of us to agree on the proper solution. This is not my burden alone as Majority Floor Leader, as others will undoubtedly take the floor with the same objective in view, and I urge them to do so. May God bless their efforts!

What is plain, hard talk concerning the tax woes of our beloved State? In my opinion it's a realistic and harsh appraisal of what we need in terms of money, and who is going to pay it! The economic and political aspects of the problem must both be discussed, freely, frankly and openly. It is to this task that I address myself this afternoon.

The first phase of the subject, the financial needs, is a portion with which I intend to deal rather briefly, not because it is less important, but because it has been discussed so fully on former occasions on the floor of this House, and elsewhere. I think it can be stated categorically that the need for new revenue for the balance of this biennium lies between the figures of $400 million and $490 million. The House and Senate, either jointly or sepa-

rately, have passed, and will pass when the general appropriation bill moves, appropriations totalling $1,300 million. This is indicative of whether or not we will need a sum approximateing $465 million. However, as there will apparently be a difference between the two branches of this Legislature on the amount needed, the matter will probably be decided by a conference committee and we need not dwell too long upon it at this time. Unquestionably, it will be more than $360 million.

The second phase, the method by which this sum of money shall be raised, is our main concern today.

Let us review briefly what has happened, tax-wise, in the more than thirteen months we have been here. First, the classified income tax was proposed—and defeated in the Senate. Second, the manufacturer's excise tax was proposed—and defeated in the Senate. Next the Republican majority in the Senate amended the excise tax into a consumer's use tax, or in plain words a retail sales tax, at 3 per cent, proceeded to amend it by excluding all their friends and wound up with a revenue bill which would raise only $225 million—and failed to pass even that! Next, the House brought out the Hewitt retail sales tax bill, at 3 per cent and brought it to a vote on January 24th. The bill as amended by the Democrats on second reading was calculated to raise $375 million, and as proposed by Republican amendments at 2 per cent would have raised only $285 million. The bill was defeated by a vote of 38-157 with 17 Democrats and 21 Republicans voting for it. Remember this figure, only 21 Republican Members voting for it!

Following this the Speaker of the House suggested that a bipartisan committee be selected by the Majority and Minority Leaders of the House to evolve a tax program. This was done, and a committee of eight, four Democrats and four Republicans, was named. They met, they discussed and not as politicians, a bipartisan tax program, one calculated to raise $360 million, with the understanding, announced, that the balance of the funds necessary to balance the budget would be raised through tax bills already passed by the House and in the Senate. This proposal, which is embodied in the bills before us today, was to be voted on on Thursday, February 9th, but because the Governor refused to commit himself on the matter of signing all the bills in the package, if they reached his desk "as a Package," action at that time was deferred, as the Republican Members, with a perfect right to do so and in accordance with the agreement of the bipartisan agreement, had insisted upon this commitment being made in return for their support of the program.

Now, I ask you, what basically has changed since that date if the program was good then, and both the Majority Leader and the Minority Leader after meeting in caucus with their Members on Monday, February 6th, were assured of at least 113 votes for all of the bills, coming from both sides, why should that not be true today? Have pressure groups, have vested interests affected, have certain newspapers, been able to reverse the position of some Members to the extent that this program is no longer desirable.

Let us analyze the program and see whether it is good or bad.

In the first place, let us assume that if this proposal goes "down the drain" the only other solution will be a 3 per cent general retail sales tax, with no exemptions except food for home consumption. I think by this time it will be pretty generally conceded that anything less than this will not bring in the revenues which will be needed. I refer you to the Journal of January 24th for the figures involved—and at that time the figures were undisputed. This, as you will remember, required taxation of all clothing, restaurant meals, and disallowance of trade-in values. Blame us, if you wish, for the fact that this is true because we allowed the old sales tax to expire on August 31, 1955, or did not reenact it at a higher rate then, because we did not believe it to be a fair tax, but please, I beg of you, recognize as a fact that if you did not vote for this bipartisan program you will be forced to vote for a sales tax you don't want, one you have already voted against, one you don't believe in, and one which the public won't like!

Let us spend a few minutes analyzing the bipartisan proposed program to see what, if anything, is economically or morally, or politically, wrong with it. It is estimated to yield through an income tax $210 millions, and through a gross receipts and selective sales tax, $150 millions. Let us talk about the income tax first. This bill, imposing a 2 per cent tax on a person's net taxable income as figured for Federal tax purposes would impose a relatively light burden on the average family. For example, a man earning a salary of $3,500 per year, with a wife and two children, would pay only $15.00 to the Commonwealth. This is based on figures of a representative of the Pennsylvania Economy League not some figures I dreamed up. The same man, earning $2,650 or less, would pay nothing under this bill. He would, of course, pay some amount under the sales tax on whatever he purchased, and so he should. Everybody must expect to contribute something, if the Commonwealth's needs are to be met. But under this bipartisan program it will be somewhat in accord with a person's ability to pay. But to continue the argument concerning the income tax as a part of a balanced program, let me make this point. Reliable statistics, again compiled by the Pennsylvania Economy League, indicate that the total income received by all Pennsylvania citizens during the year 1955 was 8,846,000,000 and that approximately 20 per cent of this income, or $1,600,000,000, was received by those whose income was in excess of $15,000 per year. A 2 per cent income tax on this amount would yield $32 million. Would anybody in this House seriously argue that most of this income in excess of $15,000 per year will be made to contribute much under a sales tax? Of course, some of it will be used to purchase taxable items such as autos, furs, jewelry, etc., but as I stated before, much if not most of it will be saved or reinvested and therefore not made to contribute its fair share toward the taxes we do desperately need. And indeed, why should not this more favored income group be made to carry its fair share of the tax burden? Why? Why? Who among us is going to take the floor of this House and plead that this favored group should be protected against an income tax, a part of this bipartisan proposal, which will impose no unjust burden on it, but will relieve the lower income groups by upwards of $30 million? Who among us is willing to show by his vote against this income tax bill that he wants to favor this economically-favored group?

Mr. Speaker, if any Members are tempted to come to the defense of our more wealthy citizens in this respect,

let them bear the following facts in mind. It is a well known fact that persons of substantial incomes when making up their Federal tax returns, itemize their deductions rather than use the blanket or standard deductions of 10 per cent because of the limit of $1,000 set thereon.

This being true, let me refer again to the figures compiled by the expert of the Pennsylvania Economy League. Taking the same family of four, a man with a yearly net taxable income for Federal tax purposes of $25,000 would pay, under the bipartisan income tax bill the sum of $432.00. However, as this person would be in rather high Federal rate brackets, and as he would be allowed to deduct the tax paid to Pennsylvania in computing the base for his Federal income tax, the net additional cost to him of both his state and Federal taxes would be but $177.12. What a terrible burden!

Let us take another case of a man with an income of $150,000 per year (and there are some, I'm told), and see what happens to him under our bill. He would pay us at 2 per cent the sum of $2,932, but after computing and paying both of his taxes he would be out of pocket the tremendous sum of $322.52!

It may be that by this time some of you are puzzled by these figures and are thinking, "How can this be?" The answer is that less money is sent by Pennsylvanians to the Federal Treasury and more of it is kept here at home for our own needs. Is there anything wrong with that! If there is, then twenty-nine states have been guilty of wrong-doing for some time, as there are that many which use a general net income tax.

There are many more arguments which could be made on the economic wisdom of adopting this part of the bipartisan tax proposal as a well-balanced program, but time will not permit me to elaborate upon them today, as other matters must be discussed.

Let us talk now about some of the arguments that are being made against an income tax.

One eminent Member of that other place has stated that he is opposed to an income tax because history shows that once one is adopted it is never repealed. Can that statement stand up in the light of truth? Pennsylvania had a sales tax back in the 1920's. It was repealed. It had a mercantile tax, of sorts, for many years. It was repealed. It had a general sales tax for two years. It was allowed to expire. What is so permanent about an income tax? If it is as bad as some of its opponents would have us believe, and since our party is accepting responsibility for it, would it not be reasonable to presume that the people would show their displeasure at an election and cause it to be repealed?

Others argue that people don't like to fill out more forms. Well, the withholding requirement of the bill answers this for most persons. It will eliminate the need to file more than one form per year, and that one can be so simple that it could be completed in five minutes.

Another argument is that since it will affect "take-home" pay it will cause employees to ask for another increase in pay. Now isn't that some argument! Let us see, if a man's tax is $25.00 a year, the deduction would be about 48 cents a week. Hardly enough to cause a strike over wages. And what about the same man's need for more money to pay a 3 per cent sales tax? Obviously this argument is a phony.

Still another is the fact that some municipalities have found it necessary to impose a small rate wage tax to finance their needs and meet the increase in the cost of living, and that therefore some of our citizens will have three income taxes to pay. Granted that this seems rather severe, should it deprive the Commonwealth of the right to impose a fair and equitable tax on the people to finance its needs? Would the people affected be happier if the state shifted much of the burden of education back to the local school districts and thereby eliminated the entire need for an income tax? Would we want to destroy equality of educational opportunity in Pennsylvania, which is what we would be doing if we did make such a move?

Would the people of Pennsylvania want us to shift back to the counties all forms of public assistance? Remember that the budget calls for $138 million for this.

Of course we wouldn't do these things, and nobody is urging us to, but the state must have funds, or there will be no choice in the matter.

Let that suffice for the moment on the income tax portion of this talk, and let us discuss the sales and gross receipts tax bills, which are the Republican-sponsored part of the bipartisan proposal. Fundamentally, is there anything wrong with either of them? I say there is not!

The first is a selective sales tax which excludes many things such as clothing, medicine and many of the things we need in daily life and which feature of the bill keeps it from being regressive in nature and impact. The very fact that its estimated yield is but $119 million for fourteen months as against a yield of $385 million from a 3 per cent general sales tax indicates the difference in impact.

The gross receipts tax also has definite merit. Its yield of $31 million would be raised from a source which has long been taxed in many states, restaurant meals and beverages and hotel and motel accommodations. And I want to blast one argument which has been stressed against this bill, and that is that this tax cannot be passed on to the consumer, that it will have to be absorbed by the operator of the business and that his margin of profit is too small to do this. I will grant that the profit may be too small to absorb the tax, but I defy any restaurant operator to prove that he cannot pass the tax to the buyer in the same manner as a direct sales tax would be passed on. When coffee prices soared some years ago, what happened? Coffee jumped from 5 cents to 10 cents per cup almost universally. I didn't see any restaurants going out of business as a result of it.

But I dwell overlong on the defense of that portion of the tax proposal which was contributed by our Republican brothers. I have no doubt that the able Minority Leader and his colleagues will very capably refute any and all arguments which might be levelled against their bills.

And now we come to an even more difficult part of this discussion and one which, unfortunately, cannot be avoided. That is the problem of either having or not having a bipartisan tax program passed by this House, wherein all tax measures must originate. It was truly bipartisan on February 9th, when the income tax bill

was assured of 119 votes and the others of nearly as many. On that date no vote was taken for the reason that the Governor would not then agree to sign all three of these bills if they reached his desk "as a package," and without this commitment there was no Republican support for the income tax. There was no breach of faith upon the part of Governor Leader at that time, as has been noted in parts of the press recently, as he had never stated that he would sign all of them. Let the record be kept straight on this matter.

What has happened to the bipartisan spirit to solve this problem in the intervening period of twelve days? From the reports I hear much of it has vanished among the minority membership. But I don't believe all the reports I hear! And I won't believe them unless I see evidence of it on the votes on these bills today! You will see evidence of our good faith, when more than forty Democrats vote for your part of the package this afternoon. And don't believe for a moment that they are doing so because they like to. They don't enjoy it any more than you do voting for an income tax But in Heaven's name, let's have some guts! We must have a tax program, the one before us makes sense, both economically and politically, so let's pass these bills and hope that in the near future we can go home! Are we going to run to cover on these tax measures as soon as some lobbyist speaks crossly to us, or some vested interest claims it will be taxed, or some politician says it doesn't suit him? You show me a tax that doesn't hurt somebody and I will be looking at one that does not raise any money. Nobody likes to pay taxes, and none of us contend we do. With my income I would fare much better under a 3 per cent sales tax, so would you, and you, and you. But we wouldn't honestly be pulling our share of the load. We would be letting some other fellow, less able, have the privilege of doing a little more.

In conclusion, let me say this: Twelve days ago you paid me one of the greatest compliments a Legislator could ever hope to receive, and I will be eternally grateful to you for it. Today I am the same "Dumb Dutchman" I was then, begging you, imploring you, to understand the rightness, the equity and the decency of this program as we see it, and to support it.

Let us declare a holiday on politics, join hands and prove to the people of Pennsylvania that we do not intend to let down our schools, our mental patients, our indigent and others who need our help.

Mr. CHARLES C. SMITH. Mr. Speaker, may I interrogate the Majority Leader?

The SPEAKER. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. CHARLES C. SMITH. Mr. Speaker, am I to understand today from the Majority Leader's speech that if one of these bills—let us take for example the income tax bill, which is the first bill on the calendar to vote on—should fail, the other two bills will be called up?

Mr. READINGER. They will, Mr. Speaker.

Mr. CHARLES C. SMITH. That is adverse to our original bipartisan agreement. Am I right on that?

Mr. READINGER. That is correct.

Mr. CHARLES C. SMITH. Am I to believe, Mr. Speaker, as far as the bipartisan designation of these three bills, that that bipartisan tag is now wiped out in everything except spirit?

Mr. READINGER. In answer, Mr. Speaker, I would say that the original agreement of the bitpartisan tax committee, the group of eight, is no longer in effect for the reason that it was agreed by that group that if any part of this package failed to pass, none of it would pass. Unfortunately, due to the events which have transpired, that agreement is no longer in effect.

Mr. CHARLES C. SMITH. I thank the Majority Leader, Mr. Speaker.

Last week I congratulated the Majority Leader, and again I think he is due for congratulations. He made a very eloquent plea, a plea that I think we should think about.

Today I am not going to discuss the merits or the demerits of these tax bills. I think all of us know what they are. We know it is a two per cent income tax we are voting on now that was sponsored by the Democrats, and we will vote, according to the Majority Leader, on a two per cent selective sales tax on durables, luxuries, food, drink and lodging in restaurants, hotels and clubs which was sponsored by, and which has the blessing of the Republicans.

As the Majority Leader said, these two taxes will bring in approximately $360 million in the next fifteen months. I believe those figures are conservative, in all fairness to him. I do not believe anybody can stand on the floor of this House on either side of the House and argue that at least this amount of money is not needed. I think it is a basic fact. I think all of us are honest and will recognize that it is at least $100 million less than the Governor has insisted and said he needed to balance his own budget.

We Republicans have said that the Senate will definitely have the final words on appropriations. If the Senate decides that there is a need for more than $360 million to balance the budget, as the Majority Leader said, there are other taxes passed by this House and now in the Senate. They can vote on those taxes and bring them out and pass them. They can vote on any amount of taxes they feel is necessary to do the job.

These bills, originally, as the Majority Leader said, were presented to the House about two weeks ago as a bipartisan program. The Majority Leader and I agree that they lost their bipartisan nature two weeks ago when the Governor refused to say that he would sign the bills if they were put on his desk. At that very moment two weeks ago the solution to his budget problems was within his grasp. We believe, and I say this with all sincerity, that the Governor fumbled the ball. He let the opportunity slip from his hands at that time and now no one is sure whether these bills can pass or what the alternative will be.

I again want to go on record with the Majority Leader that there were sufficient votes to pass all three bills, according to the words of the men in our caucuses, and those men do not go back on their word, believe me.

I do not know what is going to happen now. I do not know if there is even going to be a tax program. I do not think the Majority Leader knows if there is going to be a tax program, as he has stated.

The Governor said the other day whether this program

passes or not will show whether Charlie Smith is sincere. Let me say this to the Governor, if this program fails, Charlie Smith and the Republican Members, and Al Readinger and the Democratic Members, were the most sincere people in the world two weeks ago. Let him remember that. If this program fails, he and his political advisers are going to take the responsibility and not the Members of this House, or Charlie Smith, or Al Readinger.

Two weeks ago we had the votes to pass this program and all that we asked of the Governor, the only place where he fitted into the picture, was that he say and do what we were going to do, commit ourselves for the program. We asked him in advance to commit himself for the program and, as all of us know, he refused to do it at that time. He decided the next day that he would commit himself. He had a change of heart. That was not our fault, we were out of session the next day. If these bills die, we did not kill them—and I say that with all emphasis—the Governor killed them two weeks ago. I admit he has said since then that he would sign the bills. But even the Governor, with all of the power that is in his office, does not have the strength or the authority to breathe life into something that he himself killed. It just cannot be done.

Let me ask you, why did the Governor refuse at first to say he would sign them? According to a television broadcast a week or so ago, the Democratic State Chairman said that he advised the Governor to do so. That is what he said himself. I ask you, why did the Governor change his mind the next day?

The same Democratic State Chairman, according to his own statements, told him to change his mind. So the Governor changed his mind the next day. That was when everyone knew the program was dead. When you on the other side started being hopeful again, and you were, and your Majority Leader was hopeful for the two-week period and even this week, then let me ask you what happened. Over in the other branch of the Legislature we find two Democratic Senators from Allegheny County, who must have had the support of the Governor and the Democratic State Chairman to do anything politically—I do not think they do things without the Governor's knowledge or without the Democratic State Chairman's knowledge—started suddenly to propose and to suggest, so that the Press got it around, that they revive the three per cent sales tax now in the Senate. That was a Democratic suggestion, it came from the Democrats and it was made public by the Democrats.

Mr. Speaker, there are going to be votes on this side of the House for every one of these bills. I want it definitely understood that we have not taken any caucus rule, we have not done that this entire session. I do not believe we on this side of the House have taken a unit rule in caucus for as many years as I can remember. We have not tried to tell our Members how they should vote. I feel the same as the Majority Leader, while it originally started out as a bipartisan program and it died, the spirit of bipartisanship is still there. If some of the men on our side of the House feel they should vote for any one of these bills, as far as I personally am concerned, none of them were discouraged and none of them were encouraged.

If you cannot pass the income tax with the help that we are going to give you—and I cannot even tell you how much help we are going to give you today, but I do say there will be some, because some men volunteered—then the Governor should not try to blame us. Let him again remember, and I say this for posterity, because I know what will happen if these bills pass, I can see the Governor standing on television and trying to shift the blame. But let me remind him when he shifts the blame to get a doggone good argument up as to why he did not say he would commit himself two weeks ago. Let him remember that. If you cannot pass this tax today, it is the Governor who pulled the rug out—keep that in mind—and not us and not you people.

As soon as a compromise program was agreed upon the Governor and the Democratic State Chairman evidently set out to scuttle it, because it was your own Democratic State Chairman, by his own words who said he told the Governor not to sign the bill. First the Governor tried, and now they are using two Democratic Senators from Allegheny County to scuttle the bill. Why, I do not know, but I will let you make your own guess.

Let me say to you, if these bills fail by the refusal to put up enough votes to pass them, I am in the same boat as the Majority Leader, I do not know where we are going to go from here. Again I cannot be too emphatic in saying to you that I believe everyone who sat on that committee and every Member of this House on both sides of the aisle were sincere and willing to forget politics two weeks ago, and that is when the bills should have passed, and it would have been water over the dam.

Today, unfortunately, we cannot give you the same number of votes for your income tax as we had two weeks ago. As anyone in the Legislature knows, you do not get votes by leaving a tax program stay on the calendar. It is one of the things that unfortunately happens, you lose, you never gain, votes for a tax program. You have the 111 votes. I do not say this to shift responsibility to you Members of the House, because you have been honest and fair, but you have the 111 votes, you have more than the constitutional majority. If you can produce them, more power to you, I take my hat off to you. If you cannot, I do not know where we are going from here.

Mr. MUSTO. I wish to interrogate the Minority Leader.

The SPEAKER. Will the Minority Leader permit himself to be interrogated?

Mr. CHARLES C. SMITH. I shall, Mr. Speaker.

Mr. MUSTO. Mr. Speaker, I wish to ask the Minority Leader, must a bill that passes the House of Representatives appear in the upper chamber before it goes to the Governor?

Mr. CHARLES C. SMITH. I would say "yes," Mr. Speaker. It has to pass both the House and Senate.

Mr. MUSTO. Now then, Mr. Speaker, may I ask the Minority Leader was he along with the committee, the non-partisan committee, when they asked the Governor to commit himself to something that had to pass the upper chamber before it got to him?

Mr. CHARLES C. SMITH. Mr. Speaker, I believe I did not quite understand the gentleman but he may correct me. Did he state was I along with the bi-partisan committee?

Mr. MUSTO. No, the question, Mr. Speaker, is—was this committee saying to the Governor of this Commonwealth when they wanted to bypass the Senate, to have the Governor commit himself to a program that was supposed to be non-partisan, and according to the interpretation that I get, non-partisan program ought to be agreeable to both sides, meaning the Republican and the Democrat.

Mr. CHARLES C. SMITH. All I could say to the gentleman, Mr. Speaker, was that it was an agreed upon program and the fact whether or not the Governor would sign or would veto the package was part of the agreement within the committee.

Mr. MUSTO. That is all, Mr. Speaker.

Miss LEIBY. Mr. Speaker, I have been seated in the Hall of the House and listening to these different men speak. I know that very often when our Minority Leader speaks, he is very convincing. Sometimes I felt myself slipping down, down, down, down into a sea of Republicanism. But just before I went under some spark of Democratic common-sense would come to my rescue and I would come bobbing up, twice as confident and serene in my Democratic heritage.

But I do want to say that on February 9th I got a new picture of our Minority Leader. I semed to see him in his true colors. Now, what was the real person that I saw on February 9th? I saw someone that I think was a very, very grand person indeed, a man who could stand up and give credit to the good qualities of you, Mr. Speaker, and of our Majority Leader, just as he believed in the good qualities on his side, even thuogh they are of different political opinions. On that same day I saw the older Members of our House stand up in deep appreciation of the work of our bi-partisan committee.

I think those other people that are Members of our House, people who are highly respected and deeply honored in the communities that elect them, showed a wonderful thing in the House of Representatives on that day. When we can appreciate each other apart from politics we are on a high ethical standard and I am proud to be a Member of this House. I know that we must have political debate in our country. Imperfect as it is, we have found that the two party system has worked better than any other system that any other country seems to have tried.

I know that many times, I felt a little hurt about the things that were said about us in a political sense, but I know politics is separate from personalities and should be kept separate, and that we must have political arguments.

I sometimes think that political arguments are something like what they say about what strong drink or liquor is. Used in reasonable amounts it is supposed to be invigorating and stimulating, but used to excess it becomes poisonous and disgraceful. So, in reasonable amounts we should expect to be questioned by our opponents. I believe that they regard our Governor in the same way as they regard us. They know that our Governor is a fine young man. They know that he is in a difficult position as a Governor of such a great state. They know because of his youth he has to accept advice from many others who seem to be older and claim they are wiser.

We know that he may have made mistakes and that his advisers, no matter how pure their motives, were very often unduly harsh and very tactless in giving advice. But I do think that every man and woman in this House knows that when the Governor is fighting for these taxes, he is not fighting to put money in his own pocket, he is fighting to help to carry on the traditions of our state. Most of the things for which money is needed were passed by previous Legislatures, but due to the rising cost of living, due to the great increase in scientific appliances and scientific discoveries, these very same things cost more now than they did previously.

Our Governor wants this money to help our poor, to help our sick, our blind, our crippled people, our retarded children, our people who are mentally ill.

Now, we know, we have had a good exhibition of what happened on February 9th. The Governor was supposed to say absolutely that he would sign these bills. As far as the benefit to our constituents is concerned, the benefit without the Governor's signature on all the bills would have been the same, but for political purposes, so that they could make the Governor swallow his own words, as one said, they forced him, or they wanted to force him to say at once that he would sign that bill and he didn't want to do that.

Why didn't he want to do that? For the very same reason that very many Members on both sides of the House didn't want him to sign the bill. They, too, wanted to go back to their constituents and say, "We don't believe in this bill; we didn't work for it." That is true on both sides of the House, and yet in their hearts they wanted the bill to pass because they knew that bill had to pass in order to fulfill what we are trying to fulfill in our state.

I was hoping that I could help these people to find a way by which they could in conscience vote for these bills and go back to their constituents and tell them so.

We pray every day in this House to "Our Father, Thy will be done on earth as it is in Heaven." Now, what does it mean to do our Father's will on earth as it is in Heaven? Who taught us what our Father's will was? The greatest Teacher that ever lived Jesus Christ came down to teach us how to live with our fellowmen. He taught us three things, love, mercy and compassion. In His talking, in His working among the people of His day He told many stories like the "Prodigal Son," like the "Good Samaritan," and the story that I like best about what to expect on the last day of judgment. He said the people would be divided, some on the right and some on the left, and on the right side would be the people of whom He said, "When I was hungry, ye gave Me meat, when I was thirsty, ye gave Me to drink; when I was naked, ye clothed Me; when I was in prison, ye visited Me; when I was sick, ye came to see Me; when I was a stranger, ye took Me in." The people that stood on His right hand were honest and said, "'We never saw Thee sick or in prison or hungry or thirsty." And the Lord Jesus said that His Father said, "Inasmuch as ye did it unto the least of these, My brethren, ye did it unto Me."

What is our great state doing, our great Commonwealth of Pennsylvania? We are doing the will of our Father through our various agencies. We are helping the blind, we are helping the crippled, we are helping those that are mentally ill and the sick and the poor. This money is not for us; this money is for those of our con-

stituents who need money so that we today who are in this House have the opportunity of fulfilling the will of our Father. We are the spiritual descendants of William Penn who founded this great Commonwealth. He was a rich man who decided to use his wealth as he believed his Father in Heaven wanted him to do, and he founded this wonderful Commonwealth.

We today have the opportunity to be the humble instruments of carrying out God's will, so that we today can pass the laws that will provide the money to do the will of God here on earth. I urge all of you to forget politics on this 127th day of our session. We have tried everything. We know that this is the best that a bipartisan committee could bring up. Let us forget politics today and vote for this bill as we would vote being Christians and believing in God.

Mr. GOLDSTEIN. Mr. Speaker, will the Majority Leader consent to be interrogated?

The SPEAKER. Will the Majority Leader consent to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. GOLDSTEIN. Mr. Speaker, has the Majority Leader received a written opinion from the Attorney General as to the constitutionality of the bill now under discussion?

Mr. READINGER. Mr. Speaker, I have not. The Attorney General's office does not furnish legal opinions to the Legislature under the law.

Mr. GOLDSTEIN. Has the Majority Leader received a written opinion from any source as to the constitutionality of this bill?

Mr. READINGER. Mr. Speaker, I may have. I do not recall reading any, although I read the various cases involved which bear on the question of its constitutionality.

Mr. GOLDSTEIN. Does not the Majority Leader have some distinguished constitutional lawyers on the Democratic side, who would give him an informal opinion as to its constitutionality?

Mr. READINGER. Mr. Speaker, I think I missed the first part of that wisecrack.

Mr. GOLDSTEIN. That was not a wisecrack, that was an inquiry, that is all.

Mr. READINGER. Will the gentleman state the inquiry again? It sounded like a wisecrack.

Mr. GOLDSTEIN. I asked the gentleman sincerely as to whether or not some of the distinguished constitutional lawyers on his side had not supplied him with an informal opinion as to the constitutionality of this bill?

Mr. READINGER. Mr. Speaker, I thought that was what the gentleman said, that is why I thought it was a wisecrack. Seriously, Mr. Speaker, in answer to the gentleman's question, I have received no formal or informal opinion from any of my colleagues on this side, although many of them are constitutional experts.

Mr. GOLDSTEIN. Does not the Majority Leader feel that the nature of the bill is such that its constitutionality is doubtful?

Mr. READINGER. I certainly do not.

Mr. GOLDSTEIN. Does not the Majority Leader have a provision in this bill, which is under his sponsorship, stating in Section 502 that if the net income feature based upon the Federal basis is declared unconstitutional the entire bill falls?

Mr. READINGER. That is correct.

Mr. GOLDSTEIN. Then is it not true that if the net income feature as determined by Federal law is unconstitutional we would be without a tax, even though the bill passed and was approved by the Governor?

Mr. READINGER. Mr. Speaker, that is true of every tax bill. If its unconstitutionality is tested and the court rules it unconstitutional, we are without a tax bill.

Mr. GOLDSTEIN. Mr. Speaker, will the Majority Leader tell me how he distinguished this legislation from the case of Kelley vs. Kalodner in 320 Pa. wherein a somewhat similar but identical tax was declared unconstitutional?

Mr. READINGER. Mr. Speaker, in answer to that question I would say we have before us a different tax than was involved in the case of Kelley vs. Kalodner. I believe that was back in 1935. That was openly and avowedly a graduated income tax with different rates involved. It was ruled by the courts to be unconstitutional and a violation of the uniformity clause.

However, in the same year the Supreme Court decided and upheld in the Turko Paint Company case the constitutionality of the corporate net income tax. For the gentleman's information, I would say the tax bill before us today is very, very, very similar to the corporate net income tax.

Mr. GOLDSTEIN. Mr. Speaker, I wish to thank the Majority Leader for his kind answers both to my serious questions and so-called wisecracks.

Mr. GOLDSTEIN. Mr. Speaker, it is my sincere opinion that the constitutionality of this bill is greatly in doubt. I feel the Members of this House should have been armed with an opinion setting forth clearly and concisely that this particular legislation is constitutional.

I do not wish to go into a long debate with the Majority Leader as to the constitutionality. His reference to the Turko case is not analogous because it is well established that a corporate net income tax is not based upon a property tax.

I feel that we should have had an opinion. I believe the constitutionality of this tax is very doubtful. The Majority Leader in asking us to vote for this particular bill stated that some of us did not have any guts. Now I happen to have been one of the twenty-one Republicans who voted for the three per cent sales tax. I say that the nineteen Democrats who voted give lip service, they had no intention of having the three per cent sales tax pass.

I was sincere in my efforts to have that tax passed. I am not going to argue the difference of economic philosophy with the Majority Leader except to point out he showed himself that the $15,000 man only pays at the rate of one-fifth of one per cent upon his tax by virtue of the Federal income tax credit.

This tax is no burden upon the rich. I have no brief for the rich. We know in Pennsylvania today some of the wealthiest people do not pay one cent because they receive their entire income from tax free authority, state and municipal bonds.

The issue today is whether or not this is a sound tax. I have never been in favor of the bipartisan measure. I was not affected by the vacillation of George Leader. I intend to vote against every measure today because I believe the three per cent sales tax is a tax which is best for the interests of this state.

Mr. McINROY. Mr. Speaker, I had no intention of making a speech, but as some of you noticed I went down front to ask one of our leaders to make this statement because I see away over here some of the Members of the Majority Party have a scheme of "welching," if you want to use that word, or crawling out of their own income tax proposal. In other words, they are saying we should ask the Senate to make the same promise we asked the Governor to make.

Now here is the difference. On cross examination, Mr. Speaker, you yourself answered this over on the other side of the House before Christmas. You were asked the question, will the Governor veto any sales tax? Mr. Speaker, you answer was "yes." Then you were asked this question, have you enough votes on your side of the House coupled with ours to pass a sales tax over the Governor's veto? Your answer was "no." Then the answer of our Majority Leader was this, "There is no use kidding ourselves, we might just as well forget about a sales tax."

That is the reason pure and simple why we on this side wanted to know whether the Governor was going to sign it or veto it. As to what the Senate will do, I don't know.

I just want to make one more statement. I stood up here in front two weeks ago, I was asked to give the prayer. As some of you will remember, I prayed for men and women who would stand on their own two feet and use backbone instead of wishbones and vote for a tax program. I will not stand on my two feet, but will be sitting in my seat and I am going to vote for all three of these bills, just as I asked you people to do two weeks ago. I have not changed by decision, and I see no reason for you people, particularly you Democrats, to change. I am going to listen very carefully on this roll call and I am going to have a definite opinion. I am not going to tell you what it is, but I am going to have a definite opinion if any of you do not say "aye" in favor of the program that you made believe you were in favor of all year. I am going to have a very definite opinion of you. You can have your definite opinion of us if we do not go for the sales tax on our other part. I am going to sacrifice a few votes, but I am not going to lose, I will be back here for two years again next January, and so will some of you.

I can tell you the reason why you are not going to vote, if I wanted to. I have it right before me in the form of a letter, but I am not going to read it.

I am just going to say this, not only am I going to watch closely, but all over Pennsylvania they are going to be watching closely this afternoon, because this is the hour of decision. Look at that clock, 3:30 in the afternoon, Tuesday. If you Democrats do not give us 106 votes, you are the ones who are falling down. We Republicans are willing to help you, a few of us, but you should not ask any of us to help. I can hear your Speaker four years ago as he stood over there and said, "Trot out your 106 votes, trot them out." That is what he said.

I am willing to forget it and so are some of the rest of us over here. We are being men. Now, are you mice? I am going to see whether you are. Let's trot it out, let's get our names on the ballot. I am going to vote "yes," I want to see you Democrats votes "yes" too.

Mrs. REIBMAN. Mr. Speaker, I did not really have any intention of standing here and making a speech until after I heard the Minority Leader stand up and say the bipartisan label was erased from this tax program and in the next breath say the spirit of bipartisanship lives.

It does not make any difference to me whether Jeannette Reibman comes back here next session or not to represent the people of the Second Legislative District of Northampton County. What is important is that when I am here I do my duty as a duly elected official of the people in that district, the people who sent me here to help solve the financial ills that have befallen this beloved Commonwealth of ours.

As a private citizen I speak out now. As the mother of three children in school I want the very best education my tax dollar can buy for them in order to prepare them for the great burdens of citizenship which will befall them in future years and in order that they may be armed intellectually with the kind of educational background they will need to fight the onslaught of vicious ideologies which will be set before them. That is why I decided to run for office last year, so that my vote would count to make sure that my child and every other child in the Commonwealth would have their God-given right to at least be able to fight on an even keel with children all over the world.

For fourteen months we have sat here and argued tax philosophy. I am an ardent Democrat, just as many of you are ardent Republicans. It was my tax philosophy that the cost of the burden of government should be placed upon those most able to pay. I believer, along with that great Republican Lincoln, that it is the duty of the government to do for the people what they cannot do for themselves.

So I borrowed from Republicanism, from Lincoln, as well as my own Democratic heritage, to believe there should be a tax program based on ability to pay.

We argued that philosophy here for fourteen long months. Every day that we sat here cost the taxpayers of Pennsylvania hundreds of thousands of dollars which have gone down the drain.

We have now reached the point where we cannot prevail with our battle of tax philosophy for two very good realistic reasons. One is, we are hamstrung by a constitution which does not permit a graduated income tax, which is truly the one based on the ability to pay and one which does not have confiscatory rates.

We are based with another realistic fact. There are several gentlemen in another chamber of the General Assembly over on the other side of the Hall who refuse to heed the pleas of all the citizens of Pennsylvania and who are not at all interested, I believe, in the true welfare of the citizens of Pennsylvania. They are motivated only by their own special interests.

I stand here today fighting too for Allentown State Hospital, which is not in my Legislative District, but which services the people in my District. That hospital is one of twenty-two mental institutions in Pennsylvania, the only one that has a children's unit to aid the retarded and the mentally handicapped children in Pennsylvania. That hospital has been removed from the approved list of the American Psychiatric Hospital Association. Why? Only for lack of money, because they are over-populated and under-staffed. There are 2,200 souls in that hospital, citizens just as you and I, and but for the grace of God one of us could be sitting in that hospital and not be given

the kind of care which would send us back into our communities to be economically rehabilitated.

I campaigned very strenously against the sales tax because I believed it was not based on the principle of ability to pay. I did not think I was sent here by the people of my District to see the schools close their doors, to see the mental institutions striken from approved lists and the mentally retarded and handicapped children not given special training in the public schools so they too would have an even break in this fight for civilization in our country.

For those reasons I felt I would compromise a deep-seated principle and vote for today's tax package because it was the best kind of a bipartisan package arranged by the leadership on both sides of the aisle. As a package it should be voted upon, and as a package it should move through the House. Whatever happens to it in the Senate is beyond our ability to cope with.

We here in the House have the responsibility to provide the money to keep our schools open and keep our mental institutions and our hospitals going. I know when appropriation bills were voted upon in this House none of us voted for half appropriations, none of us voted to keep half of the schools in Pennsylvania open. I am sure we want every school to remain open. I am sure we voted for every dollar, not only half of the funds.

Therefore, I believe in all good conscience not one of us can sit here and do what past Legislators have done, put Pennsylvania in this financial crises that faces us now. We cannot sit here and vote appropriations, as has been done before, and not provide the money to pay for them. For those reasons, because I voted for entire appropriations to keep an entire school open, I shall vote for an entire tax bill which will pay the entire bill of the Commonwealth.

Mr. MOSCRIP. Mr. Speaker, although several of my colleagues are obviously anxious for the roll call, I will be very brief. Ever since the bipartisan proposal was made public, I have felt that it carried a great deal of merit and I have been rather outspoken from time to time in my support of it. Regardless of whose fault it may be, we find ourselves in a situation today, where every day that goes by is putting us deeper and deeper into the hole because we are now at a point where we have to put out a tax program that will at least substantially raise the amount of money we need to run twenty-four months of operation and with about thirteen to fourteen months of potential tax production.

As I say, regardless of where that fault may be, those are the cold facts. The cold facts are that a great many essential services are suffering. I do not feel that any legislator today or anytime from here on out can vote against the tax program unless he feels he has some alternative for which he can vote.

Since I am already recorded as voting against the sales tax which the Majority Leader mentioned, I intend to vote for these three bills today, and in my own mind they are a package, regardless of what the agreements may have been.

Mr. PETROSKY. Mr. Speaker, I arise at this time in behalf of the problem that is before us, not as a Democrat Member of the House but as a state representative of the people of Pennsylvania. I believe that this is a week of great determination in Pennsylvania. I believe that we should not discard the bi-partisan label of this program because we here sitting in this House, two hundred and ten Members, readily agreed to the formation of such a plan which would bring about an honest compromise in setting up a bi-partisan tax.

I do not intend to talk and belabor the point and mechanics of these bills, or the reasons for the need for the service because prior speakers have done a good job in doing that. However, I must say, coming at this date with what has already faced us and what will continually face us in the future in this problem that we are confronted with today, it will certainly be our responsibility here, the responsibility of both sides of this House in the event that we cannot put enough votes together to put this program across and send it to the Senate.

We cannot shirk that responsibility, the obligation is clear cut and it is ours. I firmly believe today, as I believed three, four, five weeks ago, when this plan was first formulated, that this is the answer to the fiscal problems of this Commonwealth. Now, I know that oratory is not going to pass this program, I know it is going to take votes and of necessity at this date it is going to take votes on both sides of the aisle for this program. I honestly believe, that this bi-partisan program is an honest compromise, if there ever was one, to the problem before us. Cannot this House, cannot all of us Representatives in this House shoulder our responsibilities, not as party members but as Members of the Legislature serving the people of this Commonwealth?

I am going to conclude, Mr. Speaker, with one remark, and that is this. I firmly believe that the House, if the House will pass this bi-partisan tax program reached by honest compromise, that of necessity that the time has come that the Senate must, because of sheer necessity, accept the program and shoulder their responsibilities as well.

I implore, I beg and I fervently hope that all Members, the Members on the other side of the aisle and the Members on this side of the aisle will face up to that responsibility, and I only hope that we can pass the entire package unanimously so that we can do the job that we undertook when we were elected into this office.

Mr. GIBSON. Mr. Speaker, I use this microphone so infrequently that I trust you will be tolerant with me. My remarks are going to be very brief. I will buy it, either in package form or wrapped separately.

I was one of the those who agreed to vote for the three bills two weeks ago. I have listened with a great deal of interest to these remarks, and nothing has caused me to change my mind. We were emotionally stirred to pay tribute to great leadership, to pay tribute to a man who has sweat blood and shed tears to bring about a realistic solution of our fiscal problems. I believe, Mr. Speaker, that kind of leadership demonstrated on both sides of the House deserves the support and kind of support that we can give this afternoon.

The opportunity to solve our long drawnout tax problems and fiscal problems presents itself in the first real concrete form that we have had in fourteen months, and I believe that it should be done. However, there is no real certainity, but I think the conclusion can be

rawn from the efforts this afternoon that we are going
see one or two of these bills go down the drain. How-
ver, I do want to be definitely on record, Mr. Speaker,
iat I have not changed my mind, and as I said before,
will buy it in either package form or wrapped separately.

Mr. STROUP. Mr. Speaker, will the Majority Leader
ermit himself to be interrogated briefly, please?

The SPEAKER. Will the Majority Leader permit him-
lf to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. STROUP. Mr. Speaker, is it my understanding that
e are not voting on these bills as a package?

Mr. READINGER. We are not voting on them as a
ackage, although we will vote on them one after the
her.

Mr. STROUP. And the idea of the package situation
entirely out of the picture, is that correct?

Mr. READINGER. Not in spirit, I hope, but the agree-
ent of the bi-partisan tax committee is the thing that
not present any longer.

Mr. STROUP. Mr. Speaker, will the gentleman inform
e whether or not he has any assurance from the Gov-
nor of this Commonwealth, as to whether or not he will
gn the bills if passed and if they are placed upon his
esk?

Mr. READINGER. The Governor stated publicly on
about the tenth of February that he will sign all of
ese bills if they reach his desk.

Mr. STROUP. Will the gentleman answer my question?
asked the gentleman, Mr. Speaker, has he any under-
anding with the Governor himself that he will sign the
les tax if it is placed upon his desk?

Mr. READINGER. As the Majority Leader, I have been
formed that the Governor will sign all three of these
ills when they are placed upon his desk. I believe they
ill get there.

You are asking me whether he will sign a sales tax
eparately if it gets to his desk, I cannot answer that.
hat is the answer to your question. If only one gets to
is desk and it is the only type of bill that is placed
ere, I do not know what he will do with it. I just can-
ot answer that question.

Mr. STROUP. We have no indication, therefore, of the
overnor's attitude, or his signature, except if all three
ills are placed on his desk as a package, is that correct?

Mr. READINGER. Yes, that was my understanding
f it. Yes, if the package came over as a package, he
ould sign all three of them. I cannot answer your other
uestion as to what will eventually happen if a sales
x and a sales tax alone is placed on his desk as a means
financing the Commonwealth.

Mr. STROUP. I thank the gentleman and now just a
ord, Mr. Speaker.

It is with deep regret that we face this situation this
fternoon when this matter was so perfectly resolved
vo weeks ago. We now have no assurance whatsoever
iat the bills, if they are placed upon the Governor's
esk individually, will be signed by him. At that time,
e could have given him the package bills.

However, it is my opinion, in the interests of the Com-
onwealth, although I fully realize that my constituency
e unalterably opposed to the two per cent income tax,
iat the time has come for all of us to work together to
y to resolve our financial difficulties. I, too, am burying my attitude toward the two per cent income tax and have come to the conclusion, in the interests of all of us and of the fate of our Commonwealth, to support these three package bills, in the hope that the Governor when it comes his turn to take a stand and when these bills are placed upon his desk, he will have the courage to sign the bills as they are placed there.

The SPEAKER. Does the Majority Leader desire to close the debate?

Mr. READINGER. Mr. Speaker, one of the prerogatives of the Floor Leader, as I have been told, is to be able to have the last word. So, I am going to take it and say let us vote.

The SPEAKER. The Chair desires to inform the Members that they must be in the House when the roll is first called, somewhere within the confines of this chamber, to qualify them to a vote. The Chair would request that the Members remain in their seats until the result of the roll has been announced on the various tax bills.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—110

Adam,	Frost,	Meholchick,	Scarcelli,
Amarando,	Gaffney,	Mihm,	Sherman,
Anderson, S. A.,	Garlock,	Monroe,	Smith, Wm. B.,
Ashton,	Gelfand,	Moran,	Snider,
Barnatovich,	Gibson,	Moscrip,	Stank,
Boles,	Guss,	Muldowney,	Stebbins,
Bonner,	Hamilton, R. K.,	Mullen,	Stephens,
Boory,	Hass,	Munley,	Stevenson,
Branca,	Heavey,	Murray, H. P.,	Stone,
Brennan, A. P.,	Holt,	Murray, J. J.,	Strausser,
Brennan, J. J.,	Jenkins,	Musto,	Stroup,
Breth,	Johnson,	Needham,	Swartz,
Bucchin,	Jones, G. E.,	Olsen,	Taylor,
Capano,	Kamyk,	O'Neil,	Thomas,
Cianfrani,	Kolankiewicz,	Pacchioli,	Toll,
Cioffi,	Kornick,	Pashley,	Toomey,
Cochran,	Leiby,	Paulhamus,	Varallo,
Comer,	Leonard,	Petrosky,	Wallace,
Curwood,	Leven,	Pettigrew,	Wargo,
Eilberg,	Limper,	Polaski,	Welsh,
Farabaugh,	Lopresti,	Polen,	Wheeler,
Filo,	Lovett,	Readinger,	Whitenight,
Fineman,	Lutty,	Reibman,	Williams,
Flint,	McCann,	Reidenbach,	Yetter,
Floyd,	McGee,	Renwick,	Yetzer,
Flynn,	McInroy,	Rovansek,	Young,
Frank,	McKeever,	Rubin,	Andrews,
Frascella,	McLaughlin,	Sarraf,	Speaker

NAYS—88

Agnew,	George,	Kratz,	Pursley,
Anderson, M. S.,	Gibb,	Kromer,	Rigby,
Auker,	Goldstein,	Lafore,	Rosen,
Banker,	Gramlich,	Leisey,	Rudisill,
Bazin,	Greenwood,	Light,	Schuster,
Bell,	Guthrie,	Lippincott,	Smith, C. C.,
Blair,	Haudenshield,	Mahan,	Steckel,
Bower,	Helm,	Markley,	Stoner,
Breisch,	Henzel,	Maxwell,	Thompson,
Brenninger,	Hewitt,	McWherter,	Varner,
Brown,	Hocker,	Metz,	Verona,
Bullen,	Horst,	Mikula,	Wall,
Connelly,	Houk,	Miller,	Walsh,
Davis,	Isaacs,	Mills,	Waterhouse,
Donahue,	Jones, T. H. W.,	Moody,	Weidner,
Donaldson,	Jump,	Murphy,	Wescott,
Down,	Kehler,	Murray, P. G.,	Willaredt,
Ehrgood,	Keller,	Naugle,	Wilt,
Erb,	Kent,	Ogilvie,	Wood,
Eshleman,	Kline,	Parry,	Worley,
Ewing,	Knecht,	Pomeroy,	Ziegler,
Foster,	Kooker,	Price,	

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. DAVIS filed the following reasons for his vote.

Mr. Speaker, I ask permission of the House to file a statement as to why I am voting against House Bill 1960 Printer's No. 1373.

Pennsylvania Republicans are becoming a party of the sales tax, while the Governor and his advisors hold out for the income tax—bluntly speaking, the wage tax.

Now the income tax is made to appear outwardly attractive, being huckstered in a slogan-labeled package promising taxes according to "ability to pay." On its face, "ability to pay" sounds like a very fair arrangement. And it would be, had the nature of humans reached perfection.

However, this idea of "ability to pay" invariably becomes a weapon for the demagogue to stay on in power. Moreover, it becomes the weapon of those who would substitute socialism for the traditionally American way of free enterprise.

With the demagogue, the slogan "ability to pay" serves to "soak the rich" harder and harder—to "tax and tax, spend and spend, and elect and elect."

With the dedicated socialist, so often the academic minded intellectual, or the single track-minded social welfare, the slogan "ability to pay" takes shape as a beguiling sedative for the public. It dulls the consciousness of the citizenry while the medium and higher income tax rates are upped and upped towards levels of governmental confiscation—the prelude to Socialism and political regimentation.

The history of our Federal income tax (conceived in "ability to pay") shows so clearly, I believe, this socialistically motivated trend. The U. S. income tax was first enacted, free from socialistic intent, under the Presidency of Woodrow Wilson, who most Republicans today recognize, in the true and old fashioned sense of the word, as a great liberal.

But just how comfortable would Wilson feel now in 1956 with the one half-of-one per cent income tax of his time grown to the devouring rates of today? Extreme tax rates which, together with the damaging mechanics of their imposition, were initially conceived and drafted by brilliant, socialistic minded young tax lawyers during the most radical phase of the New Deal. Extreme rates, designed to deny to free enterprise the accumulation of its own earnings in amounts essential for sustained growth.

Luckily, although held back by the drain of excessive income taxes, free enterprise in America is nevertheless managing to go forward, especially under the Eisenhower administration.

Yet, the story of a half-of-one-per cent income tax, skyrocketed to present day figures, shows all too clearly, I believe, that the income tax is too strong an agent with which popular representative government may safely keep company.

Certainly unless and until more effective governmental checks and balances to control its inherent tendency towards easy increase have been devised, the income tax should make no further inroads upon the pay checks and dividend checks of the American people.

Still, to return to the "ability to pay" slogan, it seems to me that there is implicit in this idea a great humanitarian objective, which should be an ever present element in all tax systems.

This objective is the protection from the full brunt of taxation of the man of small income and large family. With the sales tax, this means exemptions in such matters as take home foods, clothes, shoes, drugs, car turn-in values and the like.

Now Pennsylvania Republicans are advocating such a form of sales tax. With liberal exemptions, the sales tax works more like a luxury tax. Jewelry, fur coats, T V sets and so on are fair game. And there is an incentive for the thrifty: fewer luxury purchases, less tax to pay.

Then, by its very nature, the sales tax does not lend itself to a progressive jacking up of its rates. Some demagogic regime cannot keep pushing up the rate, round after round. It cannot, because everybody gets hit. There isn't a helpless, outnumbered minority to get soaked. The proof of this conclusion is the fact that sales tax rates have remained stationary for many years in the 33 sales-tax states. In fact, in some states the rates have been lowered.

To sum up, its the Republican philosophy of government in Pennsylvania to stand for a true kind of a broad base tax, exemplified in the sales tax, which cannot be maneuvered into bringing on socialism, which is easy on the man of large family and small income and which will allow business to expand under its own steam, which in turn means a steady and healthy growth in the number of jobs—jobs to be had through free bargaining and personal gumption, and not at the whim hinging upon its interpretation of some bureaucrat of the welfare state.

REASONS FOR VOTE

Mr. GIBSON filed the following reasons for his vote.

I am making this statement regarding the tax bills before us today, to express not only my personal feelings but to make clear my position.

I have long stood for a sales tax with food and clothing exempt, as well as some other items, and based on the Ohio plan of collection. House Bills 2009 and 2010 are not perfect but they embody most of the principles I think fair in a sales tax and I am voting for these measures for these reasons.

Now, Mr. Speaker, I feel very differently about the Income Tax. I don't like the Income Tax and I don't like the idea of imposing two broad base taxes on the people of Pennsylvania. However, Mr. Speaker, to bring before the people the issue of the two broad base taxes, with the Democratic Party standing for an Income Tax and the Republican Party for a Sale Tax, I am voting today for the Income Tax for this reason and, of course, to discharge my duty to provide revenue for the schools and hospitals and services our State Government renders.

REASONS FOR VOTE

Mr. HASS filed the following reasons for his vote.

Relative to this tax program, I feel like the man in ire need of money, goes to a bank for a loan, he does ot insist upon a lower interest rate, but is only to appy to get the principal regardless of the interest rate. So I in part rationalize my position in making a decision) vote for the entire tax package.

The Commonwealth's dire need for the settlement of its scal problem is immediate. I cannot any longer theorize n tax philosphies, but act on expediency, realizing the mitation of the proposed program, I am now forced to oncur out of need not out of belief or desire. I do hope ncerely that the past history of tax stalemates may be orced by public opinion to be resolved after the desparate olitical conduct that the Legislatures have allowed themelves to become subject to, rather than a Statemen like pproach to the problem.

REASONS FOR VOTE

Mr. JOHNSON filed the following reasons for his vote.

I am making this statement regarding the tax bills bere us today, to express not only my personal feelings ut to make clear my position.

I have long stood for a sales tax with food and clothng exempt, as well as some other items, and based on ne Ohio plan of collection. House Bills 2009 and 2010 are ot perfect but they embody most of the principles I think air in a sales tax and I am voting for these measures for nese reasons.

Now, Mr. Speaker, I feel very differently about the Inome Tax. I don't like the Income Tax and I don't like ne idea of imposing two broad base taxes on the people f Pennsylvania. However, Mr. Speaker, to bring before ne people the issue of the two broad base taxes, with ne Democratic Party standing for an Income Tax and ne Republican Party for a Sale Tax, I am voting today or the Income Tax for this reason and, of course, to ischarge my duty to provide revenue for the schools nd hospitals and services our State Government renders.

REASONS FOR VOTE

Mr. STRAUSSER filed the following reasons for his ote.

Mr. Speaker, it is my hope that this Tax Package which as agreed to by the Bi-Partisan Committee is to be conidered as a whole. I wish to clarify my reasons for votng for the complete package.

Since I have campaigned vigorously for the Sales Tax s being the cheapest tax to the low-income group and ne fairest to all, I feel I need not apologize to my conituents for voting for that part of the Package. They xpect me to do this, otherwise, I would have been eaten so soundly that it wouldn't have been funny.

Now, Mr. Speaker, as to the Income part of this Tax ackage; I shall vote for this part of the Bi-Partisan ackage. In fairness to the Democratic-sponsored Income ax, I wish to go on record as stating that this, in my pinion, is the fairest Income tax conceivable under our onstitution which prohibits an out-and-out Graduated ncome Tax.

Mr. Speaker, I don't believe there is one member of his House who enjoys enacting a double-barreled broadbased tax program on the people of this Commonwealth at one time, but since this seems to be the only solution to Pennsylvania's financial problem, I am voting in favor of the complete package to help insure against the complete breakdown of our Public School System; our State Hospitals and our other State Institutions.

We have heard much about a tax program which would place the tax burdens on the people who are best able to pay.

Mr. Speaker, after analyzing this package, it is my humble opinion, that this tax package does just that—According to my analysis based on four in the average family, under this complete tax-package those under the $2,500 group would pay nothing—those in the $3,500 group would pay an estimated total tax of $26.00—those in the $5,500 group would pay $80.00—those in the $7,500 group would pay $134.00—those in the $9,500 group would pay an estimated $187.00—and so on up the scale, which tends to prove that this Tax Package is one which places the burden on those best able to pay.

Mr. Speaker, in closing, I wish to repeat, I am going to cast my vote for the complete package to save our great Commonwealth from complete bankruptcy.

REASONS FOR VOTE

Mr. THOMPSON filed the following reasons for his vote.

I have held elective public office at the policy making level for 18 years. Therefore, I know that one of my primary duties is to levy taxes, and make the necessary appropriations. The people of my district sent me here for that purpose. However, I do not intend to be whipsawed in the name of expediency.

Several days ago on the floor of this House, I voted for a 3 per cent Retail Sales Tax Bill. I am prepared to vote for that Bill or any similar bill again today, tomorrow, Saturday, next Tuesday or any time in the immediate future.

But I will not vote in favor of this compromise package. These three (3) bills would saddle the people in my district with not only a 2 per cent Sales Tax, but also a 2 per cent Income Tax. A 3 per cent Retail Sales Tax will do the job just as well and with a lot less trouble for all concerned.

I have repeatedly stated that I will not support this bipartisan tax program but that I am prepared at any time to vote for a 3 per cent broad base sales tax.

However, if the tax package is called to a vote this week and the income tax does not pass, I am then willing to vote for the 2 per cent sales tax bill with the understanding that if it passes the House, our Senate will undoubtedly amend it to a 3 per cent broad base sales tax and return it to us for concurrance. I will vote for such agreement.

The SPEAKER. The Chair lays before the House the second bill on special order fixed for this time, being House Bill No. 2009.

Agreeably to order,

The House resumed the consideration on third reading of House Bill No. 2009, as follows:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale use storage or other consumption of certain tangible personal property providing for licenses reports payment and collection of

tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

ARTICLE I

Short Title and Definitions

Section 1 Short Title This act shall be known and may be cited as the "Selective Retail Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

(a) "Department" The Department of Revenue of this Commonwealth

(b) "Person" Any natural person association partnership or corporation Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment or both the term "person" as applied to an association shall include the members thereof and as applied to a corporation the officers thereof

(c) "Prepaid tax receipts" Evidence of payment and collection of the tax imposed by this act consisting of a vendor's and a consumer's portions

(d) "Purchase" Acquiring tangible personal property for a consideration whether the transaction was effected by a transfer of title or of possession or of both or a license to use or consume whether such transfer shall have been absolute or conditional and by whatsoever means and the same shall have been effected whether such consideration be a price or rental in money or by way of exchange or barter

(e) "Purchase price" (1) The total consideration paid by a user or purchaser for the purchase of tangible personal property there shall be deducted an allowance actually made for any tangible personal property taxable under this act which is actually taken in trade or exchange for the whole or any part of the sale price of the property

(2) In any transaction not at arm's length the sale price shall not be less than the prevailing market price for similar tangible personal property

(f) "Storage" Any keeping or retention of tangible personal property within this Commonwealth

(g) "Tangible personal property" shall mean

(i) Automobiles trucks trailers aircraft and all accessories parts and equipment used in the maintenance and repair of such vehicles or aircraft

(ii) All tangible personal property used as building or construction material in the construction reconstruction remodeling repair and maintenance of any real estate including but not limited to buildings roads dams and swimming pools This shall not be construed to apply to tangible personal property to be incorporated into real estate pursuant to a construction agreement heretofore entered into which is a fixed price agreement not subject to change or modification by reason of the tax imposed by this act nor shall it apply to tangible personal property to be incorporated into real estate pursuant to a construction bid heretofore submitted upon which a contract is awarded within sixty days after the effective date of this act and is not subject to change or modification by reason of the tax imposed by this act

(iii) Home furnishings including but not limited to draperies rugs and similar fittings or ornaments and furniture and equipment used in or in conjunction with the home

(iv) Office furniture equipment and supplies

(v) Radios television receiving sets and receiving equipment including but not restricted to antennae phonographs sound recorders musical instruments records and sheet music and parts and accessories for the same

(vi) Photographic equipment sporting goods athletic equipment pleasure boats and equipment and parts and accessories used in conjunction therewith

(vii) Cosmetics furs fur coats luggage and jewelry

"Tangible personal property" shall not include any tangible personal property purchased by the United States the Commonwealth of Pennsylvania a political subdivision or by any charitable educational or religious organization

(h) "Taxpayer" Any person required to pay or collect the tax imposed by this act

(i) "Use" The exercise of any right or power incidental to the ownership or leasing of tangible personal property and shall include but not be limited to transportation storage and consumption except that it shall not include the use for demonstration by a person of the property in any form as tangible personal property in the regular course of business "Use" shall not mean the interim use of tangible personal property by a manufacturer wholesaler or retailer before he sells such tangible personal property and shall not mean the physical incorporation of tangible personal property as an ingredient or constituent into other tangible personal property (1) which is sold in the regular course of business or (2) which the person incorporating such ingredient or constituent therein has undertaken at the time of purchase to cause to be transported in interstate commerce to destinations outside the Commonwealth

(j) "Maintaining place of business in Commonwealth" Any person having or maintaining within this Commonwealth directly or by a subsidiary an office distribution house sales house warehouse or other place of business or any agent operating within this Commonwealth under the authority of the person or its subsidiary irrespective of whether the place of business or agent is located here permanently or temporarily or whether such person or subsidiary is authorized to do business within this Commonwealth

ARTICLE II

Imposition of Tax and Credits

Section 201 (a) There is hereby imposed an excise tax of two per centum of the sales price upon the sale use storage or other consumption within the Commonwealth of all tangible personal property as defined in this act purchased at retail after the effective date of this act the tax shall be payable by the person making the purchase

(b) The tax shall be computed as follows

(1) If the purchase price is ten cents (10c) or less no tax shall be collected

(2) If the purchase price is more than ten cents (10c) two per centum of the purchase price shall be collected

ARTICLE III

Licenses

Section 301 Licenses (a) Every person maintaining a place of business in this Commonwealth selling or leasing tangible personal property the sale use storage or other consumption of which is subject to tax shall on or before the effective date of this act or prior to the beginning of business thereafter make application to the department on a form prescribed by the department for a license and pay to the department the sum of two dollars ($2.00) therfor If such person maintains more than one place of business in this Commonwealth the license shall be issued for the principal place of business in this Commonwealth

(b) The department shall after the receipt of an application issue the license applied for under subsection (a) of this section The license shall be nonassignable and of permanent duration

(c) Any person who after the effective date of this act shall maintain a place of business in this Commonwealth for the purpose of selling or leasing tangible personal property the sale use storage or other consumption of which is subject to tax without having first been licensed by the department pursuant to the provisions of this

section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both together with costs of prosecution The penalties imposed by this section shall be in addition to any other penalties by this act

(d) Failure of any person to obtain a license shall not relieve him of liability to pay the tax imposed by this act

ARTICLE IV

Prepaid Tax Receipts

Section 401 Cancelling Prepaid Tax Receipts On and after the effective date of this article the payment of the tax shall be evidenced by cancelling prepaid tax receipts equal in face value to the amount of the tax in the manner provided by this article No profit other than the compensation provided for by this act shall accrue to a vendor or other person from the collection of any tax imposed by this act Any person collecting any such tax shall cancel the proper amount of prepaid tax receipts equal in face value to the tax collected for each purchase at retail If the total amount of taxes so collected in any period shall be in excess of two per centum of the sale price of the sales by the person collecting taxes during such period the person shall nevertheless account to the department for the total amount of taxes collected as well as the total amount of prepaid tax receipts cancelled without deducting the amount by which the taxes collected exceed two per centum of the sale price of his sales during such period and without making any other deduction other than the compensation allowed by this act

Section 402 Issuance of Prepaid Tax Receipts The department shall issue prepaid tax receipts in such denominations and classifications as it deems necessary and it shall adopt and promulgate such rules and regulations as it may deem necessary in order to carry out the provisions of this act

Section 403 Distributors The department shall distribute the prepaid tax receipts to any bank or trust company in this Commonwealth which applies for a permit to act as a distributor of prepaid tax receipts to vendors as a commission for handling and distributing the prepaid tax receipts each distributor shall be allowed a commission of one per centum of the total value of stamps sold to vendors Each distributor shall also furnish to the Departments of Revenue and of the Auditor General a semi-annual report showing an accounting of such sales It shall be the duty of the Auditor General to conduct audits and make investigations to determine whether or not each distributor makes a proper accounting of the distribution of prepaid tax receipts

Section 404 Purchase by Vendors Each vendor making taxable sales shall purchase and have on hand at all times prepaid tax receipts in suitable denominations and in amounts sufficient to supply the normal requirements of his business A vendor shall procure prepaid tax receipts only from authorized distributors licensed as such by the Commonwealth For the purpose of compensating vendors for the keeping of prescribed records and the proper accounting of taxes and prepaid tax receipts by them such venders shall be allowed to purchase prepaid tax receipts at a discount of two per centum upon each purchase amounting to twenty-five dollars ($25.00) or more

Section 405 Redemption To encourage the assistance of health welfare charitable religious educational fraternal patriotic and volunteer firemen's organizations and the general public in the collection of the tax the department shall redeem the consumer's or purchaser's portion of prepaid tax receipts at two per centum of the face value when presented in accordance with rules and regulations prescribed by the department in amounts aggregating one hundred dollars ($100) or more

ARTICLE V

Procedure and Administration

PART I

Returns

Section 501 Persons Required to Make Returns Every licensee shall file returns with respect to such tax

Section 502 Form of Returns The returns required by section 501 shall be on forms prescribed by the department and shall show such information with respect to the taxes imposed by this act as the department may reasonably require

PART II

Time and Place for Filing Returns

Section 520 Time for Filing Returns (a) Monthly Returns A return shall be filed monthly with respect to the preceding month by every licensee Such return shall be filed on or before the last day of the month succeeding the month with respect to which the return is made

(b) Annual Returns In addition to the return required by subsection (a) a return shall be filed annually with respect to the preceding calender year by every licensee Such return shall be filed by the thirty-first day of January in the year succeeding the year with respect to which the return is made

(c) Other Returns Any person other than a licensee liable to pay to the department any tax under this act shall file a return on or before the last day of the month succeeding the month in which such person becomes liable for the tax

Section 521 Other Times for Returns The department may upon written request authorize a licensee whose books and records are not kept on a calendar basis to file returns at other times than those specified in section 520 and in lieu thereof In no event shall a licensee be permitted to make less than one return during any five week period Except as to the time of filing all the requirements with respect to returns otherwise filed with the department shall be applicable to returns filed under this section

Section 522 Extension of Time for Filing Returns The department may on written application and for good cause shown grant a reasonable extension of time for filing any return required under this article However the time for making a return shall not be extended for more than three months

Section 523 Place for Filing Returns Returns shall be filed with the department at its main office or at any branch office which it may designate for filing returns

PART III

Payment of Tax

Section 530 Payment When a return of tax is required under this article the person required to make the return shall pay the tax to the department

Section 531 Time of Payment (a) Monthly Payments The tax imposed by this act shall be due and payable in monthly installments on or before the last day of the month succeeding the month during which the sales or purchase subject to the tax were made and shall accompany the return for such preceding month

(b) Annual Payments If the amount of tax due for the preceding year as shown by the annual return of any taxpayer is greater than the amount already paid by him in connection with his monthly returns he shall send with such annual return a remittance for the unpaid amount of tax for the year

Section 532 Others Times for Payment In the event that the department authorizes a taxpayer to file a return at other times than those specified in section 520 the tax due shall be paid at the time such return is filed

Section 533 Place for Payment of Tax The tax imposed by this act shall be paid to the department at the place fixed for filing the return

PART IV

Assessment and Collection of Tax

Section 540 Assessment The department is authorized and required to make the inquiries determinations and assessments of the tax (including interest additions and penalties) imposed by this act

Section 541 Mode and Time of Assessment (a) Underpayment of Tax Within a reasonable time after any return is filed the department shall examine it and if the return shows a greater tax due than the amount of tax remitted with the return the department shall forthwith assess the difference The difference shall be paid to the department within thirty days after a notice of the assessment has been mailed to the taxpayer

(b) Understantement of Tax If the department determines that any return or returns of any taxpayer understates the amount of tax due the department shall assess the proper amount and shall determine the difference between the amount of tax shown in the return and the amount assessed such difference being hereafter sometimes referred to as the "deficiency" The deficiency shall be paid to the department within thirty days after a notice of the assessment thereof has been mailed to the licensee

(c) Failure to File Return In the event that any licensee fails to file a return required by this act the department may make an estimated assessment (based on the best information available) of the probable amount of tax owing by the licensee and the tax shall be paid within thirty days after a notice of such estimated assessment has been mailed to the licensee

Section 542 Reassessment Any licensee against whom an assessment is made may petition the department for a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department prior to the time the assessment becomes due and payable The department shall hold such hearings as may be necessary for the purpose at such times and places as it may determine and each licensee who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearing in his case will be held A petition for reassessment if filed shall set forth explicitly and in detail the grounds upon which the licensee claims that the assessment is erroneous or unlawful in whole or in part and shall be accomplished by an affidavit under oath or affirmation certifying to the facts stated in the petition If no petition for reassessment has been filed with the department but the licensee has given due notice of an intention to appear and be heard he may appear at the hearing and present his petition orally in which event all statements of fact at the hearing shall be made under oath or affirmation

It shall be the duty of the department within six months after the hearing or after receiving a filed petition for reassessment to dispose of the issue raised at such hearing or by such filed petition Notice of the action taken shall be given to the petitioner promptly after the date of reassessment by the department

Section 543 Review of Finance and Revenue Within sixty days after the date of mailing of notice by the department of the action taken on any petition for reassessment filed with it or after the department's failure to act within the time specified the person against whom such assessment was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reasons on which the petitioner relies or shall incorporate by reference the petition for reassessment in which the reasons are stated The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall act finally in disposing of petitions filed with it within six months after they have been received In the event of the failure of the board to dispose of any petition within six months the action taken by the department upon the petition for reassessment shall be sustained The Board of Finance and Revenue may sustain the action taken on the petition for reassessment or it may reassess the tax on such basis as it deems according to law The board shall give notice of its action by mail to the department and to the petitioner

Section 544 Appeal to the Court of Common Pleas of Dauphin County Any person or the Commonwealth aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon a petition for review within six months may within sixty days appeal to the Court of Common Pleas of Dauphin County from the decision of the board or from the decision of the department as the case may be in the manner nor or hereafter provided by law for appeals in the case of tax settlements

Section 545 Burden of Proof In all cases of petitions for reassessment review or appeal the burden of proof shall be upon the petitioner or appellant as the case may be

Section 546 Collection of Tax (a) Collection by Department The department shall collect the tax in the manner provided by law for the collection of taxes imposed by the laws of this Commonwealth

(b) Collection by Persons Maintaining Place of Business in Commonwealth Every person maintaining a place of business in this Commonwealth and selling or leasing tangible personal property the sale use storage or other consumption of which is subject to tax at the time of making the sale or lease shall collect the tax from the purchaser or lessee and remit the tax to the department

(c) Exemption Certificates If the tax does not apply to the sale or lease of tangible personal property the purchaser or lessee shall furnish to the seller or lessor a certificate indicating that the sale is not legally subject to the tax The certificate shall be in such form as the department by regualtion shall prescribe Where the identity of the used is such that the transaction is never subject to the tax imposed or where the tangible personal property is never subject to the tax imposed or where the sale or lease is in interstate commerce no such certificate need be furnished

(d) Direct Payment Permits The department may authorize a purchaser or lessee who acquires tangible personal property under circumstances which normally make it impossible at the time of acquisition to determine the manner in which it will be used to pay the tax directly to the department and waive the collection of the tax by the sellers No such authority shall be granted or exercised except upon application to the department and the issuance by the department of a direct payment permit If a direct payment permit is granted then the payment of tax on all acquisitions including acquisitions of tangible personal property the use of which is known at the time of the acquisition shall be made directly to the department by the permit holder If such person is a licensee the tax shall be paid at the same time and in the same manner as is prescribed for a licensee

Section 547 Collection Upon Failure to Request Reassessment Review or Appeal The department may collect any tax

(a) If an assessment of tax is not paid within thirty days after notice thereof to the licensee and no petition for reassessment has been filed

(b) Within sixty days from the date of reassessment if no petition for review has been filed

(c) Within sixty days from the date of the decision of the Board of Finance and Revenue upon a petition for review or of the expiration of the board's time for acting upon such petition if no appeal has been made and

(d) In all cases of judicial sales receiverships assignments or bankruptcies.

In any such case in a proceeding for the collection of such taxes the person against whom they were assessed shall not be permitted to set up any ground of defense that might have been determined by the department the Board of Finance and Revenue or the courts

Section 548 Lien for Taxes (a) Lien Imposed If any person liable to pay any tax neglects or refuses to pay the same after demand the amount (including any interest addition or penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the Commonwealth against all real estate within the Commonwealth of any taxpayer but only after same has been entered and docketed of record by the prothonotary of

ıe county where such real estate is situated as hereafter rovided

(b) Priority and Effect of Lien The department may at ny time transmit to the prothonotaries of the respective ɔunties certified copies of all liens for taxes imposed by ıis act and penalties and interest It shall be the duty f each prothonotary receiving the lien to enter and ocket the same of record in his office which lien shall e indexed as judgments are now indexed All such liens ıall have priority to and be fully paid and satisfied out f the judicial sale of the real estate before any other bligation judgment claim lien or estate with which the eal estate may subsequently become charged or for hich it may subsequently become liable subject how- ver to mortgage or other liens existing and duly re- ɔrded save and except the cost of sale and of the writ pon which it is made and real estate taxes imposed or ssessed upon the property The lien of the taxes interest ıd penalties shall continue for five years from the date entry and may be revived and continued in the man- er now or hereafter provided for renewal of judgments ıd it shall be lawful for a writ of scire facias to issue ıd be prosecuted to judgment in the manner in which ıch writs are ordinarily employed

(c) Duty of Prothonotary Any wilful failure of any rothonotary to carry out any duty imposed upon him by ıis section shall be a misdemeanor and upon conviction e shall be sentenced to pay a fine not exceeding one ıousand dollars ($1,000) and costs of prosecution or to ıdergo imprisonment not exceeding one year or both

PART V

Refunds and Credits

Section 550 Refund or Credit for Overpayment In the se of any overpayment the department within the ap- icable period of limitations may credit the amount of ch overpayment against any liability in respect to the x imposed by this act on the part of the person who ade the overpayment and shall refund any balance to ch person

Section 551 Restriction on Refunds No refund shall be ade under section 550 without the approval of the oard of Finance and Revenue

PART VI

Limitations

Section 560 Limitations on Assessment and Collection he amount of the tax imposed by this act shall be ssessed within three years after the date when the nual return required by subsection (b) of section 520 filed Any such assessment may be made at any time ring such period notwithstanding that the department ay have made one or more previous assessments against e taxpayer for the year in question or for any part of ch year In any such case no credit shall be given for y penalty previously assessed or paid

Section 561 Failure to File Return Where no return is ed the amount of the tax due may be assessed and col- ted at any time as to taxable transactions not reported

Section 562 False or Fraudulent Return Where the tax- yer files a wilfully false or fraudulent return with the tent to evade the tax imposed by this act the amount tax due may be assessed and collected at any time

Section 563 Extension of Limitation Period Notwith- nding any of the foregoing provisions of this part here before the expiration of the period prescribed erein for the assessment of a tax a taxpayer has con- nted in writing that such period be extended the amount tax due may be assessed at any time within such ex- ded period The period so extended may be further tended by subsequent consents in writing made before e expiration of the extended period

Section 564 Limitations on Refund or Credit (a) Ap- cation for Refund Any application for refund must be d with the department within three years from the he the return is required to be filled (determined with- t regard to any extension of time) or two years from e time the tax was paid whichever is later

(b) Assessment Where No Return Filed If an assess- ment of tax is made where no return is filed then any application for refund must be filed with the department within one year from the time of payment

PART VII

Interest Additions Penalties and Crimes

Section 570 Interest If any amount of tax imposed by this act is not paid on or before the last date prescribed for payment interest on such amount at the rate of one-half of one per centum per month for each month or fraction thereof from such date shall be paid for the period from such last date to the date paid The last date prescribed for payment shall be determined under subsections (a) or (c) of section 431 without regard to any extension of time for payment In the case of any amount assessed as a deficiency or as an estimated assessment the date prescribed for payment shall be thirty days after notice of such assessment

Section 571 Additions to Tax (a) Failure to File Return In the case of failure to file any return required by section 501 on the date prescribed therefor (determined with regard to any extension of time for filing) unless it is shown that such failure is due to reasonable cause and not due to wilful neglect there shall be added to the amount required to be shown as tax on such return five per centum of the amount of such tax if the failure is for not more than one month with an additional five per centum for each additional month or fraction thereof during which such failure continues not exceeding twenty-five per centum in the aggregate but in no case shall the amount added be less than ten dollars ($10)

(b) Failure to Pay Tax Through Negligence or Fraud (1) If any part of any deficiency is due to negligence or intentional disregard of rules and regulations (but without intent to defraud) there shall be added to the tax an amount equal to five per cent of the underpayment

(2) If any part of any deficiency is due to fraud there shall be added to the tax an amount equal to fifty per centum of the deficiency This amount shall be in lieu of any amount determined under paragraph (1)

(c) Interest If the department assesses a tax according to section 541 (b) or (c) there shall be added to the amount of the deficiency interest at the rate of one-half of one per centum per month for each month or fraction thereof from the date prescribed by section 531 (a) or (c) of this act for the payment of the tax to the date of notice of assessment

Section 572 Penalties (a) Penalty Assessed as Tax The penalties and liabilities provided by this act shall be paid upon notice and demand by the department and shall be assessed and collected in the same manner as taxes Except as otherwise provided any reference in this act to "tax" imposed by this act shall be deemed also to refer to the penalties and liability provided by this Part

(b) Attempt to Evade or Defeat Tax Any person who wilfully attempts in any manner to evade or defeat the tax imposed by this act or the payment thereof or assists any other person to evade or defeat the tax imposed by this act the payment thereof or to receive a refund improperly shall in addition to other penalties provided by law be liable for a penalty equal to the total amount of the tax evaded No penalty shall be imposed under subsection (b) of section 571 for any offense to which this section is applicable

Section 573 Crimes (a) Fraudulent Return Any person who with intent to defraud the Commonwealth shall wilfully make or cause to be made any return required by this act which is false shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment not exceeding three years or both

(b) Other Crimes Except as otherwise provided by subsection (a) any person maintaining a place of business in this Commonwealth who advertises or holds out or states to the public or to any purchaser or user directly or indirectly that the tax or any part thereof imposed by this act will be absorbed by such person or that it will

not be added to the selling price of the tangible personal property sold or if added that the tax or any part thereof will be refunded other than when such person refunds the selling price because of such property being returned to the seller and any person maintaining a place of business in this Commonwealth and selling or leasing tangible personal property the use of which by the purchaser is subject to the tax hereunder who shall wilfully fail or refuse to collect the tax from the purchaser and remit the same to the department and any person who shall wilfully fail neglect or refuse to file any return or report required by this act or any taxpayer who shall refuse to pay any tax penalty or interest imposed or provided for by this act or who shall wilfully fail to preserve his books papers and records as directed by the department or any person who shall refuse to permit the department or any of its authorized agents to examine his books records or papers or who shall knowingly make any incomplete false or fraudulent return or report or who shall do or attempt to do anything whatever to prevent the full disclosure of the amount or character of taxable sales or purchases made by himself or any other person or shall provide any person with a false statement as to the payment of tax with respect to particular tangible personal property shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or undergo imprisonment not exceeding one year or both The penalties imposed by this section shall be in addition to any penalties imposed by any provision of this act other than subsection (a)

PART VIII

Enforcement and Examinations

Section 580 Rules and Regulations (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with the provisions of this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

Section 581 Keeping of Records Every person liable for any tax imposed by this act or for the collection thereof shall keep the records render such statements make the returns and comply with such rules and regulations as the department may from time to time prescribe Whenever in the judgment of the department it is necessary it may require any person by notice served upon such person or by regulations to make such returns render such statements or keep such records as the department deems sufficient to show whether or not such person is liable for the tax under this act

Section 582 Examinations The department or any of its authorized agents is hereby authorized to examine the books papers and records of any licensee in order to verify the accuracy and completeness of any return made or if no return was made to ascertain and assess the tax imposed by this act The department may require the preservation of all such books papers and records for any period demed proper by it not to exceed however three years from the end of the calendar year to which the records relate Every such license is hereby required to give to the department or its agent the means facilities and opportunity for such examinations and investigations The department is further authorized to examine any person under oath concerning taxable sales or purchases by any taxpayer or concerning any other matter relating to the enforcement or administration of this act and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes to have knowledge of such matters The procedure for such hearings or examinations shall be the same as that provided by the Fiscal Code relating to inquisitorial powers of fiscal officers

Section 583 Unauthorized Disclosure Any information gained by the department as a result of any return investigation hearing or verification required or authorized by this act shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law and any person unlawfully divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment for not more than one year or both

Section 584 Cooperation with Other Governments Notwithstanding the provisions of section 583 the department may permit the Commissioner of Internal Revenue of the United States or the proper officer of any state or the authorized representative of either such officer to inspect the tax returns of any taxpayer or may furnish to such officer or his authorized representative an abstract of the return of any taxpayer or supply him with information concerning any item contained in any return or disclosed by the report of any investigation of the return of any taxpayer The permission shall be granted only if the statutes of the United States or of such other state as the case may be grant substantially similar privileges to the proper officer of the Commonwealth charged with the administration of this act

ARTICLE VI

Miscellaneous Provisions

Section 601 Saving Clause Notwithstanding anything contained in any law to the contrary the validity of any law or any ordinance or part of law or of any ordinance or any resolution or part of any resolution and any amendments or supplements thereto now or hereafter enacted or adopted by the Commonwealth or any political subdivision thereof providing for or relating to the imposition levy or collection of any tax shall not be affected or impaired by anything contained in this act

Section 602 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 603 Appropriation So much of the proceeds of the tax imposed by this act as shall be necessary for the payment of refunds provided for hereunder is hereby appropriated for the payment of such refunds

Section 604 Effective Date The provisions of this act shall take effect immediately upon final enactment but the provisions of Article IV shall not be operative until ninety days after final enactment

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, we have debated all of these bills more or less as a package, so at this time I am simply rising to ask every Democrat who can possibly do so to vote for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—122

Adam,	Greenwood,	Lopresti,	Sarraf,
Agnew,	Guthrie,	Mahan,	Schuster,
Anderson, S. A.,	Hamilton, R. K.,	Markley,	Smith, C. C.,
Ashton,	Hass,	McCann,	Smith, Wm. B.,
Auker,	Haudenshield,	McInroy,	Snider,
Banker,	Heavey,	McWherter,	Stank,
Blair,	Helm,	Milhm,	Steckel,

loies,	Henzel,	Miller,	Stephens,
lower,	Hewitt,	Monroe,	Stevenson,
reisch,	Hocker,	Moody,	Stone,
renninger,	Horst,	Moscrip,	Stoner,
rown,	Houk,	Murray, H. P.,	Strausser,
lanfrani,	Jenkins,	Murray, J. J.,	Stroup,
lochran,	Johnson,	Murray, P. G.,	Swartz,
lonnelly,	Jones, G. E.,	Naugle,	Thomas.
lavis,	Jones, T. H. W.,	Ogilvie,	Toomey,
lonahue,	Jump,	Parry,	Varner,
lonaldson,	Kamyk,	Paulhamus,	Wall,
lown,	Kehler,	Petrosky,	Walsh,
lrgood,	Keller,	Pettigrew,	Waterhouse,
lrb,	Kent,	Polen,	Weidner,
shleman,	Kline,	Pomeroy,	Wescott,
swing,	Knecht,	Price,	Wheeler,
arabaugh,	Kooker,	Pursley,	Whitenight,
lint,	Kornick,	Readinger,	Willaredt.
rank,	Kratz,	Reibman,	Wilt,
rost,	Kromer,	Renwick,	Wood,
leorge,	Lafore,	Rovansek,	Young,
libb,	Leiby,	Rubin,	Ziegler,
libson,	Leisey,	Rudisill,	Andrews,
lramlich,	Light,		Speaker

NAYS 72

marando,	Filo,	Lutty,	Polaski,
nderson, M. S.,	Fineman,	Maxwell,	Reidenbach,
arnatovich,	Floyd,	McGee,	Rigby,
azin,	Flynn,	McKeever,	Rosen,
ell,	Foster,	McLaughlin,	Scarcelli,
onner,	Frascella,	Meholchick,	Sherman,
oory,	Gaffney,	Metz,	Stebbins,
ranca,	Garlock,	Mikula,	Taylor,
rennan, A. P.,	Gelfand,	Mills,	Thompson,
rennan, J. J.,	Goldstein,	Moran,	Toll,
reth,	Guss,	Muldowney,	Varallo,
ucchin,	Isaacs,	Mullen,	Wallace,
ullen,	Kolankiewicz,	Munley,	Wargo,
apano,	Leonard,	Musto,	Welsh,
ioff,	Leven,	Needham,	Williams,
omer,	Limper,	O'Neil,	Worley,
urwood,	Lippincott,	Pacchioli,	Yetter,
ilberg,	Lovett,	Pashley,	Yetzer,

NOT VOTING—13

ooper,	Lawyer,	Murphy,	Sigman,
ougherty,	Magee,	Olsen,	Tompkins,
olt,	McCormack,	Royer,	Vaughan,
			Verona,

The majority required by the Constitution having voted i the affirmative, the question was determinel in the firmative.

Ordered, That the Clerk present the same to the Senate fr concurrence.

REASONS FOR VOTE

Mr. HOCKER filed the following reasons for his vote.

Due to the fact that this is no longer a package of ills and are completely separated from one another I id that I can vote for the sales tax.

I have always been a strong supporter of a sales tax d hope that this bill will be amended in the Senate t provide enough money for the state's needs.

The SPEAKER. The Chair lays before the House the ird bill on special order fixed for this time, being louse Bill No. 2010.

Agreeably to order,

The House resumed the consideration on third reading House Bill No. 2010 as follows:

n Act imposing a tax on persons engaged in the business of operating hotels inns apartment hotels motels tourist homes restaurants cafes public eating places public drinking places clubs and catering establishments prescribing the manner of collecting the tax measured by gross receipts from sales of food drinks and lodgings imposing duties on and prescribing powers of the Department of Revenue and fixing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as the "Gross Receipts Tax on Hotels Eating and Drinking Places"

Section 2 For the purpose of this act

(1) "Person" means any natural individual firm partnership association joint stock company corporation or a receiver trustee executor conservator or other representative appointed by order of any court

(2) "Department" means the Department of Revenue of this Commonwealth

(3) "Taxable" or "taxpayer" means any person upon whom a tax is imposed under the provisions of this act

Section 3 (a) A tax is imposed upon persons engaged in the business of operating hotels inns apartment hotels motels tourist homes public restaurants cafes lunch counters and other public eating or drinking places and clubs and those engaged in the business of caterers The rate of tax shall be two per centum upon the gross receipts from the retail sales of lodgings and of beverages and food sold for consumption on the premises

(b) Each person subject to the tax shall pay the same to the department in accordance with the provisions of this act and at his discretion may collect from each purchaser the proportionate part of the tax calculated on the price of the purchase

(c) The tax imposed by this act shall not apply to gross receipts of colleges schools hospitals or churches from sales made in the ordinary course of their business or activities including school cafeterias and church suppers

Section 4 On and after July 1, 1956 it shall be unlawful for any person to engage or continue to engage in any business taxable under the provisions of this act in this Commonwealth without a certificate of registration from the department Application for a certificate of registration shall be made to the department upon forms furnished by it

Section 5 On or before the fifteenth day of April 1956 and on or before the fifteenth day of each third month thereafter every person engaged in a business taxable under the provisions of this act shall make quarterly a return to the department signed by him and stating

(1) His name and the name under which the business is conducted

(2) His address and the address of his place of business

(3) Total amount of gross receipts from sales made during the preceding three calendar months or that part thereof following the date this act became effective

(4) Total amount of gross receipts from sales made during the preceding three calendar months on which no tax is imposed under the provisions of this act

(5) Total amount of gross receipts from sales made during the preceding three calendar months in which a tax is imposed under the provisions of this act

(6) The amount of tax due on the gross receipts from sales made during the quarterly period covered by the report

(7) Such other information with respect to the business as the department may reasonably require

Where the taxable is a corporation the return made on behalf of such corporation shall be signed by the president vice-president secretary or treasurer or by the properly accreditel agents of such corporation

The person making the return herein provided for shall at the time of making such return pay to the department the amount of tax herein imposed

Any person making a false return shall be guilty of perjury to the same extent at though the return had been sworn to

Section 6 Any person engaged in a business taxable under this act who is at the same time engaged in any other kind of business occupation or profession not taxable under this act shall keep books to show separately the transactions used in determining the tax base herein taxed In the event of such person failing to keep such separate books or records there shall be levied upon him a tax based upon the entire gross receipts of both or all of his businesses

Section 7 The department may upon written request authorize a taxpayer whose books and records are not kept on a calendar month basis or whose business is operated only during certain seasons of the year to file returns at other times than those herein specified and in lieu of such returns Except in the case of a seasonal business no taxpayer shall be permitted to make less than four returns during a year

Section 8 The department may on written application and for good cause shown extend the time for making any return required by this act The time for making any return shall not be extended more than one month

Section 9 A tax due and unpaid under this act shall be a debt due the Commonwealth It shall be a personal obligation of the taxpayer and shall be a lien upon all of the property of the taxpayer The lien shall have priority over all other liens and obligations except those due the United States

A taxpayer who fails to file his return and remit the tax at the time required by this act shall in addition to all other penalties pay a penalty of six per centum of the amount of the tax due for the period reported For each succeeding thirty days elapsing before payment there shall be added an additional penalty of one per centum If the taxpayer is an association or corporation the officers thereof whose duty it is to make the return and pay the tax shall personally be liable jointly and severally for any default on the part of the corporation

Section 10 A lien for taxes under this act shall attach when the obligation to pay the tax to the department accrues The lien shall be enforceable by the department as any other lien against the property of a debtor

Section 11 In the distribution voluntary or compulsory in receivership bankruptcy or otherwise of the property or estate of any persons all taxes due and unpaid under this act shall be paid from the first money available for distribution in priority to all claims and liens except taxes and debts due the United States Any person charged with the administration or distribution of any such property or estate who shall violate the provisions of this section shall be personally liable for any taxes accrued and unpaid under this act which are chargeable against the person whose property or estate is in administration or distribution

Section 12 A person engaging at two or more locations in the same business or businesses of like character taxable hereunder shall file consolidated returns covering all such business activities engaged in within this Commonwealth

Section 13 A person liable for the tax imposed hereunder shall keep records render statements make returns and comply with the rules and regulations that the department may from time to time prescribe The department may require such records statements or returns upon notice from any person in order to determine whether he is liable to the tax hereunder The department may require preservation of records for a period not to exceed five years and may at any time through its authorized agents inspect all books and accounts of the taxpayer including banking accounts which in any way enter into the record of the business out of which the tax imposed herein arises

Section 14 If the department has reason to believe that the tax imposed by this act is insufficiently returned by a taxpayer either because the taxpayer has failed or refused to make a return or has made an incomplete return or has made a return which is deficient or otherwise erroneous it may proceed to determine the amount of the tax for which the taxpayer is liable The department may make such audits and investigations and take such evidence and testimony as it shall deem necessary for the purpose of its investigation

As a result of its investigation the department may assess the amount of tax which it finds to be due After ten days' notice in writing to the person assessed the department may proceed to collect the tax

Section 15 A nonresident person or foreign corporation engaged in a business within this Commonwealth in the conduct of which the tax levied by this act becomes due shall keep within this Commonwealth adequate records concerning the operation of the business

Section 16 The department shall keep full and accurate records of all moneys received by it It shall preserve all returns filed hereunder for five years

Section 17 Unless in compliance with a judicial order or as may be required by the proper administration here of the department its agents and employes shall not divulge facts or information obtained in the administration hereof

Section 18 The department shall have the authority to promulgate and enforce reasonable rules and regulations necessary to the administration and enforcement of this act

Section 19 Except as herein otherwise provided a person who wilfully violates any of the provisions of this act or any lawful rule or regulation promulgated under it shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not less than fifty dollars ($50) nor more than three hundred dollars ($300) for the first offense and for any second or subsequent offense shall be sentenced to pay a fine not less than five hundred dollars ($500) nor more than five thousand dollars ($5000) and to undergo imprisonment not to exceed two years either such fine or imprisonment or both in the discretion of the court

Section 20 All taxes interest and penalties received recovered paid or collected under the provisions of this act shall be paid by the department into the General Fund of the State Treasury for use for general State purposes

Section 21 The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the Commonwealth of Pennsylvania or by any political subdivision thereof

Section 22 This act shall take effect immediately

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I am making the same request, that all of the Democrats in the House vote for this bill. It is another important part of this package and should be passed.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—108

Adam,	**Greenwood,**	McCann,	**Smith, Wm. B.,**
Agnew,	**Guss,**	McGee,	Snider,
Anderson, S. A.,	**Hamilton, B. K.,**	McInroy,	Stank,
Ashton,	**Hass,**	McLaughlin,	**Stebbins,**
Banker,	**Heavey,**	**Mihm,**	Steckel,
Boles,	**Henzel,**	**Monroe,**	**Stephens,**
Bower,	**Houk,**	Moran,	**Stevenson,**
Breisch,	**Jenkins,**	Moscrip,	Stone,
Brenninger,	Johnson,	**Murray H. P.,**	Stoner,
Breth,	Jones, G. E.,	Murray, J. J.,	Strausser,
Brown,	Jones, T. H. W.,	Murray, P. G.,	Stroup,
Cianfrani,	**Kamyk,**	**Naugle,**	**Swartz,**
Cochran,	Kehler,	**Ogilvie,**	Thomas,
Davis,	Keller,	**Olsen,**	**Toomey,**
Donahue,	**Kent,**	O'Neil,	Varner,
Donaldson,	**Kline,**	Paulhamus,	**Wall,**
Ehrgood,	Knecht,	Petrosky,	**Walsh,**
Erb,	Kooker,	Pettigrew,	Weidner,
Eshleman,	**Kornick,**	**Polen,**	**Wescott,**
Filo,	Kratz,	Pomeroy,	Wheeler,
Flint,	Kromer,	Pursley,	**Whitenight,**
Floyd,	Lafore,	Readinger,	**Willaredt,**
Frank,	Leiby,	Reibman,	**Wilt,**
Frost,	Leisey,	Renwick,	**Wood,**
Garlock,	Leonard,	Rudisill,	**Ziegler,**
Gibb,	Mahan,	Sarraf,	Andrews,
Gibson,	Markley,	Smith, C. C.,	Speaker

NAYS—90

Amarando,	Fineman,	Lopresti,	Reidenbach,
Anderson, M. S.,	Flynn,	Lovett,	Rigby,
Auker,	Foster,	Lutty,	Rosen,
Barnatovich,	Frascella,	Maxwell,	Rovansek,
Bazin,	Gaffney,	McKeever,	Rubin,
Bell,	Gelfand,	McWherter,	Scarcelli,
Blair,	George,	Meholchick,	Schuster,
Bonner,	Goldstein,	Metz,	Sherman,
Boory,	Gramlich,	Mikula,	Taylor,
Branca,	Guthrie,	Miller,	Thompson,
Brennan, A. P.,	Haudenshield,	Mills,	Toll,
Brennan, J. J.,	Helm,	Moody,	Varallo,
Bucchin,	Hewitt,	Muldowney,	Verona,
Bullen,	Hocker,	Mullen,	Wallace,
Capano,	Holt,	Munley,	Wargo,
Cioffi,	Horst,	Murphy,	Waterhouse,
Comer,	Isaacs,	Musto,	Welsh,
Connelly,	Jump,	Needham,	Williams,
Curwood,	Kolankiewicz,	Pacchioli,	Worley,
Down,	Leven,	Parry,	Yetter,
Eilberg,	Light,	Pashley,	Yetzer,
Ewing,	Limper,	Polaski,	Young,
Farabaugh,	Lippincott,	Price,	

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted a the affirmative, the question was determined in the ffirmative.

Ordered, That the Clerk present the same to the Sente for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous conent to address the House.

Mr. Speaker, I would like at this time to request that ll of the Members stay after these votes have been aken because we do want to process a lot of very controersial bills on the calendar. It is very possible you might ave to be here for a midnight session tonight.

The SPEAKER. The Chair desires to compliment this louse on the orderly manner in which we have gone rough the series of trying roll calls. Congratulations re due to all of the Members who have helped the Chair reserve order.

Will the gentleman from Armstrong please come to ie desk.

The Chair requests the gentleman from Armstrong, Ir. Helm, to preside temporarily.

Mr. HELM IN THE CHAIR.

'ERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WILLIAMS asked and obtained permission for the ommittee on Mines and Mining to meet during the ession of the House.

BILL ON FINAL PASSAGE POSTPONED

TIME EXTENDED ON BILL

Mr. READINGER asked and obtained unanimous conent to extend the time five days on House Bill No. 1864, rinter's No. 1125, on page 3 of today's calendar, bills n final passage postponed.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1630

Mr. AMARANDO. Mr. Speaker, I call up the report of the Committee on Conference on House Bill No. 1630.

The Report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1630, entitled: "Amending the act of May 1, 1929 (P. L. 905), entitled 'An act for the protection of the public safety, regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling including liens, encumbrances, and legal claims registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities, * * *,' regulating registration of antique motor vehicles."

GEORGE N, WADE,
G. GRAHAM DIEHM,
FRANK W. RUTH,
(Committee on the part of the Senate.)

LOUIS J. AMARANDO,
ALBERT LEVEN,
ROBERT F. KENT,
(Committee on the part of the House of Representatives.)

On the question,

Will the House adopt the Report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adam,	Frascella,	Lopresti,	Rigby,
Agnew,	Frost,	Lovett,	Rosen,
Amarando,	Gaffney,	Lutty,	Rovansek,
Anderson, M. S.,	Garlock,	Mahan,	Rubin,
Anderson, S. A.,	Gelfand,	Markley,	Rudisill,
Ashton,	George,	Maxwell,	Sarraf,
Auker,	Gibb,	McCann,	Scarcelli,
Banker,	Gibson,	McGee,	Schuster,
Barnatovich,	Goldstein,	McInroy,	Sherman,
Bazin,	Gramlich,	McKeever,	Smith, C. C.,
Bell,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Blair,	Guss,	McWherter,	Snider,
Boles,	Guthrie,	Meholchick,	Stank,
Bonner,	Hamilton, R. K.,	Metz,	Stebbins,
Boory,	Hass,	Mihm,	Steckel,
Bower,	Haudenshield,	Mikula,	Stephens,
Branca,	Heavey,	Miller,	Stevenson,
Breisch,	Helm,	Mills,	Stone,
Brennan, A. P.,	Henzel,	Monroe,	Stoner,
Brennan, J. J.,	Hewitt,	Moody,	Strausser,
Brenninger,	Hocker,	Moran,	Stroup,
Breth,	Holt,	Moscrip,	Swartz,
Brown,	Horst,	Muldowney,	Taylor,
Bucchin,	Houk,	Mullen,	Thomas,
Bullen,	Isaacs,	Munley,	Thompson,
Capano,	Jenkins,	Murray, H. P.,	Toll,
Cianfrani,	Johnson,	Murray, J. J.,	Toomey,
Cioffi,	Jones, G. E.,	Murray, P. G.,	Varallo,
Cochran,	Jones, T. H. W.,	Murphy,	Varner,
Comer,	Jump,	Musto,	Verona,
Connelly,	Kamyk,	Naugle,	Wall,
Curwood,	Kehler,	Needham,	Wallace,
Davis,	Keller,	Ogilvie,	Walsh,
Donahue,	Kent,	Olsen,	Wargo,
Donaldson,	Kline,	O'Neil,	Waterhouse,
Down,	Knecht,	Pacchioli,	Weidner,
Ehrgood,	Kolankiewicz,	Parry,	Welsh,
Eilberg,	Kooker,	Pashley,	Wescott,
Erb,	Kornick,	Paulhamus,	Wheeler,
Eshleman,	Kratz,	Petrosky,	Whitenight,
Ewing,	Kromer,	Pettigrew,	Willaredt,
Farabaugh,	Lafore,	Polaski,	Williams,
		Polen,	Wilt,

Filo,	Leiby,	Pomeroy,	Wood,
Fineman,	Leisey,	Price,	Worley,
Flint,	Leonard,	Pursley,	Yetter,
Floyd,	Leven,	Readinger,	Yetzer,
Flynn,	Light,	Reibman,	Young,
Foster,	Limper,	Reidenbach,	Ziegler,
Frank,	Lippincott,	Renwick,	Andrews, Speaker

NAYS—0

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Andrews.

Mr. ANDREWS. I simply desire to say that, as all the Members know, there is a very important bill pending in the custody of the Rules Committee. If Members stick around I have a very lively notion that bill will be reported from Committee and placed upon the calendar. I am also fearful that it would not look so good if we reported that bill and all the Members had gone home.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1176, as follows:

An Act defining and relating to installment land contracts and providing for and regulating the rights and obligations between parties to such contracts under certain terms and conditions

On the question,

Will the House agree to the bill on third reading?

Mr. GELFAND. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 7, page 8, line 20, by inserting after "principal" and when the seller's default has been remedied, the purchaser shall pay to the seller all sums withheld under this clause

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question.

Will the House agree to the amendments?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeable to order,

The House proceeded to the third reading and consideration of House Bill No. 1967 as follows:

An Act to amend section seventeen of the act approved the twenty-ninth day of March one thousand eight hundred three (P. L. 542) entitled "An act to establish a Board of Wardens for the port of Philadelphia and for the regulation of pilots and pilotages and for other purposes therein mentioned" by permitting second class pilots to pilot vessels drawing twenty-seven feet of water or under and permitting third class pilots to pilot vessels drawing twenty-three feet of water or under

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seventeen of the act approved the twenty-ninth day of March one thousand eight hundred three (P. L. 542) entitled "An act to establish a Board of Wardens for the port of Philadelphia and for the regulation of pilots and pilotages and for other purposes therein mentioned" as last amended by the act approved the ninth day of June one thousand nine hundred eleven (P. L. 750) is hereby amended to read as follows

Section 17 Every person not now a licensed pilot and who desires to exercise the profession of pilot in the bay and river Delaware shall apply in person to the aforesaid Board of Commissioners of Navigation for a license to entitle him to follow that occupation and it shall be the duty of the said Board of Commissioners of Navigation to call to their assistance as many pilots of the first class as they may see fit not less than three in number to examine every person so applying as to his fitness in all respects to perform the duties of a pilot and to grant licenses to all such as they deem qualified according to their respective abilities Those of the first class to persons capable of piloting ships or vessels of any practicable draught of water those of the second class to persons capable of piloting ships or vessels drawing [twenty-three] twenty-seven feet of water or under and those of the third class to persons capable of piloting ships or vessels drawing [fifteen] twenty-three feet of water or under which licenses shall be in force for one year from the date thereof and until the pilots respectively shall next after the expiration of the year arrive with any ship or vessel at the Port of Philadelphia and no longer but every pilot delivering up his license shall be entitled to receive a new one in lieu thereof giving like security as hereinafter directed unless it shall appear to the said Board of Commissioners of Navigation that the person applying is disqualified from exercising the duties of a pilot and if any person shall in any manner exercise or attempt to exercise the profession of of pilot in the bay or river Delaware except in vessels under seventy-five tons burden without license duly granted or at any time after his license shall have expired he shall be guilty of a misdemeanor and upon conviction thereof he shall be imprisoned for not less than one month nor more than one year and be fined a sum not exceeding two hundred dollars at the discretion of the court

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably tothe provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adam,	Frost,	Lopresti,	Rigby,
Agnew,	Gaffney,	Lovett,	Rosen,
Amarando,	Garlock,	Lutty,	Rovansek,
Anderson, M. S.,	Gelfand,	Mahan,	Rubin,
Anderson, S. A.,	George,	Markley,	Rudisill,
Ashton,	Gibb,	Maxwell,	Sarraf,
Auker,	Gibson,	McCann,	Scarcelli,
Banker,	Goldstein,	McGee,	Schuster,
Barnatovich,	Gramlich,	McInroy,	Sherman,
Bazin,	Greenwood,	McKeever,	Smith, C. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boles,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hamilton, W. H.,	Metz,	Stebbins,
Boory,	Hass,	Mihm,	Steckel,
Bower,	Haudenshield,	Mikula,	Stephens,
Branca,	Heavey,	Miller,	Stevenson,
Breisch,	Helm,	Mills,	Stone,
Brennan, A. P.,	Henzel,	Monroe,	Stoner,

Brennan, J. J.,	Hewitt,	Moody,	Strausser,
Brenninger,	Hocker,	Moran,	Stroup,
Breth,	Holt,	Moscrip,	Swartz,
Brown,	Horst,	Muldowney,	Taylor,
Bucchin,	Houk,	Mullen,	Thomas.
Bullen,	Isaacs,	Munley,	Thompson,
Capano,	Jenkins,	Murphy,	Toll,
Cianfrani,	Johnson,	Murray, H. P.,	Toomey,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varner,
Comer,	Jump,	Musto,	Verona,
Connelly,	Kamyk,	Naugle,	Wall,
Curwood,	Kehler,	Needham,	Wallace,
Davis,	Keller,	Ogilvie,	Walsh,
Donahue,	Kent,	Olsen,	Wargo,
Donaldson,	Kline,	O'Neil,	Waterhouse,
Down,	Knecht,	Pacchioli,	Weidner,
Ehrgood,	Kolankiewicz,	Parry,	Welsh,
Eilberg,	Kooker,	Pashley,	Wescott,
Erb,	Kornick,	Paulhamus,	Wheeler,
Eshleman,	Kratz,	Petrosky,	Whitenight,
Ewing,	Kromer,	Pettigrew,	Willaredt,
Farabaugh,	Kubacki,	Polaski,	Williams,
Filo,	Lafore,	Polen,	Wilt,
Fineman,	Leiby,	Pomeroy,	Wood,
Flint,	Leisey,	Price,	Worley,
Floyd,	Leonard,	Pursley,	Yetter,
Flynn,	Leven,	Readinger,	Yetzer,
Foster,	Light,	Reibman,	Young,
Frank,	Limper,	Reidenbach,	Ziegler,
Frascella,	Lippincott,	Renwick,	Andrews, Speaker

NAYS—0

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted n the affirmative, the question was determined in the ffirmative.

Ordered, That the Clerk present the same to the Sente for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 797 as follows:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" requiring entrance of bond in appeals from board of adjustment rulings affecting zoning regulations

The General Assembly of the Commonwealth of Pennylvania hereby enacts as follows

Section 1 Section 3107 act of June 24, 1931 (P. L. 1206) nown as "The First Class Township Code" reenacted and mended May 27, 1949 (P. L. 1955) is amended to read

Section 3107 Board of Adjustment Such board of township commissioners may appoint a board of adjustment nd in the regulations and restrictions adopted pursuant o the authority of this article may provide that said oard of adjustment may in appropriate cases and subject o appropriate conditions and safeguards make special xceptions to the terms of the ordinance in harmony /ith its general purpose and intent and in accordance /ith general or specific rules therein contained

The board of adjustment shall consist of three members ne of whom shall be designated to serve until the first ay of January following the adoption of the zoning rdinance one until the first day of the second January nereafter and one until the first day of the third January nereafter Their successors shall be appointed on the xpiration of their respective terms to serve three years he members of the board shall be removable for cause y the appointing authority upon written charges and fter public hearing Vacancies shall be filled for the unxpired term of any member whose term becomes vacant

The board of adjustment shall adopt rules in accordance /ith the provisions of any ordinance adopted pursuant to this article Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine Such chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses All meetings of the board shall be open to the public The board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the board and shall be a public record

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer except that appeals which are based on a claim that a zoning ordinance is invalid shall be taken within thirty days after such decision directly to the court of common pleas of the county by petition duly verified setting forth the grounds relied upon a copy of such petition shall be served upon the officer from whom the appeal is taken who shall forthwith transmit to the court all the papers constituting the record upon which the action appealed from was taken the court shall take such testimony as is necessary for the proper disposition of the appeal and shall render such decision as may appear just and proper any such appeal to the court if taken from the grant of a permit to build in conformity with the zoning ordinance shall not be allowed unless the appellant shall file a bond to prosecute the same with effect and to pay all costs and damages incurred by the person granted the permit by reason of delay or otherwise such bond shall be in such form and in such amount as the court may direct but in no event shall the amount be less than twenty-five percentum of the cost of the construction as set forth in the application for the building Any such appeal to the board of adjustment shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property In scuh case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of common pleas of the county on application on notice to the officer from whom the appeal is taken and due cause shown

The board of adjustment shall fix a reasonable time for the hearing of the appeal give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time Upon the hearing any party may appear in person or by agent or by attorney

The board of adjustment shall have the following powers

(1) To hear and decide appeals where it is alleged there is error in any order requirement decision or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto

(2) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance

(3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done

In exercising the above mentioned powers such board may in conformity with the provisions of this article reverse or affirm wholly or partly or may modify the order requirement decision or determination appealed from and may make such order requirement decision or

determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken Notice of such decision shall forthwith be given to all parties in interest

Any person aggrieved by any decision of the board of adjustment or any taxpayer or any officer of the township may within thirty days after such decision of the board appeal to the court of common pleas of the county by petition duly verified setting forth that such decision is arbitrary capricious an abuse of discretion or otherwise not in accordance with law specifying the grounds upon which he relies

Upon the presentation of such petition in proper form the court shall forthwith issue a writ of certiorari directed to the board of adjustment commanding it within twenty days after the service thereof to certify to the court under the certificate of its chairman its entire record in the matter in which the appeal has been taken The prothonotary shall serve the board of adjustment by registered mail with a copy of the writ and a copy of the appeal petition On or before the return day of the writ the board of adjustment shall file the entire record with the writ in the office of the prothonotary

Any time during the pendency of the appeal upon application of the appellant and upon due notice to the board of adjustment the court or a judge thereof may after hearing grant an order of supersedes upon such terms and conditions including the filing of security as the court or the judge may prescribe

If upon hearing of the appeal it shall appear to the court that testimony is necessary for the proper disposition of the appeal it may take evidence or appoint a referee to take evidence as it may direct and report the same to the court with his findings of facts and conclusions of law The court may reverse or affirm in whole or in part the decision appealed from as to it may appeal just and proper

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adam,	Frost,	Lovett,	Rigby,
Agnew,	Gaffney,	Lutty,	Rosen,
Amarando,	Garlock,	Mahan,	Rovansek,
Anderson, M. S.,	Gelfand,	Markley,	Rubin,
Anderson, S. A.,	George,	Maxwell,	Rudisill,
Ashton,	Gibb,	McCann,	Sarraf,
Auker,	Gibson,	McGee,	Scarcelli,
Banker,	Gramlich,	McInroy,	Schuster,
Barnatovich,	Greenwood,	McKeever,	Sherman,
Bazin,	Goldstein,	McLaughlin,	Smith, C. C.,
Bell,	Guss,	McWherter,	Smith, Wm. B.,
Blair,	Guthrie,	Meholchick,	Snider,
Boies,	Hamilton, W. H.,	Metz,	Stank,
Bonner,	Hass,	Miller,	Stebbins,
Boory,	Haudenshield,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Mills,	Stevenson,
Breisch,	Henzel,	Monroe,	Stone,
Brennan, A. P.,	Hewitt,	Moody,	Stoner,
Brennan, J. J.,	Hocker,	Moran,	Strausser,
Brenninger,	Holt,	Moscrip,	Stroup,
Breth,	Horst,	Muldowney,	Swartz,
Brown,	Houk,	Mullen,	Taylor,
Bucchin,	Isaacs,	Munley,	Toll,
Bullen,	Jenkins,	Murphy,	Thomas,
Capano,	Johnson,	Murray, H. P.,	Thompson,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cochran,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Verona,
Connelly,	Kehler,	Needham,	Wall,
Curwood,	Keller,	Ogilvie,	Wallace,
Davis,	Kent,	Olsen,	Walsh,
Donahue,	Kline,	O'Neil,	Wargo,
Donaldson,	Knecht,	Pacchioli,	Waterhouse,
Down,	Kolankiewicz,	Parry,	Weidner,
Ehrgood,	Kooker,	Pashley,	Welsh,
Ellberg,	Kornick,	Paulhamus,	Wescott,
Erb,	Kratz,	Petrosky,	Wheeler,
Eshleman,	Kromer,	Pettigrew,	Whitenight,
Ewing,	Lafore,	Polaski,	Willaredt,
Farabaugh,	Leiby,	Polen,	Williams,
Filo,	Leisey,	Pomeroy,	Wilt,
Fineman,	Leonard,	Price,	Wood,
Flint,	Leven,	Pursley,	Worley,
Floyd,	Light,	Readinger,	Yetter,
Flynn,	Limper,	Reibman,	Yetzer,
Foster,	Lippincott,	Reidenbach,	Young,
Frank,	Lopresti,	Renwick,	Ziegler,
Frascella,			Andrews, Speaker

NAYS—0

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 866 as follows:

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures and miscellaneous receipts making an appropriation and providing for refunds" by changing the total maximum length of certain vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine hundred two of the Act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" as last amended by the Act of September 27, 1955 (Act No. 161) is hereby further amended to read as follows

Section 902 Size of Vehicles and Loads

(a) No vehicle except motor buses motor omnibuses and fire department equipment street sweepers and snow plows shall exceed a total maximum width including any load thereon of ninety-six (96) inches except that the limitations as to size of vehicle stated in this act shall not apply to vehicles loaded with hay or straw in bulk

(b) No vehicle except motor buses motor omnibuses and vehicles used exclusively to repair overhead lights and wires and fire department equipment shall exceed a total maximum height including any load thereon of one hundred fifty (150) inches but nothing herein contained

hall be construed to require the public authorities to rovide sufficient vertical clearance to permit the operaon of such vehicles excepting that until but not after anuary first one thousand nine hundred forty-one any ehicle properly registered in Pennsylvania on the efective date of this act may be of a total height including ny load thereon of one hundred seventy-four (174) ches Provided however That any vehicle carrying motor ehicles may be of a total height including any load hereon of one hundred sixty-two (162) inches

(c) No vehicle except motor buses motor omnibuses nd fire department equipment shall exceed a total aximum length including any load thereon of four undred twenty (420) inches excepting that a semiailer designed exclusively for carrying motor vehicles ay exceed such total maximum length by not more han thirty (30) inches and no combination of two (2) ehicles inclusive of load and bumpers coupled together hall exceed a total maximum length of six hundred 600) inches excepting that nothing in this subsection hall prohibit the transportation by a combination of ehicles of articles impossible of dismemberment which o not exceed seventy (70) feet

1 No motor vehicle shall be operated upon a highway rawing or having attached thereto more than one other ehicle Provided That a trailer not exceeding ten (10) et in length may be attached to one motor vehicle for he purpose of towing another vehicle requiring service which such trailer is also attached

2 The distance between any two vehicles one of which towing or drawing the other shall not exceed fifteen 15) feet from one vehicle to the other except when the oad on the towed vehicle is coupled directly to and is ot more than five (5) feet from the towing vehicle Whenever the connection consists of a chain rope bar or ible there shall be displayed upon such connection a ag not less than twelve (12) inches in length and width very trailer while being drawn upon the highway shall e so attached to the vehicle drawing the same as to revent the wheels of such trailer from deflecting more han six (6) inches from the path of the drawing vecle's wheels

(d) No vehicle except a trailer or semi-trailer shall arry any load or part thereof extending more than five 5) feet beyond the front extremity

(e) No vehicle except as herein provided shall carry ny load extending beyond the line of the fenders on he left side of such vehicle nor extending more than ix (6) inches beyond the line of the fender on the right ide thereof

[(g) No truck tractor and semi-trailer coupled together xcept first department equipment shall exceed a total aximum length inclusive of load and bumpers of five undred forty (540) inches excepting that until but not fter January first one thousand nine hundred forty-one ny truck tractor and semi-trailer properly registered n this Commonwealth on the effective date of this act ay when coupled together be of a total maximum length ot exceeding seventy (70) feet excepting further that othing in this subsection shall prohibit the transportaon of articles impossible of dismemberment which do ot exceed seventy (70) feet Provided however That any ombination of a truck tractor and a semi-trailer deigned exclusively for carrying motor vehicles may exeed such total maximum length by not more than thirty 30) inches]

Penalty Any person violating any of the provisions of ubsections (a) (b) (c) (d) or (e) [or (g)] of this section hall upon summary conviction before a magistrate be entenced to pay a fine of ten ($10) dollars and costs of rosecution and in default of the payment thereof shall ndergo imprisonment for not more than five (5) days uch fine shall be in addition to any penalty imposed by ny other section or subsection of this act

Section 2 This act shall be effective immediately upon s final enactment

And said bill having been read at length the third time, onsidered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adam,	Frost,	Lovett,	Rosen,
Agnew,	Gaffney,	Lutty,	Rovansek,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	George,	Maxwell,	Sarraf,
Ashton,	Gibb,	McCann,	Scarcelli,
Auker,	Gibson,	McGee,	Schuster,
Banker,	Goldstein,	McInroy,	Sherman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, W. H.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Toomey,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varner,
Cochran,	Jump,	Musto,	Verona,
Comer,	Kamyk,	Naugle,	Wall,
Connelly,	Kehler,	Needham,	Wallace,
Curwood,	Keller,	Ogilvie,	Walsh,
Davis,	Kent,	Olsen,	Wargo,
Donahue,	Kline,	O'Neil,	Waterhouse,
Donaldson,	Knecht,	Pacchioli,	Weidner,
Down,	Kolankiewicz,	Parry,	Welsh,
Ehrgood,	Kooker,	Pashley,	Wescott,
Eilberg,	Kornick,	Paulhamus,	Wheeler,
Erb,	Kratz,	Petrosky,	Whitenight,
Eshleman,	Kromer,	Pettigrew,	Willaredt,
Ewing,	Lafore,	Polaski,	Williams,
Farabaugh,	Leiby,	Polen,	Wilt,
Filo,	Leisey,	Pomeroy,	Wood,
Fineman,	Leonard,	Price,	Worley,
Flint,	Leven,	Pursley,	Yetter,
Floyd,	Light,	Readinger,	Yetzer,
Flynn,	Limper,	Reibman,	Young,
Foster,	Lippincott,	Reidenbach,	Ziegler,
Frank,	Lopresti,	Renwick,	Andrews,
Frascella,		Rigby,	Speaker

NAYS—0

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 918, as follows:

An Act amending the act of June 21, 1939 (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in conties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment

and revisions of taxes in such counties and prescribing penalties" requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions and prescribing the time for appeal

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 21, 1939 (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" is amended by adding after section 17 a new section to read

Section 17.1 On or before the fifteenth day of January the Board of Property Assessment Appeals and Review shall certify to the clerk or secretary of each political subdivision coming within the scope of this act within the county the total value of real property appearing in the assessment roll and taxable by the respective political subdivisions The time limit within which the political subdivision is entitled to appeal from the actions of the board shall commence to run on the day such certification is mailed or otherwise delivered

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adam,	Frost,	Lutty,	Rosen,
Agnew,	Gaffney,	Mahan,	Rovansek,
Amarando,	Garlock,	Markley,	Rubin,
Anderson, M. S.,	Gelfand,	Maxwell,	Rudisill,
Anderson, S. A.,	George,	McCann,	Sarraf,
Ashton,	Gibb,	McGee,	Scarcelli,
Auker,	Gibson,	McInroy,	Schuster,
Banker,	Goldstein,	McKeever,	Sherman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. C.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Guthrie,	Metz,	Stank,
Boles,	Hamilton, R. K.,	Mihm,	Stebbins,
Bonner,	Hass,	Mikula,	Steckel,
Boory,	Haudenshield,	Miller,	Stephens,
Bower,	Heavey,	Mills,	Stevenson,
Branca,	Helm,	Monroe,	Stone,
Breisch,	Henzel,	Moody,	Stoner,
Brennan, A. P.,	Hewitt,	Moran,	Strausser,
Brennan, J. J.,	Hocker,	Moscrip,	Stroup,
Brenninger,	Holt,	Muldowney,	Swartz,
Breth,	Horst,	Mullen,	Taylor,
Brown,	Houk,	Munley,	Thomas,
Bucchin,	Isaacs,	Murphy,	Thompson,
Bullen,	Jenkins,	Murray, H. P.,	Toll,
Capano,	Johnson,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, G. E.,	Murray, P. G.,	Varallo,
Cioffi,	Jones, T. H. W.,	Musto,	Varner,
Cochran,	Jump,	Naugle,	Verona,
Comer,	Kamyk,	Needham,	Wall,
Connelly,	Kehler,	Ogilvie,	Wallace,
Curwood,	Keller,	Olsen,	Walsh,
Davis,	Kent,	O'Neil,	Wargo,
Donahue,	Kline,	Pacchioli,	Waterhouse,
Donaldson,	Knecht,	Parry,	Weidner,
Down,	Kolankiewicz,	Pashley,	Welsh,
Ehrgood,	Kooker,	Paulhamus,	Wescott,
Eilberg,	Kornick,	Petrosky,	Wheeler,
Erb,	Kratz,	Pettigrew,	Whitenight,
Eshleman,	Kromer,	Polaski,	Willaredt,
Ewing,	Lafore,	Polen,	Williams,
Farabaugh,	Leiby,	Pomeroy,	Wilt,
Filo,	Leisey,	Price,	Wood,
Fineman,	Leonard,	Pursley,	Worley,
Flint,	Leven,	Readinger,	Yetter,
Floyd,	Light,	Reibman,	Yetzer,
Flynn,	Limper,	Reidenbach,	Young,
Foster,	Lippincott,	Renwick,	Ziegler,
Frank,	Lopresti,	Rigby,	Andrews,
Frascella,	Lovett,		Speaker

NAYS—0

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 344.

An Act amending the act of June 10, 1897 (P. L. 139 No. 115) entitled "An act to limit the period of time within which suits may be brought against sureties of constables" providing that suits on constables' bonds shall be brought within six years from time at which cause of action arose

HOUSE BILL No. 1025.

An Act authorizing the owners of cemeteries with the approval of the court of quarter sessions to improve neglected cemeteries without the removal of the dead therefrom in certain cases and conferring jurisdiction on courts of quarter sessions for such purpose

HOUSE BILL No. 1282.

An Act authorizing the sale of vacant land located in areas certified as conservation areas in counties of the first class under a judgment obtained on a tax claim by the sheriff of the county providing for the discharge of all liens mortgages ground rents estates and claims against the property by sale and limiting the right of redemption

HOUSE BILL No. 1514.

An Act amending the act of September 26, 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trademarks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof and imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith" further defining the right to registration

HOUSE BILL No. 1804.

An Act authorizing photostating photographing microphotographing microfilming or other mechanical processing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the disposition destruction or transfer of custody of certain originals

With the information that the Senate has passed the same without amendment.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. VARALLO asked and obtained permission for the

Committee on Welfare to meet during the session of the House.

REPORTS FROM COMMITTEES

Mr. TAYLOR from the Committee on Welfare, reported as committed, House Bill No. 1904, entitled:

An Act amending the act of September 26, 1951, P. L. 1536, entitled "An act providing for the licensure and regulation of commercial boarding homes for the aged; * * *," further providing for refusal to grant, refusal to renew, and revocation of licenses; changing license fees.

Mr. NEEDHAM from the Committee on Mines and Mining, reported as committed, House Bill No. 2012, entitled:

An Act making an appropriation to the Department of Mines for expenses of supervising and administering the Anthracite Mine Drainage Program

Mr. EHRGOOD from the Committee on Judiciary reported as committed, Senate Bill No. 929, entitled:

An Act amending the "Liquor Code" * * * * providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

Mr. SARRAF from the Committee on Rules, re-reported as committed, Senate Bill No. 484, entitled:

An Act amending the "State Employees' Retirement Law" * * * * "providing for retirement of members of the General Assembly their superannuation retirement age annual salary or annual earnable salary and final salary and authorizing certain members of the General Assembly to join the retirement association by making back payments.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1397

An Act amending the act of June 21, 1939 (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," changing provisions relating to liability of employers and benefits and persons entitled thereto; changing certain rules of evidence and regulating practice and procedure; authorizing commutation of certain awards; providing for certain subrogation rights and the fixing of certain fees; prescribing penalties; making an appropriation; and generally clarifying and changing the provisions of the act.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 4, line 9, by inserting after the word "or" the words "from military activities or enemy sabotage;" page 5, lines 1 and 2 by inserting the following: "three hundred and six and three hundred and seven of this article but"; page 5, by striking out all of line 4, as follows: "three hundred and six and three hundred and seven of this article but"; page 6, line 4, by removing the brackets before and after the word "compensable"; line 5, by striking out after the word "within" the word "three" and inserting in lieu thereof the word "four"; line 11, by striking out after the word "of" the word "total"; page 7, by striking out brackets before the word "but" and after the word "conclusive"; page 12, by striking out at the beginning of the line the words "and shall in no case" and inserting in lieu thereof the words "and in those cases in which the employe works fewer than five days per week for reasons not connected with or arising out of the disability resulting from the injury shall not"; line 15, by striking out brackets after the word "employment"; and inserting all of lines 16 and 17, as follows: "similar to that in which the injured employe was engaged at the time of disability"; page 17, line 1, by striking out after the word "specified" the words "there shall be added a compensable healing period for the various permanent disabilities as follows" and inserting in lieu thereof the following: "any period of disability necessary and required as a healing period shall be compensated in accordance with the provisions of this subsection the healing period shall end (I) when the claimant returns to employment without impairment in earnings or (II) on the last day of the period specified in the following table whichever is the earlier"; page 18, line 11, by inserting after the word "week" the following: "when an employe works during the healing period his wages and earning power shall be as defined in this act and he shall not receive more in wages and compensation combined than his wages at the time of disability as defined in section 309"; page 28, line 1, by inserting after the "(a)" the word "And (D)" and striking out immediately thereafter the word "and (d)"; line 1, by inserting after the figures "308" the word "subsection"; line 2, by striking out after the "(A)" the word "Subsection (a)"; page 28, line 3, by inserting after "(P L 1389)" the following: "and subsection (D) Amended June 12 1941 (P L 125)" and striking out immediately following the following: "and subsection (d)"; line 5, by striking it out completely as follows: "Amended June 12 1941 (P L 125)"; page 29, by inserting after line 8, the following:

"(d) In all agreements for the payment of compensation and all awards the amount payable by the employer and the amount payable by the Commonwealth shall be separately stated An award against the employer shall be for only the percentage of the total compensation which the employer is obligated to pay under subsection (a) of this section not to exceed the stated percentage of the maximum payable by the employer under section 301 (a) 2 of this act or if section 301 (a) 2 be inapplicable then under sections 306 and 307 of this act A separate award shall be made against the Commonwealth for the balance of the compensation payable under said sections which shall be payable out of appropriations made as aforesaid Nothing in this section shall prohibit the Commonwealth from entering into agreements to pay the compensation for which it is liable Provided however that where compensation is payable under the provisions of subsection (a) of this section the Commonwealth shall not enter into an agreement unless the employer is a party to the agreement and provided further that any such agreement shall contain facts sufficient to entitle the claimant to compensation and shall be accompanied by a supporting medical certificate all such agreements shall be approved by the board or by a referee";

and striking out the following:

"(d) In all agreements for the payment of compensation and all awards the amount payable by the employer and the amount payable by the Commonwealth shall be separately stated An award against the employer shall be for only the percentage of the total compensa-

tion which the employer is obligated to pay under subsection (a) of this section not to exceed the stated percentage of the maximum payable by the employer under section 301 (a) 2 of this act or if section 301 (a) 2 be inapplicable then under sections 306 and 307 of this act A separate award shall be made against the Commonwealth for the balance of the compensation payable under said sections which shall be payable out of appropriations made as aforesaid Nothing in this section shall prohibit the Commonwealth from entering into agreements to pay the compensation for which it is liable";

Page 34, line 6, by striking out after the word "receive' the word "part" and inserting in lieu thereof the words "not less than one-third"; line 8, by striking out after the word "of" the word "three" and inserting in lieu thereof the word "two"; page 35, by inserting after line 9, the following:

"Section 310

Section 310 Alien widows children [widowers] and parents [brothers and sisters] not residents of the United States shall [not] be entitled to [any] compensation but only to the amount of fifty per centum of the compensation which would have been payable if they were residents of the United States Provided that compensation benefits are granted residents of the United States under the laws of the foreign country in which the widow children or parents reside alien widowers brothers and sisters who are not residents of the United States shall not be entitled to receive any compensation in no event shall any nonresident alien widow or parent be entitled to compensation in the absence of proof that the alien widow or parent has actually been receiving a substantial portion of his or her support from the decedent where transmission of funds in payment of any such compensation is prohibited by any law of the Commonwealth or of the United States to residents of such foreign country then no compensation shall accrue or be payable while such prohibition remains in effect and unless such prohibition is removed within six years from the date of death all obligation to pay compensation under this section shall be forever extinguished

In every instance where an award is made to alien widows children or parents not residents in the United States the referee or the board shall in the award fix the amount of any fee allowed to any person for services in connection with presenting the claim and it shall be a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than six months or both to accept any remuneration for the the services other than that provided by the referee or board";

and striking out the following:

"Section 310

Section 310 Alien widows children [widowers] and parents [brothers and sisters] not residents of the United States shall [not] be entitled to [any] compensation but only to the amount of fifty per centum of the compensation which would have been payable if they were residents of the United States Alien widowers brothers and sisters who are not residents of the United States shall not be entitled to receive any compensation In no event shall any non-resident alien widow or parent be entitled to compensation in the absence of proof that the alien widow or parent has actually been receiving a substantial portion of his or her support from the decendent."

"In every instance where an award is made to alien widows children or parents not residents in the United States the referee or the board shall in the award fix the amount of any fee allowed to any person for service in connection with presenting the claim and it shall be a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than six months or both to accept any remuneration for the services other than that provided by the referee or board"; page 40, line 8, by inserting after the word "employer" the following: "regularly employed at the place of employment of the disabled employe"; page 44, line 11, by inserting after the word "an" the words "agreement or"; line 13, by inserting after the word "the" the words "agreement or"; line 14, by inserting after the word "subrogation" the words "is agreed to by the parties or"; page 45, line 8, by inserting after the word "an" the word "existing"; line 9, by inserting after the word "or" the word "existing"; page 46, by striking out at the beginning of line 19 the following: "where the loss is earnings results" and inserting in lieu thereof the words "unless it be shown that the loss of earnings does not result from the disability due to the exposure"; page 50, by striking all of line 3, as follows: "may order The board may refer any questions of fact arising out of any"; page 50, by inserting lines 7 and 8, as follows: "may order the board may refer any question of fact arising out of any"; page 52, line 13, by inserting after the word "stated" the following: "but such statements and certificates shall not be admissible in any subsequent proceedings

"Where an employer has furnished surgical and medical services or hospitalization in accordance with the provisions of Subsection (f) of Section 306 or where the the employe has himself procured them The employer or employe shall upon request in any pending proceeding be furnished with or have made available a true and complete record of the medical and surgical services and hospital treatment including X-ray laboratory tests and all other medical and surgical data in the possession or under the control of the party requested to furnish or make available such data" and by striking out the following:

"Where an employer has furnished surgical and medical services or hospitalization in accordance with the provisions of subsection (f) of section 306 or where the employe has himself procured them the employer or employe shall upon request be furnished with a true and complete record of the medical and surgical services and hospital treatment including X-rays laboratory tests and all other medical and surgical data"; page 57, line 3 by striking out after the word "effort" the following: "July 1 1955" and inserting in lieu thereof the following "in thirty days."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adam,	Frost,	Lutty,	Rosen,
Agnew,	Gaffney,	Mahan,	Rovansek,
Amarando,	Garlock,	Markley,	Rubin,
Anderson, M. S.,	Gelfand,	Maxwell,	Rudisill,
Anderson, S. A.,	George,	McCann,	Sarraf,
Ashton,	Gibb,	McGee,	Scarcelli,
Auker,	Gibson,	McInroy,	Schuster,
Banker,	Goldstein,	McKeever,	Sherman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. C.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Guthrie,	Metz,	Stank,
Boles,	Hamilton, R. K.,	Mihm,	Stebbins,
Bonner,	Hass,	Mikula,	Steckel,
Boory,	Haudenshield,	Miller,	Stephens,
Bower,	Heavey,	Mills,	Stevenson,
Branca,	Helm,	Monroe,	Stone,
Breisch,	Henzel,	Moody,	Stoner,
Brennan, A. P.,	Hewitt,	Moran,	Strausser,
Brennan, J. J.,	Hocker,	Moscrip,	Stroup,
Brenninger,	Holt,	Muldowney,	Swartz,
Breth,	Horst,	Mullen,	Taylor,
Brown,	Houk,	Munley,	Thomas,
Bucchin,	Isaacs,	Murphy,	Thompson,
Bullen,	Jenkins,	Murray, H. P.,	Toll,
Capano,	Johnson,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, G. E.,	Murray, P. G.,	Varallo,
Cioffi,	Jones, T. H. W.,	Musto,	Varner,
Cochran,	Jump,	Naugle,	Verona,
Comer,	Kamyk,	Needham,	Wall,
Connelly,	Kehler,	Ogilvie,	Wallace,

urwood,	Keller,	Olsen,	Walsh,
avis,	Kent,	O'Neil,	Wargo,
onahue,	Kline,	Pacchioli,	Waterhouse,
onaldson,	Knecht,	Parry,	Weidner,
own,	Kolankiewicz,	Pashley,	Welsh,
hrgood,	Kooker,	Paulhamus,	Wescott,
ilberg,	Kornick,	Petrosky,	Wheeler,
rb,	Kratz,	Pettigrew,	Whitenight,
shleman,	Kromer,	Polaski,	Willaredt,
wing,	Lafore,	Polen,	Williams,
rabaugh,	Leiby,	Pomeroy,	Wilt,
lo,	Leisey,	Price,	Wood,
neman,	Leonard,	Pursley,	Worley,
lint,	Leven,	Readinger,	Yetter,
oyd,	Light,	Reibman,	Yetzer,
lynn,	Limper,	Reidenbach,	Young,
oster,	Lopresti,	Renwick,	Ziegler,
rank,	Lippincott,	Rigby,	Andrews,
rascella,	Lovett,		Speaker

NAYS—0

NOT VOTING—9

ooper,	Magee,	Royer,	Tompkins,
ougherty,	McCormack,	Sigman,	Vaughan,
awyer,			

The majority required by the Constitution having voted i the affirmative, the question was determined in the firmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accrodingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill om the House of Representatives numbered and entitled s follows:

HOUSE BILL No. 1398.

An Act amending the act of June 2, 1915 (P. L. 736), ntitled, as amended "An act defining the liability of an mployer to pay damages for injuries received by an mploye in the course of employment; establishing an ective schedule of compensation; providing procedure r the determination of liability and compensation there- nder; and prescribing penalties," changing provisions lating to liability of employers and benefits and per- ns entitled thereto; changing certain rules of evidence d regulating practice and procedure; authorizing com- tation of certain awards; providing for certain sub- gation rights and the fixing of certain fees; prescrib- g penalties; making an appropriation and generally arifying and changing the provisions of the act.

With the information that the Senate has passed the me with amendments, in which the concurrence of the ouse of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 4, line 14, by inserting after te word "or" the following: "from military activities or emy sabotage of";

Page 9, line 6, by striking out the light bracket before te word "and"; line 6, by inserting after the word "case)" te following: "and in those cases in which the employe orks fewer than five days per week for reasons not onnected with or arising out of the disability resulting om the injury shall not"; line 14, by striking out the ht bracket following the word "employment"; line 14, k inserting after the word "employment" the following: milar to that in which the injured employe was en- gged at the time of the accident";

Page 13, line 16, by striking out after third word "the" te following: "sidered as the loss of an arm and am- tation at or above the knee"; line 18, by inserting after the part word "con" the following: "sidered as the loss of an arm and amputation at or above the knee";

Page 14, line 6, by striking out after the word "specified" the following: "there shall be added a compensable healing period for the various permanent injuries as follows" and inserting in lieu thereof the following: "any period of" and striking out the word "total" and inserting the following:

"Disability necessary and required as a healing period shall be compensated in accordance with the provisions of this subsection the healing period shall end (i) when the claimant"; and striking out the following: "is able to return" and inserting the following: "returns to employment without impairment in earnings or (ii) on the last day of the period specified in the following table whichever is the earlier";

Page 15, line 17, by inserting after the word "week" the following:

"When an employe works during the healing period his wages and earning power shall be as defined in this act and he shall not receive more in wages and compensation combined than his wages at the time of the accident as defined in Section 309"

Page 29, line 9, by striking out after the word "receive" the word "part" and inserting in lieu thereof the words: "not less than one-third"; line 12, by striking out after the word "of" the word "three" and inserting in lieu thereof the word "two";

Page 30, line 8, by inserting after the word "five" the following:

"Section 310

"Section 310 Alien widows children [widowers] and parents [brothers and sisters] not residents of the United States shall [not] be entitled to [any] compensation but only to the amount of fifty per centum of the compensation which would have been payable if they were residents of the United States Provided that compensation benefits are granted residents of the United States under the laws of the foreign county in which the widow children or parents reside Alien widows brothers and sisters who are not residents of the United States shall not be entitled to receive any compensation In no event shall any non-resident alien widow or parent be entitled to compensation in the absence of proof that the alien widow or parent has actually been receiving a substantial portion of his or her support from the decedent where transmission of funds in payment of any such compensation is prohibited by any law of the Commonwealth or of the United States To residents of such foreign country then no compensation shall accrue or be payable while such prohbition remains in effect and unless such prohibition is removed within six years from the date of death All obligation to pay compensation under this section shall be forever extinguished

"In every instance where an award is made to alien widows children or parents not residents in the United States the referee or the board shall in the award fix the amount of any fee allowed to any person for services in connection with presenting the claim and it shall be a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than six months or both to accept any remuneration for the services other than that provided by the referee or board" and by striking out the following:

"Section 310

"Section 310 Alien widows children [widowers] and parents [brothers and sisters] not residents of the United States shall [not] be entitled to [any] compensation but only to the amount of fifty per centum of the compensation which would have been payable if they were residents of the United States Alien widowers brothers and sisters who are not residents of the United States shall not be entitled to receive any compensation In no event shall any non-resident alien widow or parent be entitled to compensation in the absence of proof that the alien widow or parent has actually been receiving a substantial portion of his or her support from the decedent

In every instance where an award is made to alien widows children or parents not residents in the United

States the referee or the board shall in the award fix the amount of any fee allowed to any person for services in connection with presenting the claim and it shall be a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than six months or both to accept any remuneration for the services other than that provided by the referee or board

Page 35, line 10, by inserting after the second word "employer" the following: "regularly employed at the place of employment of the injured employe";

Page 39, line 16, by inserting after the word "an" the following: "agreement or"; line 18, by inserting after the first word "the" the following: "agreement or"; line 19, by inserting after the word "subrogation" the following: "is agreed to by the parties or";

Page 42, line 1, by striking out the bracket before the word "any"; line 5, by striking out the bracket following the word "limitations"; and inserting the following: "and provided further that"; line 10, by striking out after the word "payable" the word "where" and inserting in lieu thereof the following: "unless it be shown that the loss in earnings" and striking out the word "results" and inserting "does not result from the disability due to the injury";

Page 47, line 12, by inserting after the word "stated" the following:

"But such statements and certificates shall not be admissible in any subsequent proceedings

"When an employer shall have furnished surgical and medical services or hospitalization in accordance with the provisions of subsection (f) of Section 306 or where the employe has himself procured them The employer or employe shall upon ;request in any pending proceeding be furnished with or have made available a true and complete record of the medical and surgical services and hospital treatment including X-rays laboratory tests and all other medical and surgical data In the possession or under the control of the party requested to furnish or make available such data"; and by striking out the following:

"Where an employer shall have furnished surgical and medical services or hospitalization in accordance with the provisions of subsection (f) of section 306 or where the employe has himself procured them the employer or employe shall upon request be furnished with a true and complete record of the medical and surgical services and hospital treatment including X-rays laboratory tests and all other medical and surgical data";

Amend Section 2, page 52, line 1, by striking out after the word "effect" the following: "July 1 1955" and inserting in lieu thereof the following: "in thirty days."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adam,	Frost,	Lutty,	Rosen,
Agnew,	Gaffney,	Mahan,	Rovansek,
Amarando,	Garlock,	Markley,	Rubin,
Anderson, M. S.,	Gelfand,	Maxwell,	Rudisill,
Anderson, S. A.,	George,	McCann,	Sarraf,
Ashton,	Gibb,	McGee,	Scarcelli,
Auker,	Gibson,	McInroy,	Schuster,
Banker,	Goldstein,	McKeever,	Sherman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. O.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Guthrie,	Metz,	Stank,
Boles,	Hamilton, R. K.,	Mihm,	Stebbins,
Bonner,	Hass,	Mikula,	Steckel,
Boory,	Haudenshield,	Miller,	Stephens,
Bower,	Heavey,	Mills,	Stevenson,
Branca,	Helm,	Monroe,	Stone,
Breisch,	Henzel,	Moody,	Stoner,
Brennan, A. P.,	Hewitt,	Moran,	Strausser,
Brennan, J. J.,	Hocker,	Moscnip,	Stroup,
Brenninger,	Holt,	Muldowney,	Swartz,
Breth,	Horst,	Mullen,	Taylor,
Brown,	Houk,	Munley,	Thomas,
Bucchin,	Isaacs,	Murphy,	Thompson,
Bullen,	Jenkins,	Murray, H. P.,	Toll,
Capano,	Johnson,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, G. E.,	Murray, P. G.,	Varallo,
Cioffi,	Jones, T. H. W.,	Musto,	Varner,
Cochran,	Jump,	Naugle,	Verona,
Comer,	Kamyk,	Needham,	Wall,
Connelly,	Kehler,	Ogilvie,	Wallace,
Curwood,	Keller,	Olsen,	Walsh,
Davis,	Kent,	O'Neil,	Wargo,
Donahue,	Kline,	Pacchioli,	Waterhouse,
Donaldson,	Knecht,	Parry,	Weidner,
Down,	Kolankiewicz,	Pashley,	Welsh,
Ehrgood,	Kooker,	Paulhamus,	Wescott,
Elberg,	Kornick,	Petrosky,	Wheeler,
Erb,	Kratz,	Pettigrew,	Whitenight,
Eshleman,	Kromer,	Polaski,	Willaredt,
Ewing,	Lafore,	Polen,	Williams,
Farabaugh,	Leiby,	Pomeroy,	Wilt,
Filo,	Leisey,	Price,	Wood,
Fineman,	Leonard,	Pursley,	Worley,
Flint,	Leven,	Readinger,	Yetter,
Floyd,	Light,	Reibman,	Yetzer,
Flynn,	Limper,	Reidenbach,	Young,
Foster,	Lippincott,	Renwick,	Ziegler,
Frank,	Lopresti,	Rigby,	Andrews, Speaker
Frascella,	Lovett,		

NAYS—0

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

Mr. AMARANDO offered a resolution which was filed with the Clerk under the Rules.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in a resolution from the House of Representatives as follows:

In the House of Representatives, February 21, 1956.

Resolved (if the Senate concur), that House Bill No. 1623, Printer's No. 1348, entitled "An act extending county pension and retirement benefits to veterans of armed conflicts in counites of the second third fourth fifth sixth seventh and eighth class," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 20, 1956.

Resolved, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, February 27, 1956, at a time to be fixed by the Senate and when the House of Representatives adjourns this week, it reconvene on Monday, February 27, 1956, at a time to be fixed by the House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
It was concurred in.
Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 215

The Clerk of the Senate being introduced, informed hat the Senate insists on its nonconcurrence in the mendments made and insisted upon by the House of tepresentatives to Senate Bill No. 215 entitled:

An Act amending the act of March 10, 1949 (P. L. 30) ntitled "An act relating to the public school system in- luding certain provisions applicable as well to private nd parochial schools amending revising consolidating nd changing the laws relating thereto" changing the asis for reimbursement on account of rentals payable o the State Public School Building Authority municipal- ty authorities and nonprofit corporations and the condi- ions therefor and limitations on approval of projects for eimbursement purposes and providing for reimburse- ient on account of sinking fund charges on indebtedness or school buidlings hereafter constructed and making an ppropriation

And has appointed Messrs. Wagner, Kessler and Hays committee of conference to confer with a similar com- ittee of the House of Representatives (if the House f Representatives shall appoint such committee) on ie subject of the difference existing between the two louses in relation to said bill.

Mr. READINGER. Mr. Speaker, I move that the House sist upon its amendments non-concurred in by the Sen- te to Senate Bill No. 215 and that a Committee of Con- erence be appointed.
The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 215

The SPEAKER. The Chair appoints as a Committee of onference on the part of the House, Messrs. McCann, olen and Strausser.
Ordered, That the Clerk inform the Senate accordingly.

BILL ON FINAL PASSAGE

Mr. PETROSKY. Mr. Speaker, I call up Senate Bill No. 55, Printer's No. 498 on page 2 of today's calendar, bills n final passage.

Agreeably to order,
The House proceeded to the consideration on final pas- age of Senate Bill No. 655, entitled:

An Act amending the act of December 27 1951 (P. L. 742) entitled as amended "An act to provide revenue by mposing a State tax relating to certain documents and ansactions prescribing and regulating the method and anner of evidencing the payment of such tax conferring owers and imposing duties upon certain persons partner- ips associations and corporations sheriffs recorders of eeds and the Department of Revenue saving certain tate and local taxes and authorizing amendments ex- nsions and supplements to the ordinances and resolu- ons thereto and providing penalties" exempting from the ax certain trustees and correctional deeds certain straw ansactions and certain transfers to the United States ie Commonwealth or their agencies instrumentalities r political subdivisions

On the question recurring,
Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. PETROSKY. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.
Mr. STANK. Mr Speaker, I second the motion
The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky vote on the third reading of this bill?
Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.
The SPEAKER. How did the gentleman from Northumberland, Mr. Stank vote on the third reading of this bill?
Mr. STANK. Mr. Speaker, I voted with the prevailing side.
On the question,
Will the House agree to the motion?
It was agreed to.
On the question recurring,
Will the House agree to the bill on third reading?
Mr. PETROSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.
The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 1 (Section 2), page 3, lines 13 and 14, by striking out "by and" in line 13, and "between a principal and" in line 14 and inserting "from a principal to a."
Amend Section 1 (Section 2), page 3, line 14, by inserting after "the" "sole."
Amend Section 1 (Section 2), page 3, line 15, by inserting after "premises" "to be followed by immediate reconveyance by the straw party to the same principal."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.
On the question,
Will the House agree to the amendments?
They were agreed to.
On the question,
Will the House agree to the bill on third reading as amended?
It was agreed to.
Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 530.

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land property or material or any interest therein by political subdivisions by authorities created by political subdivisions or by corporations in the exercise of their power of eminent domain

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the com-

munication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 173.

An Act providing for the establishment of police pension pension funds or pension annuities in certain boroughs towns and townships and the regulation and maintenance thereof providing for continuance of existing funds or transfer thereof to funds herein established prescribing rights of beneficiaries and repealing certain acts

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, line 2, by inserting after the word "in" the word "certain."

Amend Section 1, page 2, line 2 by inserting after the word "force" the following: "of four or more members"; line 11 by inserting after the word "policemen" the following: "to the extent not appropriated in any year by the borough town or township to another pension fund or plan heretofore established by the borough town or township or by the citizens thereof or both"; page 3, line 7 by inserting after the figure in parenthesis "(1)" the following: "match the aggregate payments made by the members of the police force during such year and in addition (2) a further appropriation shall"; line 11 by inserting after the word "year" the following: "and the matching appropriation as aforesaid and the"; line 15 by inserting after the word "policemen" the following: "(unless paid by the borough town or township to another pension fund or plan heretofore established)"; page 4, line 1, by inserting after the word "full" the following: "the share of the borough town or township"; line 3 by inserting after the word "year" the following: "to the extent required under the provisions of section 5 of this act."

Amend Section 3, page 4, line 15 by striking out after the word "of" the word "fifty-five" and inserting in lieu thereof the word "sixty."

Amend Section 5, page 5, line 14, by striking out after the word "for" the following:

"The basis of the apportionment of the pension shall be determined by the rate of the monthly pay of the member at the date of death honorable discharge or retirement and shall not in any case be less than one-half the highest pay of such member during any period of twelve months within the last sixty months of employment computed at such monthly rate"; and insert in lieu thereof the following:"

"The basis for determining any pension payable under this act following retirement of any member of the force meeting the service qualifications of the ordinance establishing a police pension fund shall be as follows

Monthly pension or retirement benefits shall be not less than one-half the monthly average of the highest pay of such member during any period of twelve consecutive months within the last sixty months of employment such pension or retirement benefits for any month shall be computed as the sum of (1) any pension benefits from pension plans heretofore established by the borough town or township and by citizens thereof or both (II) primary benefits under federal social security laws for which the officer may be eligible because of age and (III benefits from the police pension fund established pursuant to this act to the extent necessary to bring the total benefits in any month up to one-half the aforesaid monthly average."

Amend section 6, page 7, line 4, by striking out after the word "fund" the following: "shall continue as constituted only upon the following terms and conditions" and inserting in lieu thereof the following:

"May be continued as constituted and the pensions paid by such established fund shall be credited in determining the annual appropriations of the borough town or township as provided in section 1 hereof"; line 10 by striking out the following:

"(1) The amount paid in pensions to each beneficiary under the established fund shall be in excess of any amount so payable from the fund established pursuant to this act and

(2) If the borough town or township in which such an established fund exists undertakes to annually appropriate sufficient moneys to compensate the existing fund for any deficit in the amount of money needed to pay pension obligations during any calendar year and

(3) If not over two-thirds of the beneficiaries and dues paying membership of the existing organization or association vote to transfer its funds into a pension fund established by a borough town or township pursuant to this act"

Amend Section 10, page 9, line 8 by striking out after the word "repealed" the following "as particularly set forth" and inserting in lieu thereof the following: "in so far as they apply to boroughs towns and townships maintaining a police force of four or more members"; line 15 by striking out after the word "amendments" the word "absolutely"; page 10, line 1 by striking out after the part word "ments" the word "absolutely"; line 6 by striking out after the part word "ments" the word "absolutely"; line 11 by striking out after the word "States" the following: "in so far as it relates to boroughs towns and townships"; line 15 by striking out after the word "thereto" the word "absolutely."

Amend Section 11, page 10, line 17 by inserting after the words "fifty-six" the following: "but no payments shall be made from the fund established by this act until January first one thousand nine hundred fifty-seven."

On the question,

Will the House concur in the amendments made by the Senate

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 660.

An Act amending the act of May 16, 1923 (P. L. 207 entitled "An act providing when how upon what propert and to what extent liens shall be allowed for taxes an for municipal improvements for the removal of nuisance and for water rents or rates sewer rates and lightin rates for the procedure upon claims filed therefor th methods for preserving such liens and enforcing payme of such claims the effect of judicial sales of the propertie liened the distribution of the proceeds of such sales an the redemption of the property therefrom for the lie and collection of certain taxes heretofore assessed an

claims for municipal improvements made and nuisances moved within six months before the passage of this t and for the procedure on tax and municipal claims fed under other and prior acts of Assembly" further gulating the sale of real property for the non-payment tax and municipal claims and providing for the discarge of all liens mortgages ground rents estates and aims against such property by such sale subject to the ght of redemption in cities of the first class

With the information that the Senate has passed the me with amendments, in which the concurrence of the louse of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 2, pine 8, by inserting after the ord "redemption" the following: "in cities of the first ass."

Amend Section 1, page 3, line 6, by inserting after the ord "act" the following: "in cities of the first class."

On the question,

Will the House concur in the amendments made by the nate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned ill from the House of Representatives numbered and titled as follows:

HOUSE BILL No. 949.

An Act amending the act of March 10, 1949 (P. L. 30) titled "An act relating to the public school system incuding certain provisions applicable as well to private id parochial schools amending revising consolidating and anging the laws relating thereto" providing for courses study in first aid and home nursing to be included uring the last four years of any complete high school ogram

With the information that the Senate has passed the me with amendments, in which the concurrence of the louse of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 10, by inserting after the ord "During" the following: "one or more of"; line 11, y striking out after the word "there" the word "shall" id inserting in lieu thereof the word "may"; line 16, y striking out after the word "amended" the following: The minimum time to be devoted to such courses of udy and to the practical and theoretical instruction iven therein shall be prescribed by the Superintendent Public Instruction instruction based upon"; line 20, y striking out after the word "a" the word "cource" and serting in lieu thereof the word "course."

On the question,

Will the House concur in the amendments made by the nate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1197.

An Act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece prescribing forms therefor and fixing the fees thereof

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 7, page 5, line 8, by striking out entire line, as follows: "approved by owners of real estate"; Section 8, page 7, by striking out the word "Secretary" on line 1, the dots ". . . . ." on line 2 and the words "Approved by owners of real estate"; page 7, line 4, by striking out after the word "Section" the figure "8" and inserting in lieu thereof the figure "9"; and by striking out after the word "effect" the word "January" and inserting in lieu thereof the words: "July 1 1956."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1530.

An Act amending the act of June 23, 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" prescribing an additional amount of tax which may be levied and collected for general revenue purposes upon order of court

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 1, line 3, by striking out after the word "thereto" the words "increasing the" and inserting in lieu thereof the following: "prescribing an additional"; line 5, by inserting after the word "purposes" the following: "upon order of court."

Amend Section 1, page 2, line 7, by striking out the brackets before and after the word "fifteen" and striking

out the word "twenty"; line 11, by inserting after the word "provided" the following:

"Where the city council by a majority action shall upon due cause shown petition the court of quarter sessions for the right to levy additional millage the court after such public notice as it may direct and after hearing may order a greater rate than fifteen mills but not exceeding five additional mills to be levied."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1914.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County

With the information that the Senate has passed the same with amendments, in which concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 8, by inserting after the word "of" the words "Edwin P. Taylor"; line 9, by inserting after the word "of" the words "John A. Diemand Jr."; line 12, by striking out after the word "wide" the word "land" and inserting in lieu thereof the word "lane"; line 12, by inserting after the second word "of" the words "Mary Day Scarborough."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

RECONSIDERATION OF VOTE ON SENATE BILL No. 655

Mr. PETROSKY. Mr. Speaker, I move that the vote by which the House agreed to Senate Bill No. 655, Printer's No. 498, entitled:

An Act amending "The Realty Transfer Tax Act" of December 27, 1951 (P. L. 1742) * * *" exempting from the tax certain trustees and correctional deeds certain straw transactions and certain transfers to the United States the Commonwealth or their agencies instrumentalities or political subdivisions.

on third reading as amended, be reconsidered.

Mr. MILLS. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky vote on the third reading of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Mills vote on the third reading of this bill?

Mr. MILLS. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

AMENDMENTS WITHDRAWN

Mr. PETROSKY asked and obtained unanimous consent to withdraw the amendments offered by him.

The SPEAKER pro tempore. The bill remains on the third reading calendar without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1987, as follows:

An Act amending the act of May 2, 1925 (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing in certain cases fishing in farm ponds without licenses and regulating the transportation of fish taken from such ponds during closed seasons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 56 57 and 58 act of May 2, 1925 (P. L. 448) known as "The Fish Law of 1925" added August 21, 1953 (P. L. 1222) are amended to read

Section 56 [Licenses The Pennsylvania Fish Commission shall upon application therefor accompanied by a license fee of one dollar issue a farm fish pond license effective from the first day of April to the thirty-first day of March to the owner or lessee of a farm on which is constructed an artificial pond not exceeding two acres in surface area inhabitated by fish and holding water the source of which is wholly within the limits of such farm or from waters in which there are no game fish Such licenses may be renewed each year

The Fish Commission shall fix the terms of each such license and notwithstanding any other provision of this act to the contrary shall include therein permission to release stock and propagate catfish sunfish perch or bass and to take fish of any size without regard to closed seasons or creel limits Such license shall specify the manner of taking and the type size and mesh of gear to be used but shall not prohibit the use of a seine] Fishing Authorized Without License The owner or lessee of a farm his family and persons residing or regularly employed upon the farm on which is constructed an artificial pond holding water the source of which is wholly within the limits of such farm or from waters in which there are no game fish may without license at any time fish in such pond and take therefrom fish of any kind and size and in any number without regard to closed seasons or creel limits or other restrictions or limitations

Section 57 [Use of Farm Fish Pond Any farm fish pond for which a license is issued shall be used for propagation of catfish sunfish perch or bass and for harvesting catfish sunfish perch or bass for the personal use of the licensee and persons residing or regularly employed upon the farm No licensee shall permit any other person to fish in such pond and no fish taken from such pond shall be sold or offered for sale or transported from the premises] Transporting Fish from Premises When any trout or bass lawfully taken from a farm pond are to be transported from the premises during the closed season for such fish

ie owner or lessee of the farm shall give to the person ransporting the fish a written statement signed by him owing the date place and by whom the fish were taken e number and species of fish the name and address of e person transporting the fish and the date they are eing transported Any person may lawfully have in his ossession and transport such fish during the closed season r such species when accompanied by the statement erein provided for

Section 58 Penalty [Any person violating any provisions this article shall on conviction in the manner provided chapter fourteen of this act be sentenced to pay a fine twenty dollars In addition to such penalty for the cond offense the farm fish pond license or fishing license both of any such person may be revoked for one year the discretion of the Commission] Any person having his possession during the closed season any trout or ss taken from a farm pond and transported from the emises without being accompanied by the statement the owner or lessee provided for in the preceding ction shall on conviction as provided in chapter fourteen this act be sentenced to pay a fine of ten dollars ($10) r each fish had in possession

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WORLEY. Mr. Speaker, for years I have been orking for this and other good agricultural legislation, id I hope this bill passes this House today. The farmer ys for the pond, he pays for the fish, so why doesn't have the right to fish therein without a license or e if he wants to fish?

As long as a farmer is on his own property, he has the nstitutional right to operate his property as he wishes long as he does not unreasonably interfere with the blic interest.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas id nays were taken and were as follows:

YEAS—198

dam,	Frost,	Lutty,	Rosen,
gnew,	Gaffney	Mahan,	Rovansek,
marando,	Garlock,	Markley,	Rubin,
nderson, M. S.,	Gelfand,	Maxwell,	Rudisill,
nderson, S. A.,	George,	McCann,	Sarraf,
shton,	Gibb,	McGee,	Scarcelli,
uker,	Gibson,	McInroy,	Schuster,
anker,	Goldstein,	McKeever,	Sherman,
arnatovich,	Gramlich,	McLaughlin,	Smith, C. C.,
azin,	Greenwood,	McWherter,	Smith, Wm. B.,
ell,	Guss,	Meholchick,	Snider,
lair,	Guthrie,	Metz,	Stank,
oles,	Hamilton, R. K.,	Mihm,	Stebbins,
onner,	Hass,	Mikula,	Steckel,
oory,	Haudenshield,	Miller,	Stephens,
ower,	Heavey,	Mills,	Stevenson,
ranca,	Helm,	Monroe,	Stone,
reisch,	Henzel,	Moody,	Stoner,
rennan, A. P.,	Hewitt,	Moran,	Strausser,
rennan, J. J.,	Hocker,	Moscrip,	Stroup,
renninger,	Holt,	Muldowney,	Swartz,
reth,	Horst,	Mullen,	Taylor,
rown,	Houk,	Munley,	Thomas,
ucchin,	Isaacs,	Murphy,	Thompson,
ullen,	Jenkins,	Murray, H. P.,	Toll,
apano,	Johnson,	Murray, J. J.,	Toomey,
lanfrani,	Jones, G. E.,	Murray, P. G.,	Varallo,
loff,	Jones, T. H. W.,	Musto,	Varner,
ochran,	Jump,	Naugle,	Verona,
omer,	Kamyk,	Needham,	Wall,
onnelly,	Kehler,	Ogilvie,	Wallace,
urwood,	Keller,	Olsen,	Walsh,
avis,	Kent,	O'Neil,	Wargo,
onahue,	Kline,	Pacchioli,	Waterhouse,
Donaldson,	Knecht,	Parry,	Weidner,
Down,	Kolankiewicz,	Pashley,	Welsh,
Ehrgood,	Kooker,	Paulhamus,	Wescott,
Eilberg,	Kornick,	Petrosky,	Wheeler,
Erb,	Kratz,	Pettigrew,	Whitenight,
Eshleman,	Kromer,	Polaski,	Willaredt,
Ewing,	Lafore,	Polen,	Williams,
Farabaugh,	Leiby,	Pomeroy,	Wilt,
Filo,	Leisey,	Price,	Wood,
Fineman,	Leonard,	Pursley,	Worley,
Flint,	Leven,	Readinger,	Yetter,
Floyd,	Light,	Reibman,	Yetzer,
Flynn,	Limper,	Reidenbach,	Young,
Foster,	Lippincott,	Renwick,	Ziegler,
Frank,	Lopresti,	Rigby,	Andrews,
Frascella,	Lovett,		Speaker

NAYS—0

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

The SPEAKER pro tempore. All bills on the final passage and third reading calendars that have not been acted upon will be passed over if there is no objection. The Chair hears none.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 284, Printer's No. 507, together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 284.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," creating the State Board of Chiropody Examiners as a departmental administrative board in the Department of Public Instruction.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 3, page 9, line 11, by striking out after the word "the" the word "said" and inserting in lieu thereof the word "licensing".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Agnew,	Frost,	Lutty,	Rosen,
Adam,	Gaffney,	Mahan,	Rovansek,
Amarando,	Garlock,	Markley,	Rubin,
Anderson, M. S.,	Gelfand,	Maxwell,	Rudisill,
Anderson, S. A.,	George,	McCann,	Sarraf,
Ashton,	Gibb,	McGee,	Scarcelli,
Auker,	Gibson,	McInroy,	Schuster,
Banker,	Goldstein,	McKeever,	Sherman,
Barnatovich,	Gramlich,	McLaughlin,	Smith, C. C.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Guthrie,	Metz,	Stank,
Boies,	Hamilton, R. K.,	Mihm,	Stebbins,
Bonner,	Haudenshield,	Mikula,	Steckel,
Boory,	Hass,	Miller,	Stephens,
Bower,	Heavey,	Mills,	Stevenson,
Branca,	Helm,	Monroe,	Stone,
Breisch,	Henzel,	Moody,	Stoner,
Brennan, A. P.,	Hewitt,	Moran,	Strausser,
Brennan, J. J.,	Hocker,	Moscrip,	Stroup,
Brenninger,	Holt,	Muldowney,	Swarts,
Breth,	Horst,	Mullen,	Taylor,
Brown,	Houk,	Munley,	Thomas,
Bucchin,	Isaacs,	Murphy,	Thompson,
Bullen,	Jenkins,	Murray, H. P.,	Toll,
Capano,	Johnson,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, G. E.,	Murray, P. G.,	Varallo,
Cioffi,	Jones, T. H. W.,	Musto,	Varner,
Cochran,	Jump,	Naugle,	Verona,
Comer,	Kamyk,	Needham,	Wall,
Connelly,	Kehler,	Ogilvie,	Wallace,
Curwood,	Keller,	Olsen,	Walsh,
Davis,	Kent,	O'Neil,	Wargo,
Donahue,	Kline,	Pacchioli,	Waterhouse,
Donaldson,	Knecht,	Parry,	Weidner,
Down,	Kolankiewicz,	Pashley,	Welsh,
Ehrgood,	Kooker,	Paulhamus,	Wescott,
Eilberg,	Kornick,	Petrosky,	Wheeler,
Erb,	Kratz,	Polaski,	Whitenight,
Eshleman,	Kromer,	Polen,	Willaredt,
Ewing,	Lafore,	Pomeroy,	Williams,
Farabaugh,	Leiby,	Pettigrew,	Wilt,
Filo,	Leisey,	Price,	Wood,
Fineman,	Leonard,	Pursley,	Worley,
Flint,	Leven,	Readinger,	Yetter,
Floyd,	Light,	Reibman,	Yetzer,
Flynn,	Limper,	Reidenbach,	Young,
Foster,	Lippincott,	Renwick,	Ziegler,
Frank,	Lopresti,	Rigby,	Andrews,
Frascella,	Lovett,		Speaker

NAYS—0

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 285, Printer's No. 511 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 285.

An Act relating to and defining the practice of chiropody conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction requiring licensure providing for the granting cancellation suspension and revocation of licenses preserving the rights of existing licenses providing for the promulgation of rules and regulations transfer of jurisdiction and records to the Board Regulation of Schools of Chiropody reciprocity and providing penalties and remedies

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 1, line 3, by inserting after the word "Instruction" the following: "requiring licensure providing for the granting cancellation suspension and revocation of licenses preserving the rights of existing licenses providing for the promulgation of rules and regulations transfer of jurisdiction and records to the board regulation of school of chiropody reciprocity"; amend title, page 2, line 2, by inserting after the word "penalties" the words "and remedies"; amend bill by inserting all of line 1 and 2, as follows: "Section 1 Short title this act shall be known and may be cited as the "Chiropody Act of 1956"; page 2, by striking out all of lines 4 to 10 inclusive, as follows:

"Section 1 Chiropody or Pediatry as used in this act means the diagnosis of foot ailments and the practice of minor surgery upon the feet the padding dressing and strapping of the feet the making of models of the feet and palliative and mechanical treatment of functional disturbances of feet not including the computation of the leg foot or toes or the treatment of systemic diseases of the bones ligaments or muscles of the feet or any part of the body."

and inserting in lieu thereof the following:

"Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(a) "Chiropody" shall mean the diagnosis of foot ailments and the practice of minor surgery upon the feet the padding dressing and strapping of the feet the making of models of the feet and palliative and mechanical treatment of functional disturbances of feet not including the amputation of the leg foot or toes or the treatment of systemic diseases of the bones ligaments or muscles of the feet or any part of the body

(b) "Chiropodist" shall mean a practitioner of chiropody

(c) "Board" shall mean the State Board of Chiropody examiners

(d) "Department" shall mean the Department of Public Instruction

Section 3 Status of Existing Licensees Any person who has heretofore been licensed to practice chiropody in this commonwealth and who is so licensed on the date of the approval of this act and who desires to continue the practice of chiropody must be licensed and registered under the provisions of this act and upon making application and payment of a fee of five dollars ($5.00) on or before the thirty-first day of December one thousand nine hundred fifty-six such person will be licensed under the provisions of this act without being required to take the examination provided by this act"

Page 4, line 7, by striking out after the word "Section" the figure "2" and inserting in lieu thereof the figure "4"; page 4, line 9, by striking out after the word "the" the word "State" and after the word "Board" the words "of Chiropody Examiners"; page 4, by inserting after line 4, all of lines 15 and 16, as follows: "or has legally declared an intention to become such a resident of this Commonwealth"; page 4, line 18, by striking out after the word "obtained" the words: "preliminary instruction equivalent to four years high school and" and inserting in lieu thereof the words: "an education of not less than four years High School or its equivalent and actual"; page 5, line 3, by inserting after the word "certificate" the words "obtained from such institution"; line 4, by inserting after the word "The" the word "Board"; line 4, by striking out after the word "Board" the words: "Department of Public Instruction"; page 5, line 5, by striking out after the word "applicant" the words: "before presentation for examination"; line 6, by striking out after the word: "the" the words "State Board of Chiropody Examiners The State Board of Chiropody Examiners" and inserting in lieu thereof the words: "board the board"; line 8, by striking out after the word: "every" the words "qualified person" and inserting in lieu thereof the word: "applicant"; page 5, by inserting after line 10, the following:

"Section 5 Exclusive Jurisdiction of Board From and after the effective date of this act the board shall exercise exclusive jurisdiction over all persons licensed or to be licensed and registered to practice chiropody in this commonwealth" page 5, line 17, by striking out after the word Section" the figure "3" and inserting in lieu thereof the figure "6"; line 17, by striking out after the word "The" the word "State"; and after the word "Board" the words of Chiropody Examiners"; line 18, by striking out at the beginning of the line the word "annual"; line 19, by striking out after the word "examination" the words shall be those taught in a recognized School of Chiropody and"; page 6 line 1, by striking out after the word "the" the following: "State Board of Chiropody Examiners The curriculum taught shall be confined to subjects covered by the definition of chiropody as contained in this act All examinations shall be given in the English language and shall be written in pen and ink to be supplied by the candidates" and inserting in lieu thereof the following: Board and shall be on those subjects taught in a recognized School of Chiropody"; page 6, after line 11, by inserting all of Section 7, as follows:

"Section 7 Curriculum The curriculum taught shall be confined to subjects covered by the definition of chiropody as contained in this act the board shall or shall not approve schools of chiropody." line 17 by striking out after the word Section, the figure "4" and inserting in lieu thereof the figure "8" and striking out after the figure "4" the words "Every applicant" and inserting in lieu thereof the words "every candidate for examination"; line 19 by striking out after the word "centum" the word "at" and inserting in lieu thereof the word "in"; line 19, by striking out after the word "one" the word "session" and inserting in lieu thereof the word "subject"; line 20, by inserting after the word "hundred" the word "Per Centum"; page 7, line 3, by striking out after the word candidate" the words: "after the expiration of six months and"; page 7, line 6, by striking out after the word Section" the figure "5" and inserting in lieu thereof the figure "9"; line 6, by striking out after the word "the" the word "State" and after the word "Board" the words "of Chiropody Examiners"; line 7, by striking out after the word "a" the words "certificate of registration" and inserting in lieu thereof the word "License"; line 8 by striking out at the beginning of the line the words "successfully passing the required examination" and inserting in lieu thereof the words "qualified under the provisions of this act"; line 14, by striking out after the word "the" the word "State" and after the word "Board" the words "of Chiropody Examiners"; line 16, by striking out after the word "registration" the words "and for the certificate provided"; line 17, by striking out after the word "Department" the words "of Public Instruction"; line 18, by striking out after the word "The" the words "money received and the examination"; page 8, line 1, by striking out after the word "Section" the figure "6" and inserting in lieu thereof the figure "10" and striking out after the figure "10" the following "upon recommendation by the State Board of Chiropody Examiners"; line 5, by inserting at the beginning of the line the words "which are substantially"; line 8, by striking out after the word "the" the word "State" and after the word "Board" the words "of Chiropody Examiners"; page 8, by inserting all of lines 11 to 18 and page 9, lines 1 to 3, as follows:

"Section 11 Residence Required of Out of State Licensees Any person who does not intend to become a resident of this commonwealth will not be entitled to obtain a license to practice chiropody in this commonwealth in accordance with Section 10 of this act and any person who obtains a license to practice chiropody in this commonwealth in accordance with Section 10 of this act and does not become a resident of this commonwealth immediately thereafter will not be entitled to retain said license."

Page 9, by striking out on line 4, after the word "Section" the figure "7" and the word "No" and inserting in lieu there of the figure "12"; line 4, by inserting the word "any" after the figure "12"; and striking out after the word "a" the word "duly"; line 5, by inserting after the word 'registered" the words "as a"; line 5, by inserting after the word "shall" the word "not"; line 5, by striking out after the word "chiropody" the words "or by any means or" and inserting in lieu thereof the word "nor"; line 11, by striking out after the word "chiropody" the following: "any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two hundred dollars ($200) or undergo imprisonment for not more than six months for the first violation" and inserting in lieu thereof the following:

"Section 13 Penalties Any person violating any of the provisions of this act or any rule or regulation of the board shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not less than fifty dollars ($50) nor more than two hundred dollars ($200) or undergo imprisonment for not less than thirty days nor more than six months for the first violation."

Page 10, line 4, by striking out after the word "fine" the words "of not" and inserting in lieu thereof the words "not less than one hundred dollars ($100) nor"; line 6, by inserting after the word "not" the words "less than sixty days nor";

Amend the bill, page 10, line 7, by inserting after the word "both" the following:

"Section 14 Disposition of Fees All fees fines and penalties specified and imposed under this act for any rule or regulation pursuant thereto shall be paid into the State Treasury

Section 15 Rules and Regulations The board may make such reasonable rules and regulations as it deems necessary and proper in order to carry out the intent and purposes of this act within the scope of this act

"Section 16 Refusal to Grant Suspension and Revocation The board may refuse to grant and may suspend or revoke or cancel a license or a registration for the following reasons

"(1) The practice of fraud or deceit in obtaining or attempting to obtain a license

"(2) Pdeading guilty or nolo contendere to or being found guilty of a crime involving moral turpitude by a court of competent jurisdiction or a jury

"(3) Gross incompetency gross immorality negligence or misconduct in carrying on of such profession

"(4) Violation of any of the provisions of this act or the rules and regulations of the board

"(5) Loaning borrowing or using the registration or license to practice chiropody of another or knowingly aiding or abetting in any way the granting of an improper license or registration

"(6) That said applicant or licensee is an habitual drunkard or is addicted to the use of morphine cocaine or other drugs having a similar effect or if he or she is or shall become mentally incompetent

"(7) Knowingly making substantial misrepresentations

"(8) Unethical conduct or misleading fraudulent or unethical advertising

"(9) Solicitation Patronage other than by legitimate advertisement or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or like unprofessional conduct

"Section 17 Procedure All actions of the board shall be taken subject to the right of notice hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the administrative agency law approved the fourth day of June one thousand nine hundred forty-five (Pamphlet Laws 1388) or any amendment or reenactment thereof relating to adjudication procedure

"Section 18 Display of License and Certificate Every holder of a license or certificate of registration shall display the same in a conspicuous place wherein such person shall practice chiropody

"Section 19 Injunction or Other Process The board upon the advice of the Attorney General may maintain an action in the name of the Commonwealth for an injunction or other process agaist any person to restrain or prevent his practicing the profession of chiropody in a public or private capacity Any such action shall be instituted in the Court of Common Pleas in any county where the alleged unauthorized practice was committed The court may issue a temporary restraining order or injunction under this act but shall determine any such action on its merits as soon as convenient whether in term time or in vacation appeals from any final decision of the court to the Superior or Supreme Court shall be as in similar cases No bond shall be required of and no costs shall be taxed against the board on account of any such action No action brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action provided by this act for violation thereof or of any rule or regulation of the board promulgated thereunder

"Section 20 Records All records and documents pertaining to persons licensed to practice chiropody shall be transferred to the board"

Page 14, line 13, by striking out after the word "Section" the figure "8" and inserting in lieu thereof the figure "21"; page 15, line 1, by striking out after the word "Section" the figure "9" and inserting in lieu thereof the figure "22"; line 3, by inserting after the word "repealed" the words 'as amended".

On the question,

Will the House concur in the amendments made by the Senate?

Agreably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adam,	Frost,	Lutty,	Rosen,
Agnew,	Gaffney,	Mahan,	Rovansek,
Amarando,	Garlock,	Markley,	Rubin,
Anderson, M. S.,	Gelfand,	Maxwell,	Rudisill,
Anderson, S. A.,	George,	McCann,	Sarraf,
Ashton,	Gibb,	McGee,	Scarcelli,
Auker,	Gibson,	McInroy,	Schuster,
Banker,	Goldstein,	McKeever,	Sherman,
Barnatovich,	Gramlich	McLaughlin,	Smith, C. C.,
Bazin,	Greenwood,	McWherter,	Smith, Wm. B.,
Bell,	Guss,	Meholchick,	Snider,
Blair,	Guthrie,	Metz,	Stank,
Boies,	Hamilton, R. K.,	Mihm,	Stebbins,
Bonner,	Hass,	Mikula,	Steckel,
Boory,	Haudenshield,	Miller,	Stephens,
Bower,	Heavey,	Mills,	Stevenson,
Branca,	Helm,	Monroe,	Stone,
Breisch,	Henzel,	Moody,	Stoner,
Brennan, A. P.,	Hewitt,	Moran,	Strausser,
Brennan, J. J.,	Hocker,	Moscrip,	Stroup,
Brenninger,	Holt,	Muldowney,	Swartz,
Breth,	Horst,	Mullen,	Taylor,
Brown,	Houk,	Munley,	Thomas,
Bucchin,	Isaacs,	Murphy,	Thompson,
Bullen,	Jenkins,	Murray, H. P.,	Toll,
Capano,	Johnson,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, G. E.,	Murray, P. G.,	Varallo,
Cioffi,	Jones, T. H. W.,	Musto,	Varner,
Cochran,	Jump,	Naugle,	Verona,
Comer,	Kamyk,	Needham,	Wall,
Connelly,	Kehler,	Ogilvie,	Wallace,
Curwood,	Keller,	Olsen,	Walsh,
Davis,	Kent,	O'Neil,	Wargo,
Donahue,	Kline,	Pacchioli,	Waterhouse,
Donaldson,	Knecht,	Parry,	Weidner,
Down,	Kolankiewicz,	Pashley,	Welsh,
Ehrgood,	Kooker,	Paulhamus,	Wescott,
Eilberg,	Kornick,	Petrosky,	Wheeler,
Erb,	Kratz,	Pettigrew,	Whitenight,
Eshleman,	Kromer,	Polaski,	Willaredt,
Ewing,	Lafore,	Polen,	Williams,
Farabaugh,	Leiby,	Pomeroy,	Wilt,
Filo,	Leisey,	Price,	Wood,
Fineman,	Leonard,	Pursley,	Worley,
Flint,	Leven,	Readinger,	Yetter,
Floyd,	Light,	Reibman,	Yetzer,
Flynn,	Limper,	Reidenbach,	Young,
Foster,	Lippincott,	Renwick,	Ziegler,
Frank,	Lopresti,	Rigby,	Andrews, Speaker
Frascella,	Lovett,		

NAYS—0

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ADJOURNMENT

Mr. MILLS. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 22, 1956 at 11:00 a. m.

The motion was agreed to, and (at 5:30 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., WEDNESDAY, FEBRUARY 22, 1956. No. 142.

SENATE

WEDNESDAY, FEBRUARY 22, 1956

The Senate met at 11:00 o'clock, a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

Almighty God, our Heavenly Father, Who has been the Hope and confidence of Thy peoples throughout the ages, we come to Thee in humility and pray that we, too, may have that hope and confidence for our time.

We thank Thee today for the life of George Washington, who had hope and confidence in Thee in the formative days of our great Nation. Thou didst use him to lay foundations for others to build on. May we realize today, when we are a strong and powerful Nation, that we must still have that hope and that confidence in Thee to be successful, not only as a Nation but as a guiding light for human brotherhood for the world.

We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. MADIGAN, further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 22, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Leonard Sobol, Esq., 621 Princeton Avenue, Johnstown, Cambria County, for appointment as Workmen's Compensation Referee, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Emil C. Schwing, Johnstown, whose term expired.

GEORGE M. LEADER.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 215, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 215, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority, municipality authorities and nonprofit corporations.

and has appointed Messrs. McCANN, POLEN and STRAUSSER as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL No. 284, RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 284, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," creating the State Board of Chiropody Examiners as a departmental administrative board in the Department of Public Instruction.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL No. 285, RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 285, entitled:

An Act relating to the practice of Chiropody; conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction; and providing penalties.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

HOUSE CONCURS IN SENATE BILL No. 866

He also returned to the Senate, Senate Bill No. 866, entitled:

An Act to further amend section nine hundred two of "The Vehicle Code" * * * by changing the total maximum length of certain vehicles.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 918

He also returned to the Senate, Senate Bill No. 918, entitled:

An Act amending "Second Class County Assessment Law" * * * requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions and prescribing the time for appeal.

with the information that the House has passed the same without amendments.

SENATE BILL No. 797 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 797, entitled:

An Act amending "The First Class Township Code" * * * requiring entrance of bond in appeals from board of adjustment rulings affecting zoning regulations.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on Monday's Calendar.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1630

He also informed the Senate that the House has adopted the Report of Committee of Conference on Senate House Bill No. 1630, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," regulating registration of antique motor vehicles.

The PRESIDENT. This Report of Committee of Conference will appear on Monday's Calendar.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 1128, entitled:

An Act to quiet title to real estate and to facilitate the alienation thereof creating a conclusive presumption of payment satisfaction or release and making unenforceable any claim for money charged against real estate under any deed certain mortgages or any decree of any court of record of this Commonwealth * * *

Which was committed to the Committee on Judiciary General.

House Bill No. 1960, entitled:

An Act to be known as the "Personal Net Income Tax Act".

Which was committed to the Committee on Finance.

House Bill No. 1967, entitled:

An Act to amend section seventeen of the act approved the twenty-ninth day of March one thousand eight hundred three (P. L. 542) entitled "An act to establish a Board of Wardens for the port of Philadelphia and for the regulation of pilots and pilotages and for other purposes therein mentioned" by permitting second class pilots to pilot vessels drawing twenty-seven feet of water or under and permiting third class pilots to pilot vessels drawing twenty-three feet of water or under.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1987, entitled:

An Act amending "The Fish Law of 1925" approved May 2, 1925 (P. L. 448) authorizing in certain cases fishing in farm ponds without licenses and regulating the transportation of fish taken from such ponds during closed seasons.

Which was committed to the Committee on Agriculture.

House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale use storage or other consumption of certain tangible personal property * * *

Which was committed to the Committee on Finance.

House Bill No. 2010, entitled:

An Act imposing a tax on persons engaged in the business of operating hotels inns apartment hotels motels tourist homes restaurants cafes public eating places public drinking places clubs and catering establishments.

Which was committed to the Committee on Finance.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1397

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1397, entitled:

An Act amending the act of June 21, 1939 (P. L. 566), entitled "The Pennsylvania Occupational Disease Act," changing provisions relating to liability of employers and benefits and persons entitled thereto; changin certain rules of evidence and regulating practice and procedure; authorizing communtation of certain awards; providing for certain subrogation rights and the fixing of certain fees; prescribing penalties; making an appropriation; and generally clarifying and changing the provisions of the act.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1398

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1398, enttled:

An Act amendng the act of June 2, 1915 (P. L. 736), entitled, as amended "Workmen's Compensation Act of

915," changing provisions relating to liability of employers and benefits and persons entitled thereto; changing certain rules of evidence and regulating practice and procedure; authorizing commutation of certain awards; providing for certain subrogation rights and the fixing of certain fees; prescribing penalties; making an appropriation and generally clarifying and changing the provisions of the act.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 284, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," creating the State Board of Chiropody Examiners as a departmental administrative board in the Department of Public Instruction.

Senate Bill No. 285, entitled:

An Act relating to the practice of Chiropody; conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction; and providing penalties.

House Bill No. 344, entitled:

An Act amending the act of June 10, 1897 (P. L. 138, No. 115), entitled "An act to limit the period of time within which suits may be brought against sureties of constables," providing that suits on constables' bonds shall be brought within six years from time at which cause of action arose.

Senate Bill No. 646, entitled:

An Act amending the act of June 21, 1939 (P. L. 566), entitled "Pennsylvania Occupational Disease Act," entitling certain unemployed persons to benefits and fixing minimum compensation payments.

Senate Bill No. 688, entitled:

An Act amending the act of May 26, 1949 (P. L. 1828), entitled "Fiduciaries Investments Act of 1949," by making further provision respecting the qualification of common stock for investment where there is a predecessor or constituent corporation, and by changing the requirements of an interest bearing deposit by providing that it be fully insured by the Federal Deposit Insurance Corporation.

Senate Bill No. 698, entitled:

An Act amending the act of May 15, 1938 (P. L. 624), entitled, as amended, "Banking Code," further providing for authorized investments of savings banks.

Senate Bill No. 830, entitled:

An Act amending the act of May 21, 1943 (P. L. 571), entitled as amended "The Fourth to Eighth Class County Assessment Law," requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located.

Senate Bill No. 831, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379), entitled "An act creating in counties of the third class a board for the assessment and revision of taxes; . . ." requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located.

Senate Bill No. 832, entitled:

An Act amending the act of May 22, 1933 (P. L. 853), entitled "The General County Assessment Law," requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located.

House Bill No. 1025, entitled:

An Act authorizing the owners of cemeteries, with the approval of the court of quarter sessions to improve neglected cemeteries without the removal of the dead therefrom in certain cases, and conferring jurisdiction in courts of quarter sessions for such purposes.

House Bill No. 1282, entitled:

An Act authorizing the sale of real property certified as conservation areas in counties of the first class, under a judgment obtained on a tax claim, by the sheriff of the county; providing for the discharge of all liens, mortgages, ground rents, estates and claims against the property by sale; and limiting the right of redemption.

House Bill No. 1397, entitled:

An Act amending the act of June 21, 1939 (P. L. 566), entitled "The Pennsylvania Occupational Disease Act," changing provisions relating to liability of employers and benefits and persons entitled thereto; changing certain rules of evidence and regulating practice and procedure; authorizing commutation of certain awards; providing for certain subrogation rights and the fixing of certain fees; prescribing penalties; making an appropriation; and generally clarifying and changing the provisions of the act.

House Bill No. 1398, entitled:

An Act amending the act of June 2, 1915 (P. L. 736), entitled, as amended "Workmen's Compensation Act of 1915," changing provisions relating to liability of employers and benefits and persons entitled thereto; changing certain rules of evidence and regulating practice and procedure; authorizing commutation of certain awards; providing for certain subrogation rights and the fixing of certain fees; prescribing penalties; making an appropriation and generally clarifying and changing the provisions of the act.

House Bill No. 1514, entitled:

An Act amending the act of September 26, 1951 (P. L. 1518), entitled "An act to provide for the registration and protection of trademarks and to secure the rights, property and interests therein; providing for the assignment, cancellation and revocation thereof, and imposing penalties for violations; conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof; and to repeal all acts inconsistent therewith," further defining the right to registration.

House Bill No. 1804, entitled:

An Act authorizing photostating, photographing, microphotographing, microfilming or other mechanical process of court records on file ten years or more and the destruction or other disposition of the originals and of records on file twenty-five years or more without reproduction; making such copies and copies thereof admissible in evidence; and providing for sale of copies and the transfer of custody of certain originals.

Whereupon,

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

BILL INTRODUCED AND REFERRED

Messrs. BARR and FLEMING read in place and presented to the Chair Senate Bill No. 997, entitled:

An Act amending the act of June 27, 1923 (P. L. 858), entitled "State Employes' Retirement Law," extending the benefits of the act to employes of institutions of political subdivisions acquired by the Commonwealth for use as hospitals or sanatoriums in the care and treatment of indigent persons.

Which was committed to the Committee on State Government.

PETITIONS AND REMONSTRANCES

Mr. DENT. Mr. President, I would like to call to the attention of the Senate that we are in the last week of the month of February and the tax bills, such as they are, have just come from the House and I note that they are to go to the Committee on Finance; the chairman is here. I am suggesting now to the Republican leadership that it follow the same procedure that I am following. I am notifying all of the Members on this side to come next week with a full dinner pail, because I fully expect that this Senate will attempt to iron out the problem next week.

Every day that we lose now means that we are $1,000,000 more in debt. I would like to see this committee, early next week, call a meeting and whatever is decided as the tax program of course, must be decided by the Republican Majority. I will have each Member of my Caucus receive copies of all the bills that come over from the House, in order that no one can plead ignorance of the acts. I believe it is important enough that each Member of the Senate should have copies of the acts so that when we come in on Monday, we will be ready to act decisively on this legislation. I cannot stress too heavily the seriousness of the moment, the situation in which we find ourselves, and we certainly cannot go back to the well of the House again at this stage of the game.

Mr. President, I am assured by the House leadership that it feels it has complied far and beyond its normal duties in sending to this Senate three complete sets of tax bills. Inasmuch as it is the prerogative of the House to initiate tax legislation, I think it should be a warning to all of us that any delay on the part of the Senate will be occasion for the people of Pennsylvania to roundly condemn us. I think that the questions which are to be solved in this State must now be resolved in the Senate Chambers.

Mr. President, I was going to request that the bills be sent to the Committee on Rules because the leadership of both sides is represented on that Committee. However, I had a long conversation with Senator Kessler, the Chairman of the Finance Committee, who we all agree, as the chairman of that committee is very well acquainted with the problem and the question of finances. He assures me that he is going to work just as rapidly as he can to call the group together and to try to get some solution to the problem at an early date.

I urgently request that each Member study the bills over the weekend so that we may know exactly what we are doing next week.

Mr. MAHANY. Mr. President, I want to assure Senator Dent that we, on this side of the aisle, expect to go to work on this legislation between now and next week. We intend to read the bills, see what they include; the effects and incidence on the people of Pennsylvania, if we pass all of them or if we pass part of them. We also expect to work next week in relation to this tax package. We are going to have a meeting, as I have announced to the press, of the Republicans to decide what we feel should be done in relation to this tax package. I believe that when next week rolls around, Senator Dent will not be disappointed with the conduct of the Republican side of the aisle in relation to acting upon these bills. Senator Dent may be disappointed with the end result.

Right now, I do not know whether the income tax part of it will pass, whether the sales tax part of it will pass, whether all of it will pass or what will happen. That will depend upon the action of the individual Members next week. We will, however,—I do not like to use the word dispatch, because the last time Senator Dent said that dispatch means "kill off"—act upon these bills with all the speed possible.

BILLS ON TODAY'S CALENDAR OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that all bills on today's Calendar go over in their order.

The PRESIDENT. Is there objection? The Chair hears none.

The bills were as follows:

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS, RECALLED FROM THE GOVERNOR

House Bill No. 844, Printer's No. 1382; and
House Bill No. 970, Printer's No. 1397.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Senate Bill No. 235, Printer's No. 509.

BILLS ON THIRD READING

Senate Bill No. 223, Printer's No. 64;
Senate Bill No. 826, Printer's No. 335;
House Bill No. 1786, Printer's No. 1170; and
House Bill No. 1792, Printer's No. 1412.

BILLS ON SECOND READING

House Bill No. 244, Printer's No. 1405;
House Bill No. 245, Printer's No. 1406;
House Bill No. 246, Printer's No. 1407;
House Bill No. 247, Printer's No. 1408;
House Bill No. 258, Printer's No. 162;
Senate Bill No. 415, Printer's No. 512;
Senate Bill No. 471, Printer's No. 519;
Senate Bill No. 700, Printer's No. 520;
Senate Bill No. 701, Printer's No. 521;
Senate Bill No. 702, Printer's No. 522;
Senate Bill No. 703, Printer's No. 523;
Senate Bill No. 704, Printer's No. 524;
Senate Bill No. 809, Printer's No. 525;
Senate Bill No. 810, Printer's No. 526;
Senate Bill No. 817, Printer's No. 514;
Senate Bill No. 865; Printer's No. 527;
House Bill No. 873, Printer's No. 1400;
House Bill No. 876, Printer's No. 1409;
Senate Bill No. 904, Printer's No. 528;
Senate Bill No. 934, Printer's No. 529;
Senate Bill No. 984, Printer's No. 531;
Senate Bill No. 993, Printer's No. 530;
House Bill No. 1863, Printer's No. 1414;
House Bill No. 1908, Printer's No. 1332; and
House Bill No. 1944, Printer's No. 1297.

ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Monday, February 27, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 12:19 o'clock, p. m., Eastern Standard Time, until Monday, February 27, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 22, 1956

The House met at 11:00 a. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

The SPEAKER. The Chair requests the gentleman from Northumberland, Mr. Stank, to preside during today's session.

Mr. STANK IN THE CHAIR

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Tuesday, February 21, 1956 will be postponed until printed. The Chair hears none.

BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bills:

By Messrs. READINGER and CHARLES C. SMITH.

HOUSE BILL No. 2026.

An Act amending the act of April 12, 1951 (P. L. 90), entitled "An Act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the law relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State Liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances, and in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option and repealing existing laws," regulating transportation or importation into this Commonwealth of malt beverages produced or sold by manufacturers licensed by other states; providing for hearings and prescribing penalties.

Referred to the Committee on Liquor Control.

By Mr. POLEN.

HOUSE BILL No. 2027.

An Act amending the act of May 21, 1931 (P. L. 149), entitled, as amended "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are practically and commercially suitable for use in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," extending the provisions of the act to include diesel and similar fuels and repealing inconsistent acts.

Referred to the Committee on Ways and Means.

By Mr. MULDOWNEY.

HOUSE BILL No. 2028.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for courses of study in labor-management to be included during the last two years of any complete high school program.

Referred to the Committee on Education.

By Messrs. KORNICK and STONER.

HOUSE BILL No. 2029.

An Act amending the act of May 2, 1925 (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," excluding from the provisions thereof the operation of and fishing from temporary water tanks in connection with indoor sportsman's shows.

Referred to the Committee on Conservation and Wild Life.

By Messrs. ASHTON and WHEELER.

HOUSE BILL No. 2030.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," authorizing the reassessment of after built property and imposing liability for township taxes upon the owners thereof.

Referred to the Committee on Townships.

By Messrs. BELL and MURPHY.

HOUSE BILL No. 2031

An Act authorizing and directing the Department of Highways with the approval of the Governor to construct a highway and to erect and maintain a bridge over the Chester River in Delaware County between Twenty-second Street and Upland Avenue in the Borough of Upland to a point on Chester Expressway in the City of Chester, and to provide the necessary approaches and connections with State highways; empowering counties to pay certain damages and making an appropriation therefor.

Referred to the Committee on Highways.

By Messrs. WHEELER and POLEN.

HOUSE BILL No. 2032.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," changing the expense allowance for delegates to supervisors' convention and the officers eligible to attend.

Referred to the Committee on Townships.

By Messrs. WHEELER and POLEN.

HOUSE BILL No. 2033.

An Act amending the act of May 1, 1933 (P. L. 103),

entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," fixing the procedure for selling township property.

Referred to the Committee on Townships.

By Messrs. WHEELER and POLEN.

HOUSE BILL No. 2034.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," further providing for the enforcement of zoning regulations compensation of members of zoning board of adjustment.

Referred to the Committee on Townships.

By Messrs. WHEELER and POLEN.

HOUSE BILL No. 2035.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," changing certain provisions relating to establishment of police pension systems.

Referred to the Committee on Townships.

By Messrs. WHEELER and POLEN.

HOUSE BILL No. 2036.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," making tax exempt properties liable for certain costs for fire protection, and changing provisions relating to abandoned or neglected cemeteries.

Referred to the Committee on Townships.

By Messrs. WHEELER and POLEN.

HOUSE BILL No. 2037.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," further prescribing the meetings and conventions township supervisors are authorized to attend.

Referred to the Committee on Townships.

By Messrs. WHEELER and POLEN.

HOUSE BILL No. 2038.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," changing the provisions relating to land subdivision regulations, the publication of ordinances, the dedication, laying out, opening, improving, changing, relocating, taking over the vacating roads, streets, and highways, and connecting with sewers of adjacent municipalities and providing for the construction of sidewalks and curbs and the payment therefor.

Referred to the Committee on Townships.

By Messrs. WHEELER and POLEN.

HOUSE BILL No. 2039.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," further providing for fixing the compensation of township treasurer, and prescribing duties of township auditors.

Referred to the Committee on Townships.

By Messrs. WHEELER and POLEN.

HOUSE BILL No. 2040.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto" prescribing duties and limitations for township supervisors as to holding other offices and number of meetings to be held, and fixing their compensation.

Referred to the Committee on Townships.

By Messrs. SNIDER and FARABAUGH.

HOUSE BILL No. 2041.

An Act relating to the distribution, sale or transportation of adulterated or misbranded insecticides, fungicides, rodenticides, and other pesticides; regulating traffic therein; providing for registration and examination of such materials; and imposing penalties.

Referred to the Committee on Agriculture and Dairy Industries.

By Messrs. BAZIN, GELFAND and FRANK.

HOUSE BILL No. 2042.

An Act regulating horse racing with wagering on the results thereof; providing for the licensing of race tracks, race horse owners, riders, trainers, stewards and officials for such racing; providing for revocation of such licenses and appeals therefrom; imposing license fees; creating a departmental administrative commission within the Department of Agriculture and defining its powers and duties for the administration of this act; requiring the revenues accruing under this act to be deposited in a special fund in the State Treasury, appropriating the moneys in such funds; imposing penalties; providing for a State-wide referendum to ascertain the will of the electors of the Commonwealth and repealing inconsistent legislation.

Referred to the Committee on Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 491.

An Act adopting an interpleader compact for the complete and expeditious adjudication of adverse claims to property in the hands of a stakeholder where one or more claimants are in different jurisdictions and entering into the compact with other states territories and possessions of the United States the District of Columbia and states of the community of nations and component governmental units thereof that adopt the compact and are acceptable to this Commonwealth for the purposes of the compact.

Referred to the Committee on Judiciary.

SENATE BILL No. 944.

An Act amending "The Administrative Code of 1929" requiring cotton fabrics used in State institutions to be flameproofed.

Referred to the Committee on Rules.

SENATE BILL No. 957.

An Act amending the act of June 4, 1937 (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class * * *" providing for reinstate

ent of county employes and officers returning to county employment.

Referred to the Committee on Appropriations.

SENATE BILL No. 970.

An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the height location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand and the size of courts yards and other open spaces appurtenant thereto * * *" further regulating the duties and functions of the board of adjustment in cities of the first class.

Referred to the Committee on Cities—Counties First Class.

RESOLUTIONS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following resolutions:

By Mr. AMARANDO. RESOLUTION No. 157.

In the House of Representatives, February 21, 1956.

The City of Philadelphia and this Commonwealth are indeed fortunate in having in the City Council of Philadelphia a champion who has worked tirelessly to curb juvenile delinquency in Philadelphia

The champion of the welfare of the public is Councilman-at-Large Paul D'Ortona who sponsored, and with the aid of his colleagues in Council, had passed an ordinance setting a curfew hour on juveniles allowed on the streets unaccompanied by a parent or responsible person. Despite the protests of many groups, Councilman D'Ortona unrelentlessly pushed for successful passage of the bill. During an outbreak of juvenile delinquency concerning the use of "switch-blade" knives in Philadelphia, Councilman D'Ortona immediately sponsored an ordinance curbing the sale and use of these so called switch-blade knives. He has contributed through unselfish effort many services to society in curbing juvenile delinquency.

Councilman Paul D'Ortona has had a distinguished record in public life. Among other positions, he was a member of this House of Representatives in 1941, was elected to and served in the minor judiciary of Philadelphia as a magistrate, resigned that office to be a candidate for councilman-at-large, was elected for a four year term in 1951 and reelected to the same office in 1955. His record exemplifies the confidence of the public in Councilman Paul D'Ortona, the service he has rendered to his community and his keen interest in one of America's greatest problems, to wit, juvenile delinquency; therefore be it

Resolved, That the House of Representatives commend Councilman Paul D'Ortona for the many years of unselfish and outstanding public service to his community and this Commonwealth of Pennsylvania and especially for his efforts to combatting and curbing juvenile delinquency through proper legislation; and be it further

Resolved, That copies of this resolution be forwarded to the Mayor of Philadelphia, Richardson Dilworth, to City Council of Philadelphia and to Councilman Paul D'Ortona.

Referred to the Committee on Rules.

By Messrs. BELL and MURPHY.
RESOLUTION No. 158.

In the House of Representatives, February 21, 1956.

The inadequate State Highway System extending in and about the City of Chester is totally inadequate for local and through traffic.

The City of Chester, County of Delaware, Baltimore & Ohio Railroad, and the State of Pennsylvania have heretofore entered into an agreement for the construction of a limited access highway to be known as "Chester Expressway," connecting the Conchester Road and U. S. Highway 13, known as the Chester Pike, connecting Chester and Philadelphia.

Construction of the first portion thereof has actually been completed.

The City of Chester and County of Delaware have specifically allocated $1,000,000.00 to pay for land damage claims covering the the construction of the remaining link of the said proposed Chester Expressway.

No further action has been taken concerning the construction of that portion of the proposed Chester Expressway situate between Kerlin Street and Chester Pike.

The travelling public, including tens of thousands of employes in the heavy industries of Chester and lower Delaware County are daily inconvenienced by the failure of the State Highway Department to push to completion the remainder of the "Chester Expressway."

Hundreds of thousands of residents of Philadelphia and eastern Delaware County are subject to daily traffic jams caused by the overloaded condition of an antiquated State Highway system existing between Eddystone Borough and the Delaware state line; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Secretary of the Highway Department of this Commonwealth to complete as soon as practicable the Chester Expressway in the County of Delaware for the convenience and safety of the travelling public of this Commonwealth.

Referred to the Committee on Rules.

BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker has signed the following bills:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 344.

An Act amending the act of June 10, 1897 (P. L. 139 No. 115) entitled "An act to limit the period of time within which suits may be brought against sureties of constables" providing that suits on constables' bonds shall be brought within six years from time at which cause of action arose

HOUSE BILL No. 1025.

An Act authorizing the owners of cemeteries with the approval of the court of quarter sessions to improve neglected cemeteries without the removal of the dead therefrom in certain cases and conferring jurisdiction on courts of quarter sessions for such purposes

HOUSE BILL No. 1282.

An Act authorizing the sale of vacant land located in areas certified as conservation areas in counties of the first class under a judgment obtained on a tax claim by the sheriff of the county providing for the discharge of all liens mortgages ground rents estates and claims against the property by sale and limiting the right of redemption

HOUSE BILL No. 1397.

An Act amending the act of June 21 1939 (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and

Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" changing provisions relating to liability of employers and benefits and persons entitled thereto changing certain rules of evidence and regulating practice and procedure authorizing commutation of certain awards providing for certain subrogation rights and the fixing of certain fees prescribing penalties making an appropriation and generally clarifying and changing the provisions of the act.

HOUSE BILL No. 1398.

An Act amending the act of June 2 1915 (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" changing provisions relating to liability of employers and benefits and persons entitled thereto changing certain rules of evidence and regulating practice and procedure authorizing commutation of certain awards providing for certain subrogation rights and the fixing of certain fees prescribing penalties making appropriations and generally clarifying and changing the provisions of the act

HOUSE BILL No. 1514.

An Act amending the act of September 26, 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trademarks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof and imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith" further defining the right to registration.

HOUSE BILL No. 1804.

An Act authorizing photostating photographing microphotographing microfilming or other mechanical processing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the disposition destruction or transfer of custody of certain originals.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1947.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 21, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1947, Printer's No. 1268, entitled "An act making an appropriation to the State Treasurer for the purpose of paying salaries and wages of State officers and employes and other ordinary and general expenses in the interim between the thirty-first day of May one thousand nine hundred fifty-five and such time as the funds provided by the General Appropriation Act and other appropriation acts become available and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five."

GEORGE M. LEADER.

PERMISSION TO ADDRESS HOUSE

Mr. WORLEY asked and obtained unanimous consent to address the House.

Mr. Speaker, I want to call the attention of this House and particularly of the Judiciary Committee of this House that the British ended all death penalties. Just last week the House of Commons voted to abolish hanging in Britain. The vote was 293 to 262. The voting cut across party lines. Several states of the United States have already abolished capital punishment. This is an international trend.

I call upon the Judiciary Committee to bring House Bill 1680 to the floor of this House for action.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 904, entitled:

An Act amending the act of April 11, 1899 (P. L. 37) entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth," making compliance with certain provisions evidence of innocence in prosecutions for receiving stolen goods.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1110, entitled:

An Act amending "The Administrative Code of 1929" * * * creating the Pennsylvania Consumer Commission and defining its powers and duties.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1240, entitled:

An Act to amend the act approved the twenty-third day of May one thousand eight hundred eighty-seven (P. L. 164) entitled "An act to secure to laborers within this Commonwealth the benefit of the exemption laws of this Commonwealth and to prevent assignment of claims for the purpose of securing their collection against laborers outside of this Commonwealth" by forbidding creditors to sue resident debtors of this Commonwealth in the courts of another State where the creditor debtor and intended garnishee are within the jurisdiction of the Pennsylvania courts and providing penalties.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1753, entitled:

An Act amending the "Uniform Criminal Extradition Act" approved July 8, 1941 (P. L. 288) enlarging the power of the court on habeas corpus.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1865, entitled:

An Act amending the "Local Health Administration Law" approved August 24, 1951 (P. L. 1304) regulating pension and retirement rights of employes of single-county and joint-county departments of health.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1904, entitled:

An Act amending the act of September 26, 1951 (P. L. 1536) entitled "An act providing for the licensure and regulation of commercial boarding homes for the aged * * *" further providing for refusal to grant refusal to renew and revocation of licenses changing license fees.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1924, entitled:

An Act to amend the act approved the thirty-first day of August one thousand nine hundred fifty-five (P. L.) (Act No. 131) entitled "An act permitting and regulating wrestling and boxing contests and exhibitions * * *" by regulating the use of a fictitious or assumed name by any participant in any amateur boxing contest or exhibition.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2012, entitled:

An Act making an appropriation to the Department of Mines for expenses of supervising and administering the Anthracite Mine Drainage Program.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate Bill No. 321, entitled:

An Act amending "The General County Law" * * * authorizing the board of commissioners to make appropriations to county firemen's associations for the conducting of fire prevention education.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate Bill No. 877, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law" * * * imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate Bill No. 916, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to make a study of appropriate ways and methods for developing and promoting the historical interest of Philadelphia and vicinity and specifically for developing a "colonial compound" in Germantown.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate Bill No. 929, entitled:

An Act amending the "Liquor Code" * * * providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

BILLS ON FINAL PASSAGE POSTPONED

TIME EXTENDED ON BILL

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1828, Printer's No. 1202, on page 5 of today's calendar, bills on final passage postponed.

RESOLUTION

COMMEMORATING WASHINGTON'S BIRTHDAY

Mrs. MUNLEY, Messrs. OGILVIE, ZIEGLER, NEEDHAM and WARGO offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and unanimously adopted as follows:

In the House of Representatives, February 22, 1956.

February 22, 1956 marks the two hundred twenty-fourth anniversary of the birth of George Washington.

As a leader in the military service and in the independence movement, President Washington showed great ability and devotion to ideals. Throughout his life, particularly during his two terms as the first president of this great nation, his high standards of conduct and dedication to those ideals which have since become part of the American tradition, have marked him as a great leader who richly deserves the appellation "father of his country."

It is well for us of the present day to rededicate ourselves to our country, and to think of George Washington as an idealist who has shown the way in giving as much as possible to this nation and its institutions which are a hallmark of individual rights respected throughout the world; therefore be it

Resolved, That this House of Representatives hereby commemorates the anniversary of the birthday of George Washington, and bids all Pennsylvanians to reflect on his great virtues, outstanding leadership and dedication to his country when they face the problems and trials of the present day.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1773, Printer's No. 1347 together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1773.

An Act further amending the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" making certain information regarding refunds available for public inspection changing certain provisions as to the imposition and remission of penalties and granting of refunds and clarifying provisions as to settlements

Amend Section 1, page 9, line 3, by striking out after the second word "the" the word "permission" and inserting in lieu thereof the word "remission";

Amend Section 2, page 9, line 15, by striking out after the word "the" the word "said"; page 10, line 16, by inserting after the second word "the" the words "persons or";

Amend the bill, page 11, by striking out all of Section 3 as follows:

Section 3 Clause (b) of Section 801 of the said act as last amended by the Act of Febrpary 2, 1937 (P. L. 3) is further amended to read as follows

(b) All such setlements shall as far as possible be so made that notice thereof may reach the taxpayer before the end of the year succeeding the year for which the tax or bonus report or return was made or ought to have been made Where notice of the settlement has not reached or does not reach the taxpayer before the end of a year after the tax report was required to be made the settlement shall neverthless be valid and binding upon the taxpayer

Page 11, line 11, by striking out after the word "Section" the figure "4" and inserting in lieu thereof the figure "3"; line 11, by striking out after the word "the" the word "said";

Page 13, by striking out after the word "Section" the figure "5" and inserting in lieu thereof the figure "4";

Page 13, line 1, by striking out after the word "Section" the figure "5" and inserting in lieu thereof the figure "4"; line 1, by striking out after the word "the" the word "said';

Page 14, line 10, by striking out after the word "Section" the figure "6" and inserting in lieu thereof the figure "5"; line 11, by striking out after the word "enactment" the following: The foregoing amendment to Section 801(b) being intended as a clarification of existing law and as an expression of legislative intent shall apply to all tax settlements heretofore made as well as to those hereafter made

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adam,	**Frost,**	Lovett,	Rosen,
Agnew,	**Gaffney,**	Lutty,	Rovansek,
Amarando,	**Garlock,**	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	George,	Maxwell,	Sarraf,
Ashton,	Gibb,	McCann,	Scarcelli,
Auker,	Gibson,	**McGee,**	**Schuster,**
Banker,	Goldstein,	McInroy,	Sherman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	**Greenwood,**	McLaughlin,	**Smith, Wm. B.,**
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	**Meholchick,**	Stank,
Boies,	**Hamilton, R. K.,**	Metz,	**Stebbins,**
Bonner,	**Hass,**	**Mihm,**	Steckel,
Boory,	Haudenshield,	Mikula,	**Stephens,**
Bower,	**Heavey,**	Miller,	**Stevenson,**
Branca,	**Helm,**	**Mills,**	**Stone,**
Breisch,	Henzel,	**Monroe,**	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	**Hocker,**	Moran,	Stroup,
Brenninger,	**Holt,**	Moscrip,	**Swartz,**
Breth,	**Horst,**	Muldowney,	Taylor,
Brown,	**Houk,**	Mullen,	Thomas,
Bucchin,	**Isaacs,**	Munley,	**Thompson,**
Bullen,	**Jenkins,**	Murphy,	Toll,
Capano,	**Johnson,**	**Murray, H. P.,**	**Toomey,**
Cianfrani,	Jones, G. E.,	Murray, J. J.,	**Varallo,**
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	**Varner,**
Cochran,	**Jump,**	Musto,	Verona,
Comer,	**Kamyk,**	Naugle,	Wall,
Connelly,	Kehler,	Needham,	Wallace,
Curwood,	**Keller,**	Ogilvie,	Walsh,
Davis,	**Kent,**	**Olsen,**	Wargo,
Donahue,	**Kline,**	O'Neil,	Waterhouse,
Donaldson,	Knecht,	Pacchioli,	Weidner,
Down,	Kolankiewicz,	Parry,	**Welsh,**
Ehrgood,	Kooker,	Pashley,	Wescott,
Eilberg,	**Kornick,**	**Paulhamus,**	Wheeler,
Erb,	Kratz,	Petrosky,	**Whitenight,**
Eshleman,	Kromer,	Pettigrew,	Willaredt,
Ewing,	Lafore,	Polaski,	Williams,
Farabaugh,	Leiby,	**Polen,**	Wilt,
Filo,	Leisey,	Pomeroy,	Wood,
Fineman,	Leonard,	Price,	Worley,
Flint,	Leven,	Pursley,	Yetter,
Floyd,	Light,	**Readinger,**	Yetzer,
Flynn,	Limper,	Reibman,	Young,
Foster,	**Lippincott,**	Reidenbach,	Ziegler,
Frank,	Lopresti,	Renwick,	Andrews,
Frascella,		Rigby,	Speaker

NAYS—0

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 773, Printer's No. 506, together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 773.

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulaing the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting the operation of motor vehicles with certain types of mufflers or exhaust systems and changing penalties

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 2, line 12, by inserting after the word "mufflers" the following: "or exhaust systems";

Amend Section 1, page 3, line 10, by striking out after the word "with" the following: "a muffler commonly known as a "Hollywood muffler" or any other similar type of muffler which does not have baffles plates or screens" and inserting in lieu thereof the following: "an exhaust system which has been modified in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle";

Page 4, line 1, by inserting after the word "says" the following: "not to exceed".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—198

Adam,	Frost,	Lovett,	Rosen,
Agnew,	Gaffney,	Lutty,	Rovansek,
Amarando,	Garlock,	Mahan,	Rubin,
Anderson, M. S.,	Gelfand,	Markley,	Rudisill,
Anderson, S. A.,	George,	Maxwell,	Sarraf,
Ashton,	Gibb,	McCann,	Scarcelli,
Auker,	Gibson,	McGee,	Schuster,
Banker,	Goldstein,	McInroy,	Sherman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Stank,
Boles,	Hamilton, R. K.,	Metz,	Stebbins,
Bonner,	Hass,	Mihm,	Steckel,
Boory,	Haudenshield,	Mikula,	Stephens,
Bower,	Heavey,	Miller,	Stevenson,
Branca,	Helm,	Mills,	Stone,
Breisch,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Brenninger,	Holt,	Moscrip,	Swartz,
Breth,	Horst,	Muldowney,	Taylor,
Brown,	Houk,	Mullen,	Thomas,
Bucchin,	Isaacs,	Munley,	Thompson,
Bullen,	Jenkins,	Murphy,	Toll,
Capano,	Johnson,	Murray, H. P.,	Toomey,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Varallo,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Varner,
Cochran,	Jump,	Musto,	Verona,
Comer,	Kamyk,	Naugle,	Wall,
Connelly,	Kehler,	Needham,	Wallace,
Curwood,	Keller,	Ogilvie,	Walsh,
Davis,	Kent,	Olsen,	Wargo,
Donahue,	Kline,	O'Neil,	Waterhouse,
Donaldson,	Knecht,	Pacchioli,	Weidner,
Down,	Kolankiewicz,	Parry,	Welsh,
Ehrgood,	Kooker,	Pashley,	Wescott,
Eilberg,	Kornick,	Paulhamus,	Wheeler,
Erb,	Kratz,	Petrosky,	Whitenight,
Eshleman,	Kromer,	Pettigrew,	Willaredt,
Ewing,	Lafore,	Polaski,	Williams,
Farabaugh,	Leiby,	Polen,	Wilt,
Filo,	Leisey,	Pomeroy,	Wood,
Fineman,	Leonard,	Price,	Worley,
Flint,	Leven,	Pursley,	Yetter,
Floyd,	Light,	Readinger,	Yetzer,
Flynn,	Limper,	Reibman,	Young,
Foster,	Lippincott,	Reidenbach,	Ziegler,
Frank,	Lopresti,	Renwick,	Andrews,
Frascella,		Rigby,	Speaker

NAYS—0

NOT VOTING—9

Cooper,	Magee,	Royer,	Tompkins,
Dougherty,	McCormack,	Sigman,	Vaughan,
Lawyer,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

FORMER MEMBER WELCOMED

The SPEAKER pro tempore. The Chair observes the attendance in the House of a former Member and Floor Leader from Philadelphia, the Honorable Philip Sterling. The Chair is pleased to welcome him this morning.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1928 entitled:

An Act amending the act of May 20, 1949 (P. L. 1594) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" extending its provisions to ice milk and ice milk confections and con-

ferring additional powers and duties on the Department of Agriculture changing labeling requirements and regulating sales of packaged ice milk

On the question,

Will the House agree to the bill on third reading?

Mr. FARABAUGH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1 (Sec. 1), page 5, lines 7 and 8, by striking out "at least two and one-half per centum (2½%) by weight of milk fat but"

Amend Sec. 1 (Sec. 1), page 5, lines 9 and 10, by striking out "eleven per centum (11%)" and inserting in lieu thereof "fourteen per centum (14%)."

Amend Sec. 1 (Sec. 1), page 5, lines 19 and 20, by striking out "and may contain less than two and one-half per centum (2½%) by weight of milk fat"

Amend Sec. 1 (Sec. 2(d)), page 11, line 1, by striking out "importing" and inserting in lieu thereof "imparting."

Amend Sec. 1 (Sec. 3), page 13, line 9, by striking out "three-tenths (1.3)" and inserting in lieu thereof "five-tenths (1.5),"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

The SPEAKER pro tempore. All bills on the final passage and third reading calendars that have not been acted upon, without objection, will be passed over. The Chair hears none.

BILL INTRODUCED AND REFERRED

By Messrs. ANDREWS and READINGER.

HOUSE BILL No. 2043.

An Act amending the act of March 31, 1949 (P. L. 372) entitled "An act to promote the welfare of the people of the Commonwealth creating The General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds for said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain empowering The General State Authority to sell and convey projects and property to the Commonwealth and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor and allocating the proceeds of the increased borrowing.

Referred to the Committee on Rules.

BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker has signed the following bills:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 284.

An Act amending the act of April 9 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" creating the State Board of Chiropody Examiners as a departmental administrative board in the Department of Public Instruction.

SENATE BILL No. 285.

An Act relating to and defining the practice of chiropody conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction requiring licensure providing for the granting cancellation suspension and revocation of licenses preserving the rights of existing licenses providing for the promulgation of rules and regulations transfer of jurisdiction and records to the board regulation of schools of chiropody reciprocity and providing penalties and remedies.

SENATE BILL No. 646.

An Act amending the act of June 21, 1939 (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended, 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liabilitiy and compensation thereunder; and prescribing penalties,' as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents," entitling certain unemployed persons to benefits and fixing minimum compensation payments.

SENATE BILL No. 688.

An Act amending the act of May 26, 1949 (P. L. 1828), entitled "An act concerning the investment powers and duties of guardians, committees, trustees, and other fiduciaries, except personal representatives, and prescribing the nature and kind of investments which may be made and retained by such fiduciaries," by making further provision respecting the qualification of common stock for investment where there is a predecessor or constituent corporation, and by changing the requirements of an interest bearing deposit.

SENATE BILL No. 698.

An Act amending the act of May 15, 1933 (P. L. 624), entitled, as amended "An act relating to the business

of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations with or without fiduciary powers, including the conversion of national banks into State banks, and for the licensing of private bankers and employes' mutual banking associations; defining the rights, powers, duties, liabilities, and immunities of such organizations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers and employes' mutual banking associations, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations, employes' mutual banking associations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing acts and parts of acts," further providing for authorized investments of savings banks.

SENATE BILL No. 830.

An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended "An act relating to assessment for taxation in counties of the fourth fifth sixth seventh and eighth classes designating the subjects property and persons subject to and exempt from taxation for county borough town township school except in cities and county institution district purposes and providing for and regulating the assessment and valuation thereof for such purposes creating in each such county a board for the assessment and revision of taxes defining the powers and duties of such boards providing for the acceptance of this act by cities regulating the office of ward borough town and township assessors abolishing the office of assistant triennial assessor in townships of the first class providing for the appointment of a chief assessor assistant assessors and other employes providing for their compensation payable by such counties prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits imposing duties on taxables making improvements on land and grantees of land prescribing penalties and eliminating the triennial assessment" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located.

SENATE BILL No. 831.

An Act amending the act of June 26, 1931 (P. L. 1379) entitled "An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupants for county borough town townships school and poor purposes authorizing the appointment of subordinate assessors a solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuation of taxation is concerned and providing for the acceptance of this act by cities" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

SENATE BILL No. 832.

An Act amending the act of May 22, 1933 (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORT FROM COMMITTEE

Mr. READINGER from the Committee on Rules, reported as committed, House Resolution (Jewish Community Center).

Mr. READINGER from the Committee on Rules, reported as committed House Resolution (Cornelius McGillicuddy).

RESOLUTION

CONDOLENCE

Mr. READINGER asked and obtained unanimous consent for the immediate consideration of a resolution (not printed) reported from Committee.

The resolution was read, considered and adopted as follows:

In the House of Representatives, February 9, 1956.

The death of Cornelius McGillicuddy, better known as Connie Mack, on Wednesday, February 8, 1956, brought to a close, a notable career in the field of sports.

First a baseball player, and later a major league manager and club owner, Mr. Mack is best known for his outstanding achievements during fifty years as manager of the Philadelphia Athletics. His teams won nine league championships and five world series titles.

He made an impression upon baseball which will preserve his name and leave a happy memory of his accomplishments with those who knew and worked with him. His clean sportsmanship and exemplary conduct earned him the respect and admiration of his opponents and associates. He well exemplified the great American tradition of fair play coupled with a keen competitive spirit and will to win.

Of equal importance with his ability to develop championship teams, was his ability to develop young players into competitors of outstanding calibre. These men whom he developed have paid tribute to him which speak well of him as a person of high inherent qualities and fine personal attributes as well as possessing great qualities of leadership; therefore be it

Resolved, That the members of this House of Representatives express their personal condolences and feelings of grief at the passing of Connie Mack to his widow, the former Katherine Hallahan; and to his surviving children, Roy, Earle, Mary, Ruth, Rita, Elizabeth and Connie, Jr., and be it further

Resolved, That copies of this resolution be sent to the widow and children of the late Connie Mack.

RESOLUTION

JEWISH COMMUNITY CENTER

Mr. READINGER asked and obtained unanimous consent for the immediate consideration of a resolution (not-printed) reported from Committee.

The resolution was read, considered and adopted as follows:

In the House of Representatives, January 23, 1956.

On December 11, 1955, a new Jewish Community Center was dedicated at Wilkes-Barre, Pennsylvania. This event clearly stands out as the finest contribution of 1955 toward the cultural, spiritual, civic and educational growth of a progressive area of this Commonwealth.

Our brethren of the Jewish faith displayed great vision and spared no material cost, time and effort in planning this beautiful center, a million dollar monument dedicated to turning out the finest calibre of future citizens and leaders of this Commonwealth and Nation.

It was symbolic trat the dedicatory exercises were attended by 1,500 citizens of all denominations. Persons of all faiths rubbed shoulders in the true spirit of God's brotherhood. It is also symbolic that this great center nestles on the campus of Wilkes College and the closely neighboring The First Baptist Church overlooking the gracefully curving banks of the Susquehanna River. It is truly as the name implies, a community center, a symbol of goodwill and brotherhood among men of all faiths; therefore be it

Resolved, That the House of Representatives recognize the tremendous contribution the people of the Jewish faith of the Wyoming Valley have made to a community and State for which they are grateful, and be it further

Resolved, That a copy of this resolution be sent to the Jewish Community Center at Wilkes-Barre, Pennsylvania.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 949, Printer's No. 1401 together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 949.

An Act amnding the act of March 10, 1949 (P. L. 90) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" providing for courses of study in first aid and home nursing to be included during the last four years of any complete high school program.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 10, by inserting after the word "During" the following: "one or more of"; line 11, by striking out after the word "there" the word "shall" and inserting in lieu thereof the word "may"; line 16, by striking out after the word "amended" the following: "The minimum time to be devoted to such courses of study and to the practical and theoretical instruction given therein shall be prescribed by the Superintendent of Public Instruction instruction based upon"; line 20, by striking out after the word "a" the word "cource" and inserting in lieu thereof the word "course."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

ADJOURNMENT

Mr. MOSCRIP. Mr. Speaker, I move that this House do now adjourn until Monday, February 27, 1956 at 1:00 p. m.

The motion was agreed to, and (at 12:23 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., MONDAY, FEBRUARY 27, 1956. No. 143.

SENATE

MONDAY, February 27, 1956

The Senate met at 1:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. D. WARD NICHOLAS, Bishop of African Methodist Episcopal Church, Philadelphia, offered the following prayer:

Our Father God, we come into Thy presence with bowed heads and contrite hearts. We thank Thee that we are privileged in this land of opportunity to come into Thy presence and find peace there. We pray Thy blessing upon these persons upon whose shoulders rest the responsibility of government. Wilt Thou give them vision, wisdom, insight, that they may work forward to the advancement of Thy Kingdom.

We pray Thy blessing upon this Nation. May peace find its way into our hearts; where things come to divide us, bring us together as one army of the living God, moving forward under the banner of Jesus Christ. Hear our prayer; bless our every effort and bring us to Thee in peace, we ask in Thy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quoroum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. PECHAN and Mr. PEELOR, further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. PECHAN asked and obtained leave of absence for Mr. WATSON, for the week, due to illness.

Mr. RUTH asked and obtained leave of absence for Mr. DERK, for the week, due to illness.

He also asked and obtained leave of absence for Mr. SEYLER, for the week, due to business.

PERMISSION TO ADDRESS SENATE

Mr. WADE asked and obtained unanimous consent to address the Senate.

Mr. WADE. Mr. President, I wanted to make certain that you and my colleagues know that, contrary to the newspaper reports and other reports, I am present in the Senate.

The PRESIDENT. The Chair wishes to say that we are very glad to have the Senator from Cumberland here with us.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 686, PRINTER'S No. 444

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 23, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 686, Printer's No. 444, entitled "An Act amending the act of May 7, 1935 (P. L. 130) entitled 'An act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit' making the consent deemed to have been given by a nonresident operator or owner of an aircraft involved in an accident or collision within this Commonwealth for appointment of the Secretary of the Commonwealth as his agent for service of process irrevocable and binding upon his personal representative providing for service of process when the nonresident operator or owner has died prior to the commencement of an action and making changes to conform with existing laws."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 697, PRINTER'S No. 359

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 23, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 697, Printer's No. 359, entitled "An Act amending the act of April 18, 1949 (P. L. 512) entitled 'An act relating to the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates both as to real and personal property and the procedure relating thereto including the

disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases the appointment bond removal and discharge of fiduciaries of such estates their powers duties and liabilities the rights of persons dealing with such fiduciaries and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning guardians of the person or minors the powers duties and liabilities of sureties and of foreign fiduciaries the abatement survival and control of actions and right of action and the presumption of death and also generally dealing with the jurisdiction powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries' revising and changing provisions relating to first complete advertisement of the grant of letters payment of accrued pensions without letter amount of estate distributed on petition family exemptions place for grant of letters inventory and appraisement and objections thereto claims against decedents against personal representatives and against decedents' property awards to nonresident beneficiaries presumption of release or extinguishment amount of minors' estates administered without guardian and exercise of powers by foreign fiduciaries."

GEORGE M. LEADER.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE CONCURRENT RESOLUTION RECALLING SENATE BILL No. 862, PRINTER'S No. 384

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 23, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 862, Printer's No. 384, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDENT. The bill will be laid on the table.

NOMINATIONS BY THE GOVERNOR

REFERRED TO COMMITTEE

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBERS OF THE STATE SOIL CONSERVATION COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Soil Conservation Commission, for the term of two years, and until their successors have been appointed and have qualified:

John B. Sheehan, Mehoopany, Wyoming County, vice Frank W. Gorham, Wysox, whose term expired.

A. Reed Hayes, Jr., Reedsville, Mifflin County, vice E. M. Shaulis, Hollsopple, whose term expired.

Glenn Smith, Ickesburg, Perry County, vice John B. Peters, Gardners whose term expired.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Howard V. Marks, 448 South Main Street, Red Lion, York County, for appointment as Justice of the Peace in and for the Borough of Red Lion, York County, to serve until the first Monday of January 1958, vice Arthur E. Young, deceased.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael F. Young, 2384 Academy Street, Aliquippa, Beaver County, for appointment as Justice of the Peace in and for the Borough of Aliquippa, Beaver County, to serve until the first Monday of January 1958, vice John Babich, resigned.

GEORGE M. LEADER.

MEMBER OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Reverend John B. Berkstresser, R. D. 1, Stroudsburg, Monroe County, for appointment as a member of the Board of Trustees of East Stroudsburg State Teacher's College, to serve until the third Tuesday of January 1961, and until his successor shall have been appointed and qualified, vice Mrs. Elizabeth Patterson, Shawnee on the Delaware, resigned.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Karl E. Feigles, 78 North Main Street, Hughesville, Lycoming County, for reappointment as Justice of the Peace in and for the Borough of Hughesville, Lycoming County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

MEMBERS OF THE SCHUYLKILL COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate and following persons for appointment as members of the Schuylkill County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Martin F. Brennan (Dem.), Heckscherville, vice W. J. Roberts, Girardville, whose term expired.

Mrs. Anna Wallace Macus (Dem.), 54 South Main Street, Mahanoy City, vice Mrs. Marguerite M. Freeston, Pottsville, whose term expired.

Leon N. Mandell, Esq. (Rep.), 2157 West Norwegian Street, Pottsville, vice Daniel H. H. Lengel, Pottsville, whose term expired.

GEORGE M. LEADER.

MEMBER OF THE FOREST COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Pearly W. Kifer (Dem.), Marienville, Forest County, for appointment as a member of the Forest County Board of Assistance, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Francis W. McClelland, Marienville, resigned.

GEORGE M. LEADER.

MEMBERS OF THE FAYETTE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Fayette County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Ralph B. Worthington (Dem.), 259 Nassau Street, Uniontown, vice Charles Kuhn, Fayette City, whose term expired.

Clarence E. Hess (Rep.), Republic, vice Jack M. Collins, South Connellsville, resigned.

GEORGE M. LEADER.

MEMBERS OF THE MONTOUR COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Montour County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Mrs. Jean Kelley (Democrat), Washingtonville, vice Cyrus K. Shultz, Danville, whose term expired.

Mrs. Elizabeth J. Stamm (Democrat), R. D. 2, Danville. (Reappointment).

Mrs. Isabel B. Snyder (Republican), 215 Grand Street, Danville. (Reappointment).

GEORGE M. LEADER.

MEMBER OF THE WAYNE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Louis A. Carey (Dem.), R. D. 1, Lakewood, Wayne County, for appointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Mrs. Edna B. Smith, South Sterling, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE LANCASTER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Lancaster County Board of Assistance:

Mrs. Bertha Brossman Eaby (Dem.), 207 East Main Street, Ephrata, to serve until December 31, 1957, and until her successor is duly appointed and qualified, vice Mrs. Irene R. Weidman, Ephrata, whose term expired.

Mrs. Joanne Ferguson Hensel (Dem.), 16 West State Street, Quarryville, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice A. H. Burkholder, Quarryville, whose term expired.

Mrs. Jeanne M. Carroll (Dem.), 1020 Woods Avenue, Lancaster, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Dr. V. W. Dippell, Lancaster, whose term expired.

Mrs. Margaret A. Krimmel (Dem.), 427 West Vine Street, Lancaster, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice Mrs. Josephine S. Roye, Columbia, resigned.

Mrs. Maude Frantz Draper (Rep.), 232 East Orange Street, Lancaster, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment).

GEORGE M. LEADER.

MEMBERS OF THE ALLEGHENY COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of the Allegheny County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified.

Stanton C. Crawford (Rep.), Dean of the Faculties, University of Pittsburgh, Pittsburgh 13.

Norman O. Kegel (Dem.), 4018 Shoreham Street, Pittsburgh.

GEORGE M. LEADER.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 730

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, February 23, 1956.

Resolved (if the Senate concur), That House Bill No. 730, Printer's No. 1270, entitled:

An Act providing for and regulating the licensing of poultry technicians, by the Secretary of Agriculture, for the drawing of blood from poultry to be used in pullorum testing programs.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE NON-CURS IN SENATE AMENDMENTS TO HOUSE BILL No. 949

He also informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 949, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for courses of study in first aid to be included during the last four years of any complete high school program.

The PRESIDENT. The bill will be laid on the table.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL No. 773, RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 773, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," prohibiting the operation of motor vehicles the mufflers of which have internal parts removed.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1773

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1773, entitled:

An Act further amending the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 343), entitled "Fiscal Code," making certain information regarding refunds available for public inspection, changing certain provisions as to the imposition and remission of penalties, and granting of refunds, and clarifying provisions as to settlements.

BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 866, entitled:

An Act to further amend section nine hundred two of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "The Vehicle Code," by changing the total maximum length of certain vehicles.

Senate Bill No. 918, entitled:

An Act amending the act of June 21, 1939 (P. L. 626), entitled "The Second Class County Assessment Law," requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions, and prescribing the time for appeal.

House Bill No. 1773, entitled:

An Act further amending the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 343), entitled "Fiscal Code," making certain information regarding refunds available for public inspection, changing certain provisions as to the imposition and remission of penalties, and granting of refunds, and clarifying provisions as to settlements.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the precence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 587, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire five tracts of land in the Borough of West Chester Chester County for use of West Chester State Teachers' College and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1666, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1667, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1668, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1669, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the

obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1670, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1671, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement system with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1672, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1705, entitled:

An Act transferring money from the Banking Fund to the General Fund.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1732, entitled:

An Act lapsing unexpended and unencumbered balances of certain appropriations from the Motor License Fund.

Mr. PEELOR, from the Committee on Highways, reported as committed, Senate Bill No. 740, entitled:

An Act amending the act of June 22, 1931, (P. L. 594), entitled "Rural State Highway Law" adding a new route in Indiana County.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, which were laid on the table:

MEMBER OF THE PENNSYLVANIA FISH COMMISSION

Commonwealth of Pennsylvania,
Governors Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Maynard Bogart, R. D. 2, Danville, Montour County, for appointment as a member of the Pennsylvania Fish Commission, until the second Tuesday of January 1964, and until his successor is appointed, to fill a vacancy.

GEORGE M. LEADER.

MEMBERS OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Farview State Hospital, for the term of four years and until their successors are appointed and qualified:

Andrew F. Kelly, Gouldsboro, Wayne County, vice F. Carroll Krautter, Newfoundland, resigned.

Harlan James Crellin, Milford, Pike County, vice Dr. Park M. Horton, New Milford, resigned.

GEORGE M. LEADER.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 23, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William A. Kelmicks, 116 Erwin Street, Duquesne, Allegheny County, for appointment as Alderman in and for the First Ward of the City of Duquesne, Allegheny County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Morris P. Seeds, Exton, Chester County, for appointment as Justice of the Peace in and for the Township of West Whiteland, Chester County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Ruth Tustin, R. D. 1, Pine Bank, Greene County, for appointment as Justice of the Peace in and for the Township of Gilmore, Greene County, to serve until the first Monday of January 1958, vice Charles P. Meighen, resigned.

GEORGE M. LEADER.

MEMBERS OF THE BEAVER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Beaver County Board of Assistance:

Elmer C. Straub (Dem.), 608 Seventh Avenue, Beaver Falls, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Mrs. Goldie M. Wehr, Rochester, whose term expired.

Dominic DelTurco (Dem.), 470 Hopewell Avenue, Aliquippa, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Thomas H. Mansell, Aliquippa, whose term expired.

GEORGE M. LEADER.

MEMBERS OF SNYDER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 21, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Snyder County Board of Assistance:

Mrs. Sara E. Bolig (Dem.), 7 West Pine Street, Selinsgrove, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Clarence M. Bailey (Rep.), Beavertown, to serve until December 31, 1958. (Reappointment)

Mrs. Kathleen M. Kline (Dem.), McClure, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 31, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as members of County Boards of Assistance:

PHILADELPHIA COUNTY

Frank C. Forderer, Jr. (Dem.), 2729 North Front Street, Philadelphia, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Miss Gertrude A. Golden, Philadelphia, whose term expired.

POTTER COUNTY

Mrs. Katharine P. Dorfeld (Rep.), 203 Allegheny Avenue, Coudersport, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Rev. Clair Statham (Rep.), Harrison Valley, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Mollie Stephens White (Dem.), 7 Fifth Street, Coudersport, to serve until December 31, 1958, and until here successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 30, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

ALLEGHENY COUNTY

Jacob Mathos (Dem.), 251 Bellwood Road, R. D. 1, Homestead, Allegheny County, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Alice McMillen, Carnegie, whose term expired.

McKEAN COUNTY

Walter R. Peoria (Rep.), 23 East Main Street, Bradford, McKean County, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice George M. Fleming, Port Allegheny, resigned.

GEORGE M. LEADER.

BILLS INTRODUCED AND REFERRED

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 998, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

Which was committed to the Committee on Appropriations.

Mr. McMENAMIN read in his place and presented to the Chair Senate Bill No. 999, entitled:

An Act amending the act of May 20, 1949 (P. L. 1591) entitled "An Act providing for the compensation of the mayor, council and appointed officers in cities of the second class A" increasing the compensation of the mayor and appointed officers in cities of the second class A.

Which was committed to the Committee on Local Government.

Messrs. MULLIN and SILVERT read in place and presented to the Chair Senate Bill No. 1000, entitled:

An Act amending the act of May 2, 1945 (P. L. 375), entitled as amended "An act conferring upon the councils of cities of the first class the power and devolving upon them the duty of fixing and determining the salaries, wages and other compensation . . . ," fixing minimum salaries for prothonotaries and deputies in Philadelphia.

Which was committed to the Committee on Local Government.

The PRESIDENT. For the information of the sponsors, the number of the last bill is 1000, which wins the door prize.

PETITIONS AND REMONSTRANCES

Mr. SILVERT. Mr. President, I wish to read into the record a short editorial, printed in the Philadelphia Bulletin on Sunday, February 19th, which deals with our present tax difficulties in this unprecedented Session of the Legislature. The editorial is entitled, "Bottom of the Barrel," and reads as follows:

"Taxpayers in Pennsylvania may have enjoyed the temporary tax relief granted them by the Legislature while it was struggling and squabbling over the budget, though most of them know that what they don't pay now will have to be paid some day. But there are thousands who have been left holding an empty bang—the teachers and school workers who couldn't be paid because the Commonwealth is close to bankruptcy.

"School districts have been obliged to borrow heavily on their own credit, sometimes at stiff interest rates. Some schools are on the point of closing.

"Every member of the Legislature could have fore-

seen this crisis, and intelligent cooperation in fashioning a sound tax program could have prevented it. Much of the delay was directly due to the maneuvering of politicians who get their own pay on time and don't seem to care much whether the teachers get theirs. Now the lid is off this sorry mess, and prosperous and wealthy Pennsylvania stands confessed as a Commonwealth where legislators waste time and talk interminably, while 'destitute' school districts go hat in hand to the moneylenders so that their doors may stay open."

Mr. President, I offer this short editorial for the record, without any further comment.

Mr. STIEFEL. Mr. President, I do not want to appear as a Don Quixote, fighting windmills, and know well that it is not the province of our State Senate to dabble in international policies of the United States. However, to 10,000,000 Pennsylvanians, our policies toward the manipulations and machinations of the Kremlin cutthroats are of vital interest and concern. Secretary John Foster Dulles is a great scholar, having spent decades in the field of international relations, but I feel dismayed and disturbed by his recent speech in Philadelphia which betrays a mellowing and mildness in his appraisal of the Russian plans for world domination.

Mr. President, we are fortunate to have in our midst a great American diplomat who saw the Russians in all the brutality of their merciless blood bath in Poland when, between the hammer of Hilter and the anvil of the Kremlin, the gallant Polish Nation was crushed. Major General Anthony J. Drexel Biddle, Jr., the present Adjutant General of Pennsylvania, more than anyone else is qualified to give an appraisal of the Russian menace that falls athwart the progress of the free world, as he saw the Russian bear claw innocent millions of helpless Poles. He is the man, to use an ancient adage, "Who knows and knows that he knows" and, therefore, should be followed as a man of wisdom and erudition.

We are so immersed in our tax fights and animal experimentation acrobatics, Mr. President, that we are nolens volens, paying little attention to world problems. And, yet, the latter are of great interest to 10,000,000 Pennsylvanians.

Therefore, Mr. President, I move that a masterful and incisive appraisal by Major General Biddle of the Kremlin brigandage, embodied in an erudite speech, delivered by him on February 5, 1956, at the Annual Banquet of the Polish-American Association, in Philadelphia, be printed in the Legislative Journal for the benefit of Pennsylvania and its inhabitants.

The PRESIDENT. As requested by the gentleman from Philadelphia, Mr. Stiefel, the speech by Major General Biddle will be printed in the Legislative Journal.

SPEECH DELIVERED BY MAJ. GEN. A. J. DREXEL BIDDLE, JR., THE ADJUTANT GENERAL OF PENNSYLVANIA, AT THE ANNUAL BANQUET OF THE POLISH-AMERICAN CITIZENS LEAGUE OF PENNSYLVANIA, FEBRUARY 5, 1956, AT THE HOTEL ADELPHIA, PHILADELPHIA, PA.

My warmest greetings fellow countrymen, so many of you of Polish descent. This is not the first time I have had the pleasure of being among you. Over 15 years ago, during the tragic days of World War II turmoil, I met with many of you at Moose Hall. I was at that time just back from the country of your forbears where I spent, as Ambassador of the United States, between 3 and 4 of the most memorable years of my life. I learned then to know Poland and the heoric Polish nation for which I shall always guard the deepest respect and affection.

The qualities which have preserved the Polish people throughout history will assist them today.

The dauntless courage which has, for centuries, characterized their spirit—their love of their native soil, their devotion to family and to God, their tenacity, and their patriotism—these qualities will survive all attempts at suppression.

The Americans of Polish extraction and the Poles who adopted the United States as their new home may well be proud of the people in the land of their forebears.

They may furthermore be justifiably proud of their important contribution toward the advancement of our Nation. It is a record of patriotism and achievement for which I have abiding admiration and respect.

The ideals and principles, to which all of us are dedicated, are not lifeless abstractions. They are living things, and like all other living things, their survival depends upon their nourishment and sustenance. This would be true, even under the least threatening of conditions. However, we live in a world in which the fundamental values that make up our priceless heritage of freedom are actively menaced. This menace is militant communism; it has economic, political, and psychological facets.

Moreover, these evil forces would, by the persecution of religion, deny the soul and its relation to God.

The danger to human freedom from power-mad, evil forces is by no means an empty one, and this in spite of recurrent peace offensives. In the world-power climate of today, the scope and magnitude of the threat with which our Nation is faced may be weighed mainly in terms of the strength of all major components of the unprecedented peacetime military power of the Soviet bloc. They may also be assessed in terms of the Soviet's fundamental attitude of hostility toward the free world in general, toward the United States in particular. And hardly less importantly, they may be measured in terms of the Communists' capability for conducting political subversion throughout the world. To fully grasp the scope of this disruptive technique, we have only to realistically evaluate what has been taking place over the past few years in a number of critical situations abroad, to recognize it as deterioration. And lest we become entangled in the trip wires of wish thinking, let us not exclude the possibility that at least part, if not all of these situations might worsen before they grow better; that consequently the thin ice, underlying the theater of cold-war operations, might turn dangerously thinner.

I have in mind the creation of certain trouble spots by Moscow and Communist China; as well as their exploitation of existing trouble in other areas. I am also thinking of a comparatively new problem, which is apt to render the cold war bitterly competitive, namely, the Soviet diplomacy of blandishments in the field of economic aid to underveloped countries.

In the past 10 years we have made great strides

toward containing and countering Communist expansion. But there is still much to be done. Meanwhile, these critical trouble spots, and the problem created by the Soviet trade and aid program, urgently require the contrivance and exercise of effective measures to deal with them.

Now, a word about the Soviets' dangling of offers of assistance before the non-Communist countries.

In light of the Soviet's record of absorbing other nations, it would be only natural that their venture into the field of economic aid would be apt to incite free-world suspicion, lest the program might be aimed at enticing non-Communist countries into the Communist embrace.

It was with a great splash that the Soviets embarked last year on a trade-and-aid program, but when compared with the investment of the United States in the welfare of other countries the Soviets' contribution was incalculably small.

For this and perhaps other reasons, some may be inclined to minimize the importance of this Soviet action; they may tend to assume that the Communists would not be able to deliver the goods.

But, I think, we must not underestimate either the Communists' intentions or their capabilities.

In the past decade 14 nations and more than 600 million people have been drawn into the Communist orbit.

Hence, nations presently confronted with these Communist trade-and-aid temptations should take a good look at the record. They would find the wholesome good neighborly spirit motivating our assistance against the potentially sinster purpose behind Soviet aid. They would find that the purpose of our economic aid is not to purchase friendship, but to strengthen other countries, to enable them to remain free economically and politically of any foreign domination in order that they can remain independent members of the family of nations.

Now let us compare this with the grim fate that befell other less-fortunate countries which have become dependent for aid upon Soviet Russia. They were enveloped in the suffocating wet blanket of Communist domination. And today behind the Iron Curtain the will and actions of their peoples are controlled by the "gun in the kidneys."

And the Iron Curtain is there not merely to prevent entry, but to hold the insiders captive.

Yes; nations tempted by Soviet blandishments would be well advised to examine the record. For those, which might be considering the Communists' offers of assistance and toying with the illusory idea of coexistence, without the backing of free world collective security, would be risking the fate of becoming the "truck" with the Communists in the driver's seat. This fate is similar to that which so often befalls misguided individuals beguiled into cooperation with the Communists. The latter find themselves rapidly involved beyond their depth; thereupon hopelessly compromised, consequently victimized by blackmail, and end up as the truck with the Communists in the driver's seat. When the truck has outworn its usefulness the driver junks it, and goes in search of another vehicle.

It is pertinent to recall what was said in 1931 before the Lenin School of Political Warfare by Soviet Diplomat Dimitry L. Manuilsky. He said: "War to the hilt between communism and capitalism is inevitable. Today, of course, we are not strong enough to attack. Our time will come in 20 or 30 years. To win, we shall need the element of surprise. The bourgeoisie will have to be put to sleep. So we shall begin, by launching the most spectacular peace movement on record. Then will be electrifying overtures and unheard of concessions. The capitalist countries, stupid and decadent will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down, we shall smash them with our clenched fist."

This was spoken in 1931, about 25 years ago.

Since the close of World War II, we have observed the cynical, mercurial switches in Soviet foreign policy; from bluster to affability and back again to bluster. When the wave of affability, which marked the Soviet approach to the conference at the summit gave way to renewed bluster, the chief of the Soviet Union Communist Party, Nikita Khrushchev, had something significant to say. He announced the approaching downfall of the free world through a worldwide triumph of communism. He, moreover, confirmed the Cominform as a boring-from-within spearhead, aimed at achieving this end by every means, including the violent overthrow of free governments. This would mean, of course, the Cominform on the outside, working hand in hand with the Moscow-controlled Communist parties and their agents on the inside of each targeted country.

As Mr. Khrushchev is the molder and spokesman of Soviet foreign policy, we should be in error to underestimate the boundless ambitions, or the formidable armed force behind his vehement utterances.

The ultimate objective of the Soviet Union's foreign policy remains global pre-eminence.

To the Soviets, coexistence means a temporary gap in the process of achieving ideological domination.

In our way of thinking, it implies acceptance of differing poltical systems.

We believe the nations of the world can live in peace and mutal acceptance of their several forms of Government, but only if there is removed the atmosphere of hate and suspicion, generated by Moscow.

A declaration by the Reds that they do not want war is not sufficient. Adolph Hitler said that. No; the most effective way to steer a course away from war is to abstain from actions that may lead to war.

It is abundantly clear that the greatest threat to the inherent rights of free men today is militant communism.

A decade ago, in Poland, I saw the Soviets operating in pursuit of their clear and oft-stated objective to secure world domination.

I saw how they cynically disregarded their stated beliefs, by allying themselves with Nazi Germany, which until then the Soviets had held up as the antithesis of all they stood for.

The record of Soviet actions, since 1939, has consistently followed in the direction indicated by the Soviet-Nazi deal to dismember Poland.

Although, from time to time, Soviet policies may

have seemed to veer sharply, the fact is that they have invariably followed a single course—unscrupulous opportunism in the pursuit of extending their power, regardless of what innocent people may suffer. The fall of Poland, of Czechoslovakia, the achievement of Communist domination in China, the Berlin blockade, all provided a lesson which the aggression in Korea drove home.

The lesson is, that communism is the political tool of despotic imperialism, and is no more than any other of the historic attempts by totalitarian states to seize and extend power.

Their weapons are not limited to the rifle, the machine gun, the cannon, the atomic bomb. Besides the boring-from-within technique and coercion, their weapons include misrepresentation and falsehood, and half-truths. With these they would turn neighbor against neighbor, friend against friend.

Their methods include the probing for and exploitation of weakness, with a view to gaining a foothold and eventually control over a given area, which in turn is intended as a springboard for expansion further afield

Experience has taught us that the imperialist-minded oligarchy, which rules the Soviet police state, does not negotiate, unless it believes it cannot lose; that a contract with the Soviets is good only as long as the Soviets consider that the contract serves its own interests. Furthermore, Moscow has shown itself capable of exchanging toasts with a smile, while brewing trouble behind our backs.

The results of the recent summit Conference at Geneva would certainly have dashed any illusions that might possibly have been entertained concerning Soviet sincerity.

In any evaluation of sincerity of their motives, we have only to recall that among the nations, which have accepted Russian non-aggression pacts, have been Estonia, Lithuania, Latvia, Finland, Poland, Rumania, and Nationalist China. The first three—the Baltic States—were overrun by the Soviet forces following the fall of France in 1940, and have since been incorporated into the Soviet Union. In 1939 the Red army invaded Poland and Finland. The following year the Soviets seized Bessarabia from Rumania. The Soviet's pact with Japan endured only until Germany had been defeated in 1945, at which time the Soviet forces invaded Japanese-held territory in the Far East.

Moreover, Nationalist China was invaded by Russian troops in 1945, and Russian arms helped Mao Tse-tung to conquer it. This adds up to 10 nonagression pacts broken in 16 years—and 12 treaties of alliances broken by the Soviet Union. Figures show that armed aggression has followed a non-aggression treaty by an average of 8-2/3 years.

And let us not forget the promises already made, yet unfulfilled by the Soviet—promises made at Yalta, at Potsdam, at Panmunjon. Let us be mindful of these unfulfiilled promises, when reading of the acts of Soviet officials traveling abroad, in the pose of the placid good neighbor, warning against the West—declaring that the Soviet Union was bent upon freeing oppressed people, and upon giving them self-government. For you and I know that the Soviet has refrained from applying these principles in the cases of Poland, of Czechoslovakia, of East Germany, of Estonia, of Latvia, of Lithuania—or, for that matter, in any other countries the Soviet has brought within the clutches of its colonial structure.

The President's Christmas message to the captive nations of Europe brought forth an unjustifiable bitter tirade from No. 1 spokesman for communism. Nikita Khruschev. His attack upon the President was an affront to the conscience of all Americans, and of all free peoples.

It revealed the Kremlin's acute sensitivity concerning this crime against the rights of peoples to choose the form of their respective governments.

The President's message, expressing, as it did, hope for the ultimate liberation of the captive nations, was clearly based upon the President's oft-stated position, that the United States intends, by peaceful means, to help attain freedom and justice for the oppressed peoples of the world.

This indeed reflects the traditional American point of view. And this point of view stems from the spirit of the Declaration of Independence, whose stirring proclamations concerning the God-given rights of free men have long thrilled the hearts of oppressed peoples wherever they might be. There would be no man today who could not understand their meaning.

Were Mr. Khrushchev willing to acknowledge the facts, he would necessarily agree that the United States, established out of revolution and a demand for freedom, has long been the source of spiritual inspiration to millions in many lands.

Lafayette said: "America's independence will implant liberty, and make it flourish throughout the world."

And Woodrow Wilson said: "The interesting and inspiring thing about America is that she asks nothing for herself except what she has a right to ask for humanity itself."

The answer lies in our basic conception of freedom and equality of opportunity.

Communism is no match for this—its aims are not to free the peoples from exploitation, but rather to maneuver them into a new form of selfish exploitation.

And let us not be misled by the Soviet's claim to have cut military spending. The Soviet's budget is far from a carefully detailed document. Hence, it affords many opportunities for disguising military expenditures.

Only when the Soviet rulers permit outsiders to scrutinize their figures, should we attach any degree of credence to Soviet propaganda concerning cuts in military expendtures.

It is possible that the Soviets are shifting from spending for outmoded means of waging war, to newer and potentially more dangerous weapons (only recently the Russians offered to furnish atomic weapons to the armed forces of the captive countries) but it is safe to say that their overall military effectiveness is unimpaired.

It would be well to write off this claim to subtly timed propaganda.

As matters stand, the dimensions of the Communist military threat are, impressive. On land, on sea, and in the air, the threat from the East comprises a force in being of considerable magnitude—also, these forces are in position. And, as the decision to attack is up to the Soviets, we probably would not get very much warning.

These huge armed forces are far in excess of anything needed to defend Soviet territory.

Such are the Soviet military capabilities, and

when using the term "capabilities," I do not mean to imply intentions. For intentions involve risky guesswork, potentially dangerous speculation. Soviet intentions are known only to the men in the Kremlin.

Meanwhile, the fears, engendered by the threat of the Soviet's formidable military capabilities are exploited by the Kremlin to the advantage of its imperialistic aims.

And we know that fear is the breeding ground of suspicion and distrust; that it preaches the text of surrender, of spineless acquiescence; that it leads to the abandonment and denial of all the qualities which elevate and ennoble human life.

At this point, let me make it emphatically clear that, while we live with the constant possibility of war, that does not mean, I am convinced, that the outbreak of war is inevitable.

It is extremely important that we maintain a dignified, deliberate, cool position, whether the Soviet resorts to threats or cajolery; that while recognizing the danger of war, we remain open to all conciliatory gestures the Communists may advance, and that we continue to strive for an honorable, just, and equitable peace.

At the same time, it would be only prudent for us to be mindful of Soviet objectives, of Soviet methods, and of Soviet capabilities. For to approach negotiations, and not to bear in mind these facts of life, would be to risk being taken for a sleigh ride of unwarranted hopes, only perhaps to find ourselves headed up a blind alley of disillusionment.

What is more, in light of the historic duplicity of the Russians, and until they demonstrate a willingness to translate words into such concrete acts, as would warrant some measure of free world trust, we would be justified in insisting, as did that much quoted, sage gentleman from Missouri, that we "want to be shown."

The lesson implicit in Communist actions has been recognized by the nations of the free world for what it is. Clearly, moral suasion has no impact upon the unscrupulous.

The only effective deterrent is strength, which entails force and the capability of using it. The only world opinion, for which the Communists have any regard, is that which is so backed up.

It is this language that the leaders of militant communism understand.

Let us now briefly examine what measures we and other nations of the free world have taken to counter the overhanging threat.

Our Nation is engaged in a defense effort which dwarfs anything we have had in time of peace before. For reasonable preparedness in peacetime is essential to our hope for victory in war. At the same time we must maintain our strength —economically and psychologically, as well as militarily—so that we are prepared, if need be, to deal with whatever dangers may arise.

It is also essential to our hope for maintaining peace on acceptable terms. This is true, because successful diplomacy depends upon our ability to negotiate from a position of strength. A policy which depends for effect upon military capability becomes nothing but bluff—an obvious bluff—when the military capability for backing it up is patently inadequate.

The purpose behind our defense effort is to build up such a posture of strength as to enable us to keep the peace by deterring aggression—to make it unprofitable to attack, to forewarn a potential aggressor that an attack would be to risk national suicide—and to develop that strength to such a point that, in event we fail to deter an attack, we may meet it successfully. And, in all likelihood, we shall have to maintain this strong posture, perhaps for decades to come.

Such preparedness has taken on a greater importance than it ever had before. It is the only way, under the circumstances of our times, to insure the respect of our enemies and the confidence of our friends.

All of us know the price that has already had to be paid 3 times in less than 40 years, for our Nation's lack of military readiness, when hostilities broke out.

If we are to avoid the errors of the past, we must face up to the realities of the future.

Because of the free world's vulnerabilities in areas of contact with Communist nations, and because of the emergence of Communist China, as well as of the Soviet Union as the chief partners in the Communist bloc, and as potential aggressors, action had to be taken to fill the vacuum wherever its existence constituted a serious threat to peace and security.

The United States took steps specifically in this direction.

We have had to undertake an extensive program of military assistance to help to develop military strength in the nations located in threatened areas. In addition, we have provided forces of our own military strength in such areas, or in locations from which those areas are readily accessible.

Moreover, we do not stand alone in defense of the great cause of freedom. Recognizing the value of collective security, we joined hands with the free nations in regional defense pacts, both in the Atlantic and in the Pacific areas—and we helped to form collective strength in the Middle East.

Hence, collective security, an instrument of enlightened self-interest, forms the bulwark against possible Communist aggrandizement. It helps to to protect the territory of our allies, and it protects our own territory as well. If aggression should occur, it is obviously to our own national advantage to meet it as far as possible from our own shores.

We must maintain balanced forces, not at war strength, but capable of absorbing initial blows, and capable also of providing the nucleus around which rapid expansion can take place.

Never before have the demands upon our youth and upon our veterans been greater, nor the tasks before them so worthy of their finest efforts.

Necessarily, our defense effort places a heavy obligation upon all of us, and especially upon our youth. They are required to interrupt or delay their civilian careers, to postpone their personal plans, to serve in uniform in strange lands, sometimes under hazardous conditions. But there is a compensation. That compensation is that through their service to the Nation, they are helping to guard the rights and liberties, without which there could be no free choices, no personal plans—for all that would be subservient to totalitarian authority.

This obligation and the privilege of service are not confined to our youth and to our veterans, however. Since our freedom is shared by all, it should be safeguarded by all. There are limitless opportunities for service in all forms of human endeavor.

Our people have not sought the easy way; they have placed right before conveninece.

Nothing is free, and nothing worthwhile is cheap.

From our forebears we inherited a priceless birthright of freedom, of justice, and equality.

We must fulfill the trust which has been passed on to us.

We must preserve this heritage and pass it on to our successors, not only unimpaired, but enriched.

It is a challenging responsibility which faces us.

Inspired by the deeds of the courageous men and women who have gone before; armed with the ideals for which our Nation stands; and strong with the determination to uphold those ideals, regardless of the personal cost, we can look to the future with courage and confidence.

Mr. MAHANY. Mr. President, I would like to comment, briefly, on the editorial which was read by Senator Silvert. I also would like to tell Senator Silvert that I could bring in hundreds of editorials that I have seen in the newspapers during the last week or so, advising us as to what the various editors thought we should do about our tax problem.

Mr. President, most of the editorials that I have seen state that the Senate of Pennsylvania should not accept the tax package which was sent over to us by the House. Therefore, we are not idle; we are trying to do our best in order to figure out how much money we need. We are going over the appropriation bills in detail to find out what we feel is the amount of necessary revenue to be raised to meet these appropriations. We are also trying to figure out a tax program which we feel will be satisfactory to the majority of the people of Pennsylvania. We have been quite busy in trying to do all of these things.

Mr. President, I could have told the people of Pennsylvania and in fact I did a year or so ago when the campaign was on for Governor, that we would need extra taxes and that we could not balance this budget by knocking off the sales tax and, in place of it, putting on some economies recommended by the Chesterman Committee. That is the story which was pretty generally fed to the people of Pennsylvania by certain Democratic politicians. We knew at that time that we would need more money. Yet, as I said, the story was given out that we would not need more money. The people were misled and right now I find it difficult to tell the people back home that we do need money. They continuously tell me that we do not, because the fellow who ran for Governor and who was elected said that we did not need more money. Therefore, the people cannot understand why we are now down here trying to figure out more taxes to put on them.

In line with that, Mr. President, I have a copy of the Pittsburgh Press here, which is one of my favorite newspapers, in which is headlined "Letters to the Editor." I do not criticize the Pittsburgh Press for printing letters they receive from people because, after all, that is one of the interesting features of any newspaper. They have a perfect right to print these letters. I want to read this one letter to your first. It is headlined, with large headlines over the top, "State 'Tax Vultures' Denounced." This is the kind of thinking which sometimes prevails among the people generally. Of course, they have a false idea of what we need. However, perhaps, they have gotten it from certain campaign speeches which they have heard. This particular letter is from a man who writes to the editor as follows. When people write to an editor, they usually write in an angry voice. They have something to get off their chests. This man writes as follows:

"Why are the senators in Harrisburg making so much fuss about digging deeper into the workers' pockets?

"We know that the state needs money, but so do the workers, and they cannot afford to have the tax vultures dig deeper and deeper into their pockets.

"Davey Lawrence was not satisfied with the wage tax he forced on the workers, so he raised the taxes on property. Now we are digging deeper into our pockets to pay the tax increase.

"The solution for the wage tax in Harrisburg is to impeach Leader and restore the one per cent sales tax, which is sufficient

"A man that will run from one end of the state to the other end broadcasting over radio and television that he is against the sales tax, the wage tax, and that he will economize, and does not keep his promises, is unfit. He has proven that he is incompetent for the office he now holds.

"Why does Leader want 465 million dollars more than was used by the preceding governor? Is it to create new jobs for the political hacks to pay them for the support they gave to have him elected governor?

"Louis Deberson
"Mt. Washington"

Mr. President, this newspaper is not just content with putting a letter like that into its newspaper, but it also saw fit to have their cartoonist draw a picture. In the picture, it shows a taxpayer—he is labeled as a taxpayer. However, all you can see is his feet. He is lying prone on a couch. At the end of the couch is a fellow, wearing a turtle neck sweater, who looks like a thug. He is labeled "State." He is reaching in the poor taxpayer's pocket to pilfer the money out of the taxpayer's trousers while he is sleeping. That is the sort of thing which gets us into a lot of trouble. The people in my District read that and they cannot understand why I am down here trying to take money away from them. After reading this kind of stuff, they figure that we do not need any money.

Today, when you ask the fellow on the street, back home, "What does the State give you?" there are darn few of them who can tell you what they do get from the State. The people do not realize how much money the State puts in to pay for their schools. Very few of them even realize how much money the State puts in to pay for the cost of running their hospitals. Few, if any, know that the judges in their counties are paid by the State. Therefore, Mr. President, we do have a difficult

situation here to try to explain to the people our need for funds in order to do the things that they would have us do. It is all we can do, when we go back home, to tell the people about the need for funds and how it is necessary to raise them. After we explain it to them, they say, "Well, go on back to Harrisvurg and see if you cannot come up with some type of a tax program that will be satisfactory. However, for heaven's sake, do not put an income tax on us." That is the type of story that I heard all last week.

What we are trying to do, Mr. President, is to work this thing out so that we can adopt a satisfactory tax solution.

One of my favorite columnists, Mr. Lindgren, wrote a column last Sunday in which he claimed that he wondered why so many people were running for the Legislature when they find it so difficult down here. He figured out all the money that we get. He figured out that we get $3,000 for the Session; we get five cents mileage and we get $250 a month for expense money. He figured it altogether, as though that were a net profit. There are very few, if any, of us who can travel, either by train or by automobile, for five cents a mile. If you go by train, the railroad fare is more than that. The $250 a month is spent by the middle of the month in hotel bills and meals and so forth down here. You will find that most of the money we receive is pretty much used up. There is very little or any profit in this particular position, regardless of the fact that so many of the Senators and Representatives want to come back and run for re-election.

I would say that one of the biggest reasons for them wanting to run for re-election is because maybe, some county chairman told them that they won before and it would be nice if they could stand for re-election this year. I doubt very much if any of the people who are coming down here are coming down because they are making a whole lot of money. I just wonder sometimes why anybody does want to run for the job. This is the most unappreciated position that I have ever seen. The people do not appreciate what you do and, perhaps, the reason for it is the misrepresentation which appears in the newspapers about what our positions are, what our jobs are, the kind of work we are doing and the time that we spend here. I would say to the candidates, running both on the Republican ticket and the Democratic ticket, that they should try to be more forthright in their statements in the future as to what the State's needs are.

I also would like to, at least, petition the newspaper editors and newspaper writers to try to draw an accurate picture of our jobs down here, the work that we are doing and what we are trying to accomplish. For them to come out all the time and say that this is another do-nothing Session of the Legislature, that the people are not working and that all we are doing is playing around down here, certainly gives a very false picture to the people back home. It surely does not make this particular job very attractive to those of us who have to leave our homes, leave our businesses, our families and travel over the icy highways, over mountainous roads, to come down to Harrisburg to try to do a job for the people.

Mr. LANE. Mr. President and Members of the Senate, I sat here this afternoon and listened to Senator Mahany work a number of sides of the street. He criticized the Governor and then he more or less took the newspapers to task. Now I have this to say today. All I know is what I read in the newspapers, and I read in the Evening News today that the Senate Majority now has their own tax program.

Therefore, Mr. President, what I want to do is call to the memory of the Majority Leader the fact that several weeks ago I interrogated him on the floor in regard to the possibility of representatives of both sides of this Senate working with Members of the House in regard to a tax program. At that particular time, Senator Mahany said he did not feel that was feasible because it would be bound to get out when they had agreed upon a tax program and, therefore, they would be confronted with unusual pressure. He also stated that, in his opinion, if I recall correctly, the Members of the House on the Republican side would consult with he and other Members of the Senate as to their activities when it comes to voting for a tax program. So, the Members of the House voted and passed a tax program which is over here in the Senate. Now the Republican Majority has met and they have concocted their own tax program here in this Senate.

Let us suppose that we pass their tax program this week. How do we know that the House is going to concur? After all, the Republican Majority has made guinea pigs of their Members, just as we Democrats on this side are forced to make guinea pigs of our Members.

Mr. President, Senator Mahany talked about taking money away from the people and that he is being criticized back home for advocating taxes and that sort of thing. To the best of my knowledge and belief, Senator Mahany voted for one tax program here and I believe that was the excise tax, which was converted into a sales tax. I believe, too, that they brought that up in order to try to embarrass the Democrats when they knew very well that it was not going to pass and Senator Mahany voted for it. I want to inform Senator Mahany's constituents that outside of that one act, I do not believe he has voted for any taxes during this Session. I do not know whether he is going to vote for taxes now. Of course, that is entirely up to Senator Mahany.

Mr. President, Senator Mahany then talked about the Governor of Pennsylvania running around this State, saying that he would not need money. I will say to Senator Mahany that, if he recalls, under the campaigns of Edward Martin and Jim Duff and, if you please, John Fine, too, it was stated that no additional taxes would be needed. John Fine said there would be no additional taxes. Jim Duff said he had a $200,000,000 surplus, and what happened? No such thing existed. We know that the Fine Administration finished up here with approximately a $7,000,000 deficit. How long do we have to pay the bills? Senator Mahany knows full well, and so does every other Republican Senator on the other side, that Jim Duff no more than hit this Senate and he started running for United States Senator. He passed everything he could possibly pass which cost money. He passed the soldiers' bonus, and he did not have the intestinal fortitude to place the taxes. He did not levy the taxes, but left that for succeeding Administrations. We are here today facing the fiddler. We are facing the inevitable and we must raise the money.

I know, too, that the Republican Majority in the Senate here today is never going to agree to give this Ad-

ministration sufficient funds to carry out our program. I know that just as well as I know I am standing here, and I knew six months ago that that would be the case. When and if they come up with a tax program now, it will probably be $100,000,000 short because they want to tell the people of Pennsylvania that the Democrats are not capable. They want to say that we are in the red again because they are talking right now, throughout the State, to the effect that we are not competent. However, they are the people who are responsible for the fact that we are here today. Mr. President, this Democratic Administration will take the responsibility but the Republicans will not let us do it.

Therefore, I say to you, Senator Mahany, today, that we have been here almost fourteen months and I believe that you fellows are still fooling over there. I do not believe that you are sincere, because if you were sincere you would have agreed with the House, you would have gotten down to business, we would have agreed on a tax program and we would know where we stand today. We do not know where we stand. We do not know what is going to happen. If you put these bills up here, I imagine you will pass them but how do you know they will agree to them in the House? We are just back where we started from.

Mr. DENT. Mr. President and Members of the Senate, I intended to interrogate the Chairman of the Finance Committee, Senator Kessler. However, he does not appear on the floor and if the Majority Leader is willing to substitute for him or any other Member will volunteer to take his place, I desire to ask a few questions.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President. However, there might be some questions that only Senator Kessler might know the answer to, but I will be happy to answer any that I know the answers to. If you have some questions which I do not know the answer to and Senator Kessler might, then if you will wait until he gets back here, you could get all all your answers from him. I presume we could send for Senator Kessler, Senator, and have him up here.

Mr. DENT. That will be perfectly all right. I would much rather ask the Chairman of the Finance Committee, because the questions are pertinent to his statements and to his analysis of the problem and rather not yours.

Mr. MAHANY. I think he is working in his office, Senator, and I will send down for him.

Mr. DENT. That will be all right. While he is coming, I would like to continue on with making a few remarks.

Mr. President, while the Senator was on his feet, I was going to ask him if we Members of the Senate on the Democratic side are still partners in the Senate or whether we are still part of the Senate. However, I would like to ask him whether we are still Members of the Senate over here and part of it?

Mr. MAHANY. You and your colleagues are certainly Members of the Senate and I respect you as such. My suggestion today, in connection with this tax program, was that after we over on this side of the aisle might agree to it, we get together and try to find out whether or not you and I and others can agree to it.

Mr. DENT. Mr. President, we are going to be partners, I see, after they decide what they are going to give us. This reminds me of the story of the proprietor in a small barrom who had a bartender working for him. One day the proprietor came into the barroom, and happened to be in a position where he could see the bartender and the bartender could not see him. A fellow came in and bought something at the bar and handed the bartender fifty cents. The bartender went over to the cash register and marked up, "No Sale," and put the fifty cents in his pocket. The proprietor looked at him and he said, "So, Larry, ain't we partners no more?" That seems to be about the situation that we are in here on the Democratic side.

It seems there must be some newspaperman, I would not know which one, except that he writes for the Evening News, but one of the newspapermen seems to be able to get from the Republican Causus the information on what the Republican Caucus is going to do before it does it. We can always, if we buy the Evening News, we Democrats can usually find out what the Republican Caucus is going to do. I do not suggest that he has a pipeline direct. I think it is one of those pipelines which is indirect and probably, when he is talking to the gentleman who tells him, instead of the man facing him he talks to him sideways.

Mr. President and Members of this Senate, I read a very interesting statement in the paper and one that the people ought to know about. Mr. Kessler says, and I will repeat this when he comes up and ask him to verify it. This appeared in The Evening News. It is funny how that paper gets so much information. I shall read from the Saturday edition of the Evening News:

"GOP Caucus Tomorrow Night" is the headline, but it goes on to say what the Caucus is going to do. It says here:

"Mr. Kessler, a foe of an income tax and a proponent of a sales tax reiterated that he would abide by the decision of the Republican Caucus on whether or not his committee should report the bills to the floor next week.

"I would not place my judgment above the Caucus, he said. If the Caucus feels it is politically best, the bills will come to the floor for a vote."

Mr. President and Members of this Senate, the people of Pennsylvania are a sovereign people. They deserve better representation than that. They deserve better representation than the kind of representation which is embodied in the statement, "If the Caucus feels that it is politically best, the bills will come to the floor for a vote."

Mr. President and Members of the Senate, I know we have been here a long time. I suppose that if the Democratic Party and the Governor of this State had acceded to blackmail fourteen months ago, we could have gone home last year. We were told then that come hell or high water, no tax bills would pass the Senate except based upon a three per cent sales tax.

Now, Mr. President, the Governor has been castigated and maligned all over the State by certain inspired newspapermen as an immature, stubborn, young man. How would you characterize the leader of the Republican Senate, who is seventy-eight years old? Certainly he is not an immature, young, stubborn man. We know he is not young and there is some question on the other parts.

Mr. President and Members of this Senate, one man

can say to the people of Pennsylvania, "This shall be the tax program," and Republican Senators, who try to voice their conviction, find themselves in the position of silent apology. I understand that the Republican program includes the three per cent sales tax which they say will raise $231,000,000. I read the so-called sales tax. We have approximately fifteen months to collect the taxes. This tax bill has more amendments in it than the Fine tax bill.

Mr. President, let me see what the Republican Floor Leader of the Senate, a Republican Commissioner of Allegheny County, had to say about the Fine tax bill in regard to its exemptions:

"County Commissioner John M. Walker, a Republican, today admitted his own party is partly responsible for the mess in Harrisburg.

"In a rare confessional mood, he said Republicans had fumbled the ball and missed their golden opportunity to pass a three per cent sales tax.

"Mr. Walker conceded the one per cent sales tax pushed through the General Assembly by Republicans in 1953 was a 'stinker.'" The words are Walker's, not mine.

"It contained too many exemptions, he charged.

"Then to the amazement of his listeners, he added, 'My party loaded the payroll'"—Walker said this—" 'because there was an election coming up and naturally we wanted to succeed ourselves.

" 'That ran the cost of Government up. We had more tax collectors than taxpayers.'"

Incidentally, this is also from one of your favorite newspapers. It is funny how you only find the things you want to find in the newspapers.

Mr. President and Members of the Senate, you cannot doubt what Mr. Walker says, because you had him as chairman of your Truth Squad last year, running out over the State following up the Democrats and telling the people what the truth was. Well, now I know why you picked him; he is a truthful man.

In your tax program, you would also include a one per cent increase in corporate net. Now, I am not going into these, Mr. President, until Senator Kessler comes up here. If he does not come up until tomorrow, I will talk until tomorrow.

As I find the picture, Mr. President, the tax program advanced by the Republicans, as contained in the newspapers, will raise $303,000,000. In order that there be no misunderstanding, I want the people of Pennsylvania to know this. Tomorrow, if the Republicans will verify this tax program, I expect to go to the Budget Office and to the Secretary of Revenue. I expect to have from them the official legal estimates of what the tax bills will raise. As you all know, the Governor cannot accept Senator Kessler's figures. He cannot appropriate or sign appropriations that exceed the amount of revenue estimated to be raised by the revenue bills by the Department of Revenue and the Budget Office.

Mr. President, this is what you are providing. I want all the people to know this. Between now and the end of the week, with the help of God and a little manual labor, I expect to wire every hospital in Pennsylvania, every institution in Pennsylvania, and, as far as I can, every schoolteacher in Pennsylvania. I expect to call to their attention this hoax, this terrible fraud that is being perpetrated in the name of economy, conceived and dedicated to the political welfare of the Republican Party. All you can do, you Republican Senators, is to take the John Fine budget, which amounts to $1,055,000,000, add to that $69,832,000 of a deficit left by Governor Fine and you will have approximately $1,125,000,000 that is needed right now to meet the cost of government as it was contained in the Fine budget. If you add to that the $103,-000,000 school subsidy we inherited from Senator Duff, the $2,100,000 of additional moneys needed to meet the soldiers' bonus payments, the bonds, the $6,400,000 required to meet the added bond payments for the General State Authority, we need $1,236,500,000 to meet only the required mandated cost of government and the budget left by Governor Fine.

Mr. President, we have taxes on the books that will raise, according to the exact figures of their incomes—any man in the Senate can go to the department and get the figures like I did—in this biennium, providing there are no more serious work stoppages and a few other items that can enter into the picture, but based upon the level of collection of our best year out of the last five years, we will raise $877,000,000. I am not a millionaiare and so when I get up over $2,000 or $3,000, I become silghtly confused.

Mr. President and members of this Senate. If you take the Republican tax bill—if my estimates are right, and I do not say at this moment they are right because I, only have the information that Johnny Scotzin was kind enough to put in his newspaper. He is a reliable newsaperman and I know he gets his information from a very reliable source. If you raise $303,000,000, you will find that if you add 877 and 303 you will have a total of $1,180,000,000. Mr. President, if you can show me how you can meet the mandated subsidies of $1,236,500,000 out of an entire revenue of $1,180,000,000, then I say that you do not belong in the Senate. You belong in the moving picture business, competing with this magician who runs around over the Country, Thurston.

Mr. President, let us see the sorry picture that they are adding up to. Let us see what else we have to meet. You need $1,236,500,000 to meet the costs that are on the books as of the last biennium. Add to that the $31,000,000 that this Senate passed for schoolteachers, the $8,000,000 that this Senate has passed, and which has been signed by the Governor, for the school construction program, the $8,500,000 to de-water Schuylkill County, which has been passed and signed by the Governor, and you get a grand slam total of $1,284,000,000. I am not talking about the $9,200,000 of additional non-budgeted dollars and bills that were sent over to the Governor and signed by the Governor, which this Senate not only introduced but passed and sent over to him. I am assuming that, being nonpreferred, when it comes to feeding out the money for those appropriations, there just will not be any money there. If you will remember, the Supreme Court has decreed that when the revenues do not meet sufficiently the needs of the Commonwealth, all nonpreferred appropriations automatically die, without the Governor doing the cutting that you Republicans think he should do. Then, if there are still insufficient funds to take care of the appropriated mandated cost of government, a prorate cut is made on the preferred appropriations of this Commonwealth.

Let us see how much money you need. If you just

take—these are not fancy figures. These figures are contained in your budget and contained in the receipt sheets of the State of Pennsylvania. These are not fancy figures, dug out of an empty hat. These are the actual income figures of the Commonwealth of Pennsylvania. Let us see what happens.

We find ourselves, then, with a deficit of $397,000,000. The minimum required to meet the existing cost of government in this Commonwealth is $397,000,000. Let us get down to basics, Mr. President. They say to us and I read here—I am sorry if I have to read from new releases because, not being full-fledged partners in the Senate, I do not know what is going on in the Senate. I must go to the News Room and have them tell me. We are not in on working out the tax bills. We have not been invited to that particular session, although the House, which is Democratic, not only had the courtesy—it is not in the realm of courtesy; it is in the realm of duty and they subscribe to their duty. They invited the Republican Minority and they knew that the Republican Minority was against the tax bills. However, they never met in secret caucus; they never met in secret places. They invited their Republican colleagues into the conferences and came up with a compromise program. We, however, are not permitted in on that.

Senator Mahany is making predictions and since he is making them, I thought my Democratic colleagues ought to know what the predictions are. I am not sure that you fellows over there care very much. Senator Mahany predicted that all twenty-six Republican Senators would vote for the bill, a new tax package intended to raise $352,000,000 during the remaining months of the 1955 biennium. He said that, in general, it will be similar to the 1953 sales tax, except, mind you, that manufacturing machinery will be out.

Mr. President and Members of the Senate, I know that all of us are interested in Pennsylvania. I want to see a healthy economy; I want to see a healthy industry. However, what good is a healthy industry, Mr. President, with broken minds, wandering aimlessly on our streets, unable to get into mental institutions? What good is a healthy industry if thousands of our citizens, through no fault of their own, find themselves on relief and are deprived of the necessities of life? What good is a healthy industry and an unhealthy people? Taxes reflect the credit and integrity of a government.

I have watched my State condemned by spokesman for certain organizations in this Commonwealth as being a bad place in which to live, a bad place to work in. I do not believe that, Mr. President. I do not believe that this great State of ours is a bad place for anybody. I think it is the greatest State in the Union and I believe that industry knows this is the greatest State in the Union. They say that industry is moving out; that industry is creating its factories and plants in other States. Now, Mr. President and Members of this Senate, are you sure that it is taxes that drive them out? Because, if taxes drive them out, Mr. President, then you Republicans drove them out. All of the taxes on the books today were conceived and passed under Republican Administrations. Any plant that has moved to West Virginia did not move on account of the Leader taxes. There are no such animals, sir. You say that General Motors is building a great big plant over in Youngstown, Ohio, because this is a bad place in which to live. I think, with my little and limited experience, both in the field of labor and in the field of industry, and I have been fortunate enough in my lifetime to have participated in both, that when an industry starts to move a major project, they take into consideration many things. They take into consideration local taxes, for instance.

I want to say again, and I offered this to the Republicans before and I now offer it again, that if you gentlemen on the other side will take the Ohio tax plan, local, county and State, and bring it over here, introduce it, I will support it. If you will go down to New Jersey and tax the railroads, like they do, and tax all of the other items that they tax in New Jersey and put the load of schools back onto the common home, back in the local communities, and you want to introduce the New Jersey taxes,—you always rave about the competition from New Jersey—let us wipe out the competition and bring the New Jersey taxes, local, county and State, over here and I will vote for them. I have heard you say that Indiana is such a great place. In fact, Senator Kessler—where is his office? Is it down in Lancaster? Senator Kessler showed me a big advertisement out of Business Week, showing a full page about what a great State Indiana is to live in and about how industry was healthy in Indiana. I said, "Senator Kessler, if you will introduce the legislation, wiping out all of Pennsylvania's taxes and accepting all of Indiana's taxes for Pennsylvania, I will go along with you." However, do you know what the trouble is? I will tell you what the trouble is. You want the New Jersey taxes, but you want to exempt somebody. You want the Ohio taxes, but you want to exempt somebody. You want the Michigan taxes and the Indiana taxes, but you want to exempt somebody. You do not have the intestinal fortitude to stand up and say, "This is a proposition which the people, industry, business, all endeavors of government, are confronted with and it is a proposition that requires everybody to contribute and pay."

We are willing to vote for taxes on people; we have demonstrated that. We are willing to vote for taxes on industry; we have demonstrated that. We are willing to vote for taxes on business; we have demonstrated that, each in their proportionate share for the values received from government. Do not forget that when we build a school house out in the country here, we are training industrial workers. Do not forget that when we lay roads all over the State of Pennsylvania, we are laying them so men can get back to work on time for industrial production. Do not forget that every time we spend any State money to take care of the wards of the State, we are taking care of a great many of the wards of industry. There are 8,000 children on the waiting list to get into mental institutions; 8,000 children and you have cut out from your program every cent for the Department of Welfare, every nickel from the Department of Welfare. You are not going to build one bed for one child in the State of Pennsylvania who is on that 8,000 waiting list. To say that you are going to do it is nothing but a plain out-and-out unadulterated lie, because you cannot do it with that kind of a program and you cannot raise it with that kind of a program.

Assuming that your own figures are right, giving you credit for the $352,000,000, add that to the $877,000,000

and let us see where we go. You will only have $1,229,000,000 and you require $1,284,000,000 to meet the mandated cost of government; the bills that you have passed and sent to the Governor and are signed. How are you going to give $43,000,000 to the Department of Welfare? How are you going to give five cents to the Department of Welfare? How are you going to give $9,000,000 to the Department of Health? How are you going to give five cents to the Department of Health? How are you going to give one cent to the industrial expansion program? You know and I know that what you are doing in this program is cutting out the $8,500,000 which is supposed to be spent to de-water the mines in the anthracite region. You know that you cannot give them one cent. Senator Wagner, and the rest of the Senators from the anthracite region, ought to know that that is true. Do not come back later and say you thought the money was in the budget. The money is not in the budget unless you pass the revenues.

Mr. President, I think that somewhere along the line there comes a time when the people ought to know the truth. I would like to tell the hospitals in Pennsylvania something. Governor Leader's House of Representatives has sent over an increase for the little hospitals in our communities, many of which are struggling to keep their doors open and have to charge even exorbitant rates and cannot keep the doors open even at that. They are charging rates far beyond what they want to charge. Now you have cut every nickel of what the Governor sent over, amounting to $9,000,000. You have cut the $12,000,000 proposed for the universities of this State, which would have made an education slightly easier to obtain for the sons of those who do not have all the money in the world in order to make a better educated people out of us. You are destroying the opportunity to discover in this great mass of American children another Einstein or another chemist or another great doctor or another great leader in religion or another great leader in the field of newspapers—there are some. I think that all of us know that that would be a good place to spend some money.

To you, the universities of this State, including Penn State University, I would like to say that Penn State, under the Fine budget, and that is all you can pass, received $20,000,000 and under Governor Leader they would receive $25,000,000. We propose $7,000,000 more for the University of Pennsylvania, Temple University and the University of Pittsburgh. Do you think these great institutions come here because they come with their hat in their hand? They come here because the problems are many and they are trying to provide for the lowest possible rate in education, in order that this State can hold its head up among the States of this Union that provide free, free university education to any of their citizens who have the ability to attend. You stand over there and compare this. You come up before this Senate and talk about the great State of California, headed by that great Governor of theirs whom you have so proudly held up as a masterpiece in government operation. What do they have? I have heard your Senate leader, Senator Taylor, say he could never go for two taxes on the poor people. They have not only two taxes out in California; they have twenty taxes out in California. They have sales, income and mercantile. They include all of their machinery out in California. They even include the ingredients that go into the make-up products in California.

What are you doing here today? You are giving exemption to manufacturers in Pennsylvania not contained in any other tax law in the United States. Even in Ohio, this great haven that I have heard so much about for industrial greatness, the original purchased equipment of an industrial corporation is not subject to a State sales tax but it is subject to a chattel tax, Mr. President. If you rebuild a machine out in Ohio, I do not care whether you rebuild it from floor to ceiling, every part that you buy is taxed in Ohio.

What are you boys doing over there? Maybe that is why you are all invited to the Manufacturers' Association Dinner. It is a very peculiar thing and we stop right there again; we are not partners anymore. The only invitation received over here was a personal invitation to your humble servant. After today, they will probably put tacks on my seat.

What are you doing in Pennsylvania? You are exempting manufacturers from real estate taxation. You are exempting manufactured machinery from the sales tax. You are exempting all component parts that go into an industry from the sales tax. As I understand it, you are exempting all utilities from the sales tax and, of course, our dearly beloved Joe Pew's Sun Shipbuilding Company.

Where do we go from here? We face the people of this Commonwealth with a lot of empty promises. I hear that old refrain from Senator Mahany. It is like a record with a stuck needle. He always says that somebody went out and promised the people there would be no more taxes, and that we could balance the budget without them.

Mr. President, I would like to know how any living person in Pennsylvania could do anything different than George Leader did. A lot of people have been condemning the Governor, because they say he went out over the State and said that there would be no new taxes needed and that he was going to balance the budget without the sales tax. That is true, Mr. President. I make no hesitation about an admission to that, except that nowhere can Senator Mahany show me where in the Democratic Platform it says anything about no new taxes.

Mr. President, I might say this to Senator Mahany that Jim Duff was told by Governor Martin's Budget Director, who later stayed on under Jim Duff, in the spring of 1946 that there was a $200,000,000 surplus in the treasury of the State of Pennsylvania and that year he campaigned the length and breadth of the State of Pennsylvania, telling the people there was a $200,000,000 surplus in the treasury. Now if I remember right, Senator Mahany was a candidate at that time and he ran on that platform, but this same Senator Mahany came into the General Assembly the following January and voted for $124,000,000 worth of new taxes.

When you start telling about broken promises, remember that Jim Duff had to rely upon the knowledge of the facts given to him by the Budget Director. Let us see what happened four years later, Mr. President. A man by the name of Fine, of unhappy memory, ran for Governor. He told the people of Pennsylvania in his platform that there would be no new taxes needed if the Republican Party and John Fine were returned to power. He got his information from the same Budget Director who had

misled Jim Duff. When he came into power, the first thing he tried to do was to ask for $119,000,000 in the form of a wage tax. The next biennium, he asked for $135,000,000 in the form of a sales tax.

Now, Mr. President, what happened next? Chronologically, I think it is good to bring things up-to-date so that people who hear one broken record can, at least, hear incidents that transpired before the record become broken. Governor Leader, then candidate Leader, ran for office. During the spring this same Budget Director said, and we have the newspapers, that there would be a surplus somewhere between $40,000,000 and $52,000,000 in the State treasury. Where would Governor Leader get any information except through the newspapers? That is where we get our information. We are Members of the Senate and we cannot get information except through the newspapers. When I want to know anything, I am going to be honest with you, I go to see Johnny Scotzin. He tells me and he knows. He gets the information and then he feeds it to the other boys a little at a time, just so they do not scoop him. That is perfectly all right and, Johnny, later on after we are through tonight, I would like to talk to you a little bit. I want to know if you can tell me when Ted Watson is going to be back because it says here in this newspaper, and I would like to read what it says because I do not want to be misquoted by the Titusville Bugle. What is the name of that paper up there—The Herald? What is a herald without a bugle?

"Mahany predicted that all twenty-six Republican Senators would vote for the tax bill."

Johnny, anything you tell me, I will not tell to the other newspapermen until you let me tell them. Now the reason I want to know when Mr. Watson is coming back is because if he is not going to be back until next week, I have a few things I want to do and we are not going to hold our boys here waiting for the Republicans to make up their minds when to bring him back.

I want to say to you, and this is an offer I am making, that we would be glad to sit down with you. We will be glad to sit down with you if you would like to have the benefit of what little knowledge we have about taxes and budgets. We would like to try to work out a program. We resent being told what the program is and castigated because we will not vote for it. We would like to be invited to, at least, the meetings of the Finance Committee. You know some of us are legal members. We would like to sit down with you and we are willing to do that. However, if you continue the high-handed methods, if you continue to write it the way you want to write it, I fully expect that you may run into opposition on this side. In spite of that, do not hold up your vote on this bill or on the tax program because of the severe illness of Senator Watson. We have a few men on this side, twenty of us now I believe, and any man on this side will stand up and give Ted Watson a vote on this Senate floor rather than have you bring him back here if he is sick. Therefore, do not hold up the tax bill just because Ted Watson is sick. However, I know that you are so anxious to get all the credit for this bill that you probably do not want any Democratic votes for it.

Mr. President, I want to inquire whether the Lancaster bus got in yet? Does anyone know whether the bus arrived?

Mr. MAHANY. Mr. President, I understand that Senator Kessler is working on some amendments to this tax bill. I understood from Senator Pechan that when Senator Kessler left the building, he was going over to the Legislative Reference Bureau.

Senator Dent, if you will note by the clock, it is now five after six. We agreed a week or so ago that we would adjourn.

Mr. DENT. I second your motion.

Mr. MAHANY. Just a minute; if you would rather take a recess now and come back at eight o'clock for our Calendar, we can do that. I think you and I could agree as to the bills to be run on the Calendar and I will be happy to come back at eight o'clock.

Mr. DENT. Mr. President, we were here at one o'clock. We fully wanted to take up the Calendar. I say that some of us have plans for this evening, and I have a committee meeting with the House leadership. I expect to do some work tonight myself, working out some amendments to amend the amendments made by Senator Kessler's amendments. I will have my busy time tonight. You are going to meet, I understand, tomorrow morning at ten o'clock and we will not have too much time tomorrow morning.

I say that if the hour of six is the deadline, then we ought to live up to the hour of six and if you so desire, we can let the Calendar go over until tomorrow. There is nothing on it that is going to be of earth-shaking consequences anyway.

MOTION TO ADJOURN

Mr. DENT. Mr. President, if the gentleman so desires, I move that we now adjourn.

Mr. BARR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, if Senator Dent does not amend his motion a little bit, he may be adjourning sine die.

Mr. DENT. That is all right with me.

Mr. MAHANY. It is all right with me, too. You go ahead and make it and I will second it.

And the question recurring,

Will the Senate agree to the motion?

MOTION TO ADJOURN AMENDED

Mr. DENT. Mr. President, I wish to amend my previous motion for adjournment, and I move that the Senate do now adjourn until Tuesday, February 28, 1956, at 10:00 o'clock a. m., Eastren Standard Time.

Mr. BARR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. May we be at ease a moment, Mr. President?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

MOTION TO ADJOURN WITHDRAWN TEMPORARILY

Mr. DENT. Mr. President, I withdraw my motion to adjourn for the time being.

Mr. BARR. Mr. President, I withdraw my second to the motion.

REPORT FROM COMMITTEE

Mr. DENT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr DENT, from the Cimmittee on State Government, reported as committed, Senate Bill No. 967, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to acquire a tract of land in or near White Haven, Foster Township, Luzerne County, for the use of the Department of Welfare in the treatment of mentally retarded children, and making an appropriation.

BILLS ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 740, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law" adding a new route in Indiana County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 967, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to acquire a tract of land in or near White Haven, Foster Township, Luzerne County, for the use of the Department of Welfare in the treatment of mentally retarded children, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1666, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1667, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1668, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1669, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1670, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes's Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1671, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement system with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1672, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1705, entitled:

An Act transferring money from the Banking Fund to the General Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1732, entitled:

An Act lapsing unexpended and unencumbered balances of certain appropriations from the Motor License Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. BARR. Mr. President, in order that the gentleman from Lancaster can appear and either confirm or deny the statement in the Evening News of Saturady of last week, I move that the Senate do now adjourn until Tuesday, February 28, 1956, at 10:00 o'clock, a. m., Eastern Standard Time.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:12 o'clock, p. m., Eastern Standard Time, until Tuesday, February 28, 1956, at 10:00 o'clock, a. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, February 27, 1956

The House met at 1:00 p. m.
The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Luthern Church, York, offered the following prayer:

Lord Jesus Christ, Thou who are Lord of Lords and King of Kings and the Designer, Ruler and Builder of the Universe, we confess in our desperation our need of Thee.

There are loved ones today, O Lord, for whom we pray. We ask for Thy help without any hesitation, knowing that Thou dost give even before we ask.

We pray for those who are sick. Visit each one with Thy gracious healing presence and place Thy fingers of love upon the fevered brow.

O God, in this desperate hour of world affairs we need Thy strength, Thy guidance, Thy wisdom. The problems before us are greater than any wisdom of man can solve. May Thy wisdom and Thy power be upon these Representatives to whom we have entrusted the leadership of our great Commonwealth. Give them the honesty to acknowledge that a "mighty fortress is our God," and not a hiding place where we can escape from an easy life, but rather a fortress of strength.

Hear and answer we pray Thee, Thou ever living Lord and God. Amen.

The SPEAKER. The Chair requests the gentleman from Cambria, Mr. Lopresti, to preside temporarily.

Mr. LOPRESTI IN THE CHAIR

JOURNAL APPROVAL POSTPONED

The SPEAKER, pro tempore. If there is no objection, the approval of the Journal for Wednesday, February 22, 1956, will be postponed until printed. The Chair hears none.

BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bills:

By Mr. READINGER. HOUSE BILL No. 2044.

An Act to further amend the act, approved the fifth day of August, one thousand nine hundred forty-one (P. L. 752), entitled "An act regulating and improving the civil service of certain departments and agencies of the Commonwealth; vesting in the State Civil Service Commission and a Personnel Director certain powers and duties; providing for classification of positions, adoption of compensation schedules and certification of payrolls; imposing duties upon certain officers and employes of the Commonwealth; authorizing service to other State departments or agencies and political subdivisions of the Commonwealth in matters relating to civil service; defining certain crimes and misdemeanors; imposing penalties; making certain appropriations, and repealing certain acts and parts thereof," by decreasing the size of the grouping for purposes of furlough.

Referred to the Committee on Rules.

Br. Mr. PETROSKY. HOUSE BILL No. 2045.

An Act amending the act of July 24, 1913, (P. L. 965), entitled "An act defining commodities; regulating the sale thereof; and providing penalties for violation hereof," clarifying enforcement provisions of the act.

Referred to the Committee on State Government.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 388 and 1777

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 23, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 388, Printer's No. 1177, entitled "An Act amending the act of June 3, 1937 (P. L. 1333) entitled 'An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating defining membership of county boards of elections imposing duties upon the Secretary of of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections' extending voting rights to bedridden or hospitalized veterans when not absent from county of residence."

GEORGE M. LEADER.

February 23, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1777, Printer's No. 1169, entitled "An Act to further amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the daministrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative office s and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' by further defining the powers of the Department of Property and Supplies relating to automobiles."

GEORGE M. LEADER.

BILL SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker has signed the following bill:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1773.

An Act further amending the act approved the ninth day of April one thousand nine hundred twenty-nine

(P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" making certain information regarding refunds available for public inspection changing certain provisions as to the imposition and remission of penalties and granting of refunds and clarifying provisions as to settlements

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

RECALLING HOUSE BILL No. 730 FROM THE GOVERNOR

Mr. READINGER offered a resolution which was read, considtred and adopted as follows:

In the House of Representatives, February 23, 1956.

Resolved (if the Senate concur) that House Bill No. 730, Printer's No. 1270, entitled "An act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pullorum testing programs," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Houk for Mr. STROUP because of illness.

Mr. Stebbins for Mr. LAWYER for the week because of illness.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 904, entitled:

An Act amending the act of April 11, 1899 (P. L. 37) entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth" making compliance with certain provisions evidence of innocence in prosecutions for receiving stolen goods.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1110, entitled:

An Act amending "The Administration Code of 1929" * * * creating the Pennsylvania Consumer Commission and defining its powers and duties.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1240, entitled:

An Act to amend the act approved the twenty-third day of May one thousand eight hundred eighty-seven (P. L. 164) entitled "An act to secure to laborers within this Commonwealth the benefit of the exemption laws of this Commonwealth and to prevent assignment of claims for the purpose of securing their collection against laborers outside of this Commonwealth" by forbidding creditors to sue resident debtors of this Commonwealth in the courts of another State where the creditor debtor and intended garnishee are within the jurisdiction of the Pennsylvania courts and providing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1753, entitled:

An Act amending the "Uniform Criminal Extradition Act" approved July 8, 1941 (P. L. 288) enlarging the power of the court on habeas corpus.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1865, entitled:

An Act amending the "Local Health Administration Law," approved August 24, 1951 (P. L. 1304) regulating pension and retirement rights of employes of single-county and joint-county departments of health.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1904, entitled: "

An Act amending the act of September 26, 1951 (P. L. 1536) entitled "An act providing for the licensure and regulation of commercial boarding homes for the aged * * *" further providing for refusal to grant refusal to renew and revocation of licenses changing license fees.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1924, entitled:

An Act to amend the act approved the thirty-first day of August one thousand nine hundred fifty-five (P. L.) (Act No. 131) entitled "An act permitting and regulating wrestling and boxing contests and exhibitions * * *" by regulating the use of a fictitious or assumed name by any participant in any amateur boxing contest or exhibition.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2012, entitled:

An Act making an appropriation to the Department of Mines for expenses of supervising and administering the Anthracite Mine Drainage Program.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 321, entitled:

An Act amending "The General County Law" * * * authorizing the board of commissioners to make appropriations to county firemen's associations for the conducting of fire prevention education.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 877, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law" * * * imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 916, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to make a study of appropriate ways and methods for developing and promoting the historical interest of Philadelphia and vicinity and specifically for developing a "colonial compound" in Germantown.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 929, entitled:

An Act amending the "Liquor Code" * * * providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

The first section was read.

On the question,

Will the House agree to the section?

Mr. STANK offered the following amendment:

Amend Sec. 1 (Sec. 601), page 3, lines 1 and 2, by striking out "[shall] may in the discretion of the board be forfeited to the Commonwealth" and inserting in lieu thereof: "[shall be forfeited to the Commonwealth] proceedings for its forfeiture to the Commonwealth may, at the discretion of the board, be instituted in the manner hereinunder provided."

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

RECESS

The SPEAKER pro tempore. For the information of the Majority and Minority Leaders the Chair is about to declare a recess for a period of one hour. The recess is being declared for the purpose of a Republican and a Democratic caucus. The House will reconvene at 2:45 o'clock.

Without objection, the Chair now declares a recess until 2:45 o'clock. The Chair hears no objection.

AFTER RECESS

The time of recess having expired, the House was called to order.

Mr. LOPRESTI IN THE CHAIR

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. FILO asked and obtained permission for the Committee on Boroughs to meet during the session of the House.

BILL INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bill:

By Mr. POLEN. HOUSE BILL No. 2046.

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred fifty-five.

Referred to the Committee on Appropriations.

BILLS ON FINAL PASSAGE

BILL PASSED OVER

There being no objection

House Bill No. 68, Printer's No. 1302

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 667, as follows:

An Act providing for the determination and effect of comparative negligence in actions for tort and providing that contributory negligence shall not bar recovery

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 (a) In all actions hereafter brought for death or personal injuries or damage to property caused by unlawful violence or negligence the fact that the person injured or killed or the parties suing or the owner of the property or the person having control over the property may have been guilty or contributory negligence shall not bar a recovery

(b) In any action the damages to be recovered shall be diminshed in proportion to the amount of contributory negligence if any attributable to any such person

(c) The determination of the proportion of contributory negligence if any in any action shall be a matter entirely for the jury or in cases tried without jury for the trial judge

(d) If having regard to all the circumstances of any case in which there has been contributory negligence the fact finding body shall not find it possible to determine the respective degrees of faults between the plaintiffs and the defendants they shall be deemed to be equally at fault and the damages shall be diminished by one-half

On the question,

Shall the bill pass finally?

On the question recurring,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, this is a highly controversial bill and I have asked for the floor for the purpose of calling it to the attention of the Members and then to yield to Mr. Sherman.

There are four or five Members, I understand, who desire to speak on this bill.

I would like the Members to know that from now on, unless we announce a consent calendar in advance, controversial bills are going to be called, whether our Members are here, whether your Members are here, or whether they are not here. If that means bills are going to die, that is exactly what it means.

Mr. Speaker, I would now like to yield to Mr. Sherman, the gentleman from Philadelphia.

Mr. SHERMAN. Mr. Speaker, this afternoon we have before us one of the most important—at least I consider it such and a good many of my colleagues on both sides of this House consider it such—bills that have ever come up before the House. It is absolutely non-political. It was introduced approximately one year ago today. Also, it has been up for third reading for approximately two or three months. I presume by this date almost all Members of the House on both sides have had some opportunity to review this piece of proposed legislation.

I say it is important, not as a lawyer's bill, not as a judge's bill, but as a bill that is important to you as Members of this House. I presume every Member of this House has been confronted with the situation whereby you have heard in your immediate neighborhood, or perhaps your immediate neighbor, or you yourself, or members of your family, have encountered a situation where a pedestrian crossing a street with a green light in his favor has failed to recover one dime of compensation in an accident case because our law as it exists at the present time provides that no recovery shall be allowed.

That particular party has been held contributorily negligent for the reason that he failed to continue to look from the time he started across with the green light until the time he was almost on the other side of the street.

You have also been confronted with the situation whereby you as an operator of an automobile, having arrived at the intersection where there is no light, can proceed across. Even though you have been slow, cautious and proceeding at about ten or fifteen miles an hour, you did not realize that you practically had to pick up your automobile while crossing the street from one side to the other, and failed to continue to look while crossing, and for that reason no recovery was permitted.

You also have been confronted with the situation whereby you have walked on the streets of your particular town in the daytime and there was a large hole, or a small hole, and you have fallen and fractured a leg, or perhaps some constituent or friend of yours has done the same, but the law provides that you should have seen, or perhaps must have seen, the hole as you walked along the street. For that reason you were denied recovery.

There are hundreds and thousands of different situations whereby our laws as they exist at the present time refuse to permit a recovery. Our law since about 1800, or thereabouts, has provided that where the party is the least bit at fault, whether it is two per cent or five per cent, regardless of how negligent the defendant may be, no recovery will be permitted the plaintiff, who is the party who is suing in the case, because he has been the least bit at fault. So therefore, as stated, the present law is that a person who by his own negligence contributes in any degree, no matter how small, to the cause of his injury may not recover anything whatsoever from a defendant, who is the party against whom the suit is brought, no matter how definite the latter's negligence and its causal connection with the harm which results.

The queries in these cases have been and are: shall the case of the uncompensated victim be considered, or shall his lack of care, no matter how small, be considered of such penal basis as to deprive him absolutely and completely of a recovery, no matter how negligent the other against the rules of the road, against the red light, or party in the case was, no matter whether he was passing be encouraged and go scot-free, as far as compensation in any manner whatsoever? Should a negligent defendant not withstanding the fact that the plaintiff in the case for damages is concerned, regardless of his blame and was only slightly at fault?

The United States is the last stronghold of this doctrine of contributory negligence, and it is sought by this legislation to permit a recovery in accordance with the negligence of the party who is suing. So if a party who is only twenty per cent at fault has received certain damages or injuries caused by another party who is eighty per cent at fault, he should be permitted to recover eighty per cent of his damages.

As stated the United States is the last stronghold of con-

tributory negligence, Europe, Great Britain, all of the Canadian provinces, New Zealand and Western Australia have seen the last vestige of this common law rule. In the Unted States there are at least forty statutes on the books presently existing in some form or other, in successful operation dealing with this subject of comparative negligence. In one form or another we have comparative negligence statutes in Virginia, Wisconsin, Florida, Iowa, Nebraska, South Dakota, Georgia, Arkansas and Mississippi.

The apportionment of damages, or claim for damages as such, was first brought home to most of the United States in 1908 by the Federal Employer's Liability Act, which applied to all negligence actions in both the Federal and state courts for injuries to railroad employees engaged in interstate commerce. It was incorporated into various other statutes, both the Jones Act and the Merchant Marine Act, in 1915 and 1920 and became applicable to maritime employees. The provision as such was repeated in a series of state employer's liability acts covering railroad and other employees enacted in eighteen different states.

The courts of admiralty showed their displeasure with the old common law rule of contributory negligence and stated that if both parties contributed to the loss the dam ages should be divided equally between them.

Legislation has forced this doctrine of comparative negligence in the employer and employee relationship in the cases of common carriers.

You are all familiar with contributory negligence in cases of workmen's compensation. At this time we have no such contributory negligence rule in cases of workmen's compensation involving both master and servant. The contributory negligence rule proved too harsh and the Workmen's Compensation Act as it exists at the present time abolishes the law of contributory negligence.

Experience has shown it is unjust and unfair to permit any defendant to escape the consequences of his wrongdoing by the claim that the plaintiff may have been two per cent, or five per cent at fault. If the comparative negligence statute should be enacted, the recoverable damages would be reduced in the proportion which the plaintiff's fault, or negligence, the extent of his departure from the required standard of conduct, bears to the total fault of both parties.

It is true that in certain instances slight difficulties will be encountered to permit a plaintiff to recover, but it is equally true that the laws in existence at the present time are too harsh. Upon proper instructions from a judge and proper questions put by a judge to a jury, the proper answer would be given by the jury.

As stated, a realistic approach can be had by what is commonly called special interrogatories put to the jury to find out how much a plaintiff and defendant are to blame for a certain occurrence.

I ask you to pay attention, and I say again that those leaving the room will be missing a great deal, because this proposed piece of legislation is important to each and every one of you.

The question involved is: should a man, woman or child who is only a few per cent contributorily negligent, or only very slightly at fault, because he or she failed to continue to look while crossing an intersection even though the green light was in their favor not be permitted to recover one dime? Have you not had instances in your particular territory or in your neighborhood of people who have become lame, blind, suffered fractures and been hospitalized and, lo and behold, not a dime of compensation has been permitted simply because of this.

I say again, a bill of this kind, if enacted, would not only be a proper approach to legislation which has long been necessary in this Commonwealth, but indirectly it serves the Commonwealth of Pennsylvania countless sums as people on relief would not have to be on relief because of their broken backs, or because of injuries suffered in an accident, or because of the breadwinner in a family having been put into that position through practically no fault of his own or because of his slight ignorance of the law.

You also have the case where the defendant, or a sharp attorney on the part of the defendant, or a halfway intelligent lawyer, will propound a question to the plaintiff, or perhaps to a witness of the plaintiff, showing that the plaintiff had failed to continue to look either while crossing the street or while going down the street, and therefore the plaintiff has been denied a recovery.

It has gone so far that our Pennsylvania Supreme Court itself has recognized the need for legislation of this kind. Just within a few months there was a case decided by the Supreme Court of Pennsylvania in 382 Pa. 277, a (1955) decision, Karcesky vs. Laria, where it was shown that the plaintiff while crossing in the middle of a block and before he had proceeded across was struck by an automobile which was going at a reckless rate of speed. Both he and his wife suffered severe and painful injuries. Although the plaintiff had seen this automobile about a block and a half away and presumed it was safe for him to proceed across, then he was hit before he finally made the grade and arrived at the other side.

The Court held in that case that the circumstantial evidence was sufficient to make out a prima facie case. It had a divided opinion.

In that case the male plaintiff suffered a fracture of the left clavicle and severe contusions of the left forearm and left shoulder. The wife, who was with him, suffered fractures of three front teeth, fractures of the sacrum, the pelvis and the left fibula, sprain of the lower back and countless other injuries. It was also shown that the expenses of the husband and wife in this case were $1,700 and that the loss of earnings on the part of the wife alone was $4,000. The only verdict given was $3,000 for the husband and $2,000 for the wife, which was permitted to stand.

This case demonstrates the fact that where the injured plaintiff is found by a jury free of contributory negligence, an obviously inadequate verdict may be sustained on the theory that the jury has applied its own standard of comparative fault.

The difficulty you will find in all these cases is getting the case as far as the jury and not being thrown out before it ever gets there.

This verdict was only a sympathy verdict due to the jury's belief that the plaintiff stepped into the path of the defendant's automobile. The Court held in that case that the doctrine of comparative negligence or degrees of negligence is not recognized at this time by the court of Pennsylvania. but as a practical matter it may be considered sometimes by the jury. Therefore, the question

is: will it ever get as far as the jury? Second, should not a jury have proper instructions upon a proper law on the statute books?

Therefore, the net result, as every trial judge knows, is that in the majority of negligence cases where the evidence of negligence is not clear, or where the question of contributory negligence is not free from doubt, the jury brings in a compromise verdict which is much smaller in nature than if they were convinced that the defendant's negligence was clear and that the plaintiffs were free from contributory negligence.

I wish to quote in that connection the strong opinion of Justice Musmanno in which he stated that the doctrine of comparative negligence must be applied methodically and not spasmodically. This court or the legislature, says Justice Musmanno, will need to establish procedure and norms of appraisal, such as those which are now embodied in the Federal Employer's Liability Act. There are other cases which were decided about the same time.

As a result of the decisions of our various courts and as a result of the decisions of the Supreme Court in these matters, there is a great deal of confusion. The legal profession is left in a quandary as to what advice to impart to injured citizens seeking its services and what should be done to intervene in behalf of justice.

In conclusion, successful application of this doctrine of comparative negligence has met with a great deal of success in the fields of admiralty, workmen's compensation, employer's liability and in automobile guest cases. It reveals the practicability of having a law of this kind.

If it is argued that there are any hidden pitfalls, that can be relieved, I am sure, by proper instructions of the court to a jury in a proper case.

If this law is enacted, comparative negligence law would demand some thought and study, but legal problems have been solved in the past and I am sure that they can be solved in the future. The question as stated is neither new nor revolutionary, as this subject has been dealth with and is in apparent successful operation in at least forty states.

The co-sponsors of this bill have been in touch with lawyers, judges and different people throughout the country. We have received replies from over 10,000 lawyers and judges throughout the country. We have received responses from the judges of our big towns, of our small towns, and from different lawyers, and at least ninety-five to ninety-eight per cent of the replies desire this legislation to be enacted as it.

It is true that as an attorney I may have to anticipate some argument, if there is any from the other side. Recently there was a meeting of the Pennsylvania Bar Association in which this matter was supposed to have been taken up. There was a resolution introduced at which there were present only about sixty or seventy-five members. I state this on facts which were given to me by the Secretary of the Pennsylvania Bar Association and on knowledge obtained by me from conversation with others. There is no objection by the Pennsylvania Bar Association, or by hardly anyone else, to the passage of this legislation in the House as it stands now. They desire it to be argued and feel it would make a great deal of progress if it were passed by this House.

I will not go into further detail as to what our judges or other parties have to say, but will leave that to Representative Eilberg, who I hope will follo wme.

Mr. EILBERG. Mr. Speaker, ever since this bill was introduced certain Members of this House, including myself, have been vitally concerned with it.

Some people say this is a lawyers' bill, but as lawyers we are particularly conscious of laws which apply to the general public.

In order to learn just how the judges and people of real legal knowledge feel about this thing, we wrote to many of the judges and lawyers throughout the state and to scholars outside of the state.

In Philadelphia Judge Flood tells us: "I have always felt that such an act would make a great improvement in Pennsylvania law."

Judge Kun, on the bench in Philadelphia for over thirty years, says: "I think the legislation is justified to meet the conditions."

Judges Oliver and Sloane together tell us: "I believe it is desirable to have legislation of this kind."

We were not satisfied with contacting judges alone, we also contacted the University of Pennsylvania Law School, where an authority speaking for the school writes to us and very emphatically says: "I hope your bill will be passed."

As Mr. Sherman mentioned a few moments ago, the National Association of Compensation Claimants Attorneys, an association particularly concerned with negligence law, considered this bill and in executive session came out with a positive recommendation in favor of it.

The Executive Committee of NACCA informs us: "It is the opinion of the Executive Committee of NACCA of Pennsylvania that the bill is an eminently fair one and would recommend its passage."

Included in that Executive Committee is Abraham Freedman of Freedman, Landie & Lorry of Philadelphia, one of the outstanding negligence firms in the state of Pennsylvania.

I have also read with great interest an article written by Professor Eldridge, formerly of the University of Pennsylvania and Temple University law schools, and talked to him at some length. He is entirely in favor of the bill. Very recently he was invited to appear before the Pennsylvania Bar Association, but unfortunately was ill when the bill was considered at that time.

One of the most interesting letters I received was in response to inquiry to Roscoe Pound of Harvard University Law School. I think no one can criticize or say anything about Roscoe Pound which is other than to the effect that he is one of the greatest legal minds in the United States of America. He says, and I will quote very briefly from his letter: "Many thanks for the copy of the proposed Pennsylvania comparative negligence act. I have looked it over carefully in comparison with many other acts and think it is exceptionally well drawn. It avoids some of the unnecessary complications which have been introduced into some of the acts in the endeavor to get precise arithmetical degrees of responsibility. The common sense of juries ought to be equal to assessing comparative negligence on the basis of everyday experience of all of us."

This is in response to the thought that juries may have a difficult time determining degrees of negligence. Roscoe

Pound, one of the greatest legal minds in the country, says that the everyday experience of jurors is sufficient for that purpose.

I have also been in touch with other lawyers, members of the administration, Henry Leader and Attorney General Herbert Cohen. They are in favor of the bill individually.

I have been in touch with Mayor Dilworth, who was a former District Attorney of Philadelphia and my boss in that capacity, and before that he was a great negligence lawyer. Mr. Dilworth tells me:

"I have long felt our present law on negligence makes it virtually impossible for any honest man or woman to ever recover, and is merely an invitation to mass perjury."

What he had reference to is the fact that every plaintiff's lawyer every time he takes a client into court knows he has to coach that witness, knows he has to make that witness commit perjury on the witness stand, and almost every attorney in that particular situation is guilty of subornation of perjury.

I say, let's wipe that out. Let's pass this bill.

Another famous lawyer in Philadelphia, John Patrick Walsh, tells us: "I think this is a good act."

I have written to Justice Musmanno, who wrote the vigorous dissenting opinion referred to a few moments ago. Justice Musmanno in the case referred to cried for legislation of this kind. In response to our inquiry he comes out emphatically for the bill.

I would like to say also that the rule we are talking about is completely out of date. Today in this country, in any given year, one out of every eighteen people is involved in some kind of accident. It is time we changed the law which came into effect over 100 years ago when conditions were entirely different.

Some people say if this bill were to pass and become the law of the Commonwealth, insurance rates would go up. By looking to the experience of other states that have adopted this rule, their experience is to the contrary. There is good reason for that. Most cases today which are settled out of court are settled partically on the basis that comparative negligence is present. In other words, ninety-five per cent of the cases are settled out of court. How much would be added to existing insurance rates if we throw in the other five per cent? The fact is that from the experience shown in other states there would be no material increase in rates.

We say to you this is a very fair bill and we ask that you pass it. We are not concerned right now with what the Senate may do to it. Let us do the right thing, let us pass this bill. It is something for which all of the people of the Commonwealth will be grateful.

Mr. WILLAREDT. Mr. Speaker, on House Bill 667 I am not going to take much of your time, but I would just like to make a few remarks.

In my estimation House Bill 667 would break down the general philosophy of torts in which the person in the wrong cannot collect from the other.

In my estimation there would be no question about a general increase in automobile insurance rates.

Another question is how can they determine the degree of guilt when both parties will claim they are right? This will be quite a job for the jurors in the various county courts.

The fourth and most important point is that it will break down the individual's sense of carefulness. I both parties in an accident are to recover, regardless of their negligence, we will most likely have many more accidents due to the breakdown of care in driving.

Mr. EHRGOOD. Mr. Speaker, I would just like to speak a few words against this bill.

It seems to me from what we have heard from the gentlemen from Philadelphia that most of this is a plaintiff's lawyers' bill. I believe all of us realize that defendants also deserve an even break. There are just a couple questions I would like to ask the Members of the House. How would they possibly determine if someone was ten per cent negligent, twenty per cent negligent, thirty per cent negligent, either one or the other? Isn't it a fact that in rality the juries do take this into consideration? When an example is quoted that someone is ten per cent negligent, isn't it a fact that the jury so determined that in its verdict? But what is worse that his, I would like to ask the Members of this House if they were an attorney representing a defendant whether, practically speaking, they would ever ask the judge to charge the jury that on the basis of comparative negligence? Wouldn't that be admitting right then and there to the jury that the defendant was negligent? And it is borne out by experience in the states that do have the comparative negligence doctrine, that the attorneys representing the defendants never do make such a request, because they cannot do it. It would be an admission on their part.

I think it is a vicious bill in many respects. The fact that we have had this doctrine in Pennsylvania for years on end lends credence to the fact that there is merit in the doctrine of contributory negligence as we now know it.

I would like to ask for a slow roll call and only those in their seats recorded as voting on the bill.

Mr. TOLL. Mr. Speaker, I just want to ask the Members of the House a few questions without any of them rising to answer them. I want to raise the question concerning a situation in this Commonwealth and in many of the states of the union, where they are going to come face to face with this contributory negligence doctrine.

How many of you use the turnpike when you come from home to Harrisburg to get here for the session? How many of you ride the so-called arterial highways? You go to a through highway which has stop signs at many intersections. Do you realize that when you drive 50 miles an hour, which is the limit on the non-turnpike highways, or when you drive 70 miles an hour, if any other vehicle gets on that highway and you have a collison with the vehicle, and you went ahead, like the gentleman said from Pittsburgh, you are a dead pigeon. He said a dead duck.

The reason that you are strictly dead is this, that time honored contributory negligence law, which says that even though you are on a through highway, driving 50 or 60 miles an hour, and there is a stop sign telling other people to stop from getting onto the highway, if you do not drive in such a manner that you are able to stop as soon as you see the other fellow violating the law and getting on, you can't collect.

How in the world can Pennsylvania build through highways? How in the world can we modernize our highway system and get the kind of transportation which we need if this kind of a law remains on the books? The situation today is this, today if you had such an accident,

your case does not even go to the jury. The Judge is supposed to throw it out.

There are thirty-seven lawyers in the House. They will tell you that on contributory negligence the Judge could throw the case right out, it is called a non-suit.

Under this Act, the question will be left to the jury. I have here a little article which I am not going to read. It is from the United States Review, which is published by an insurance company. It is an insurance magazine, calling attention to the fact that in Michigan three weeks ago the Supreme Court of Michigan finally in an accident in which a lady on a through highway was involved with another woman, who came through a stop sign, permitted that case to go to the jury. They said this is the beginning of the breakdown of the doctrine of contributory negligence in Michigan.

We have that situation right here in Pennsylvania also. If we are going to build a sound highway system, If we are going to permit speeds on any of the highways, we must choose our laws so that in case someone else breaks through the stop sign, and goes through on the through highway, and unfortunately the person that was using the highway continued in the same speed, will get an equal break with the other one at the hands of the jury.

I feel that this is an important bill and it should be given your serious consideration.

Mr. FLINT. Mr. Speaker, considering the merit of this bill, it would seem to me that all the Members of the House, and I do mean to include the lawyers here, should not be thinking in terms of the plaintiff or defendant. Some of us who practice law represent both parties litigant.

The merits of the comparative negligence rule appeal to owners of ships and doubtless for the reason that in that field of negligence great losses had to be apportioned by a rule which was fair. It was Francis Bohlen, the most learned teacher and expert on the law of torts, who said, "The real test, the real question to be asked in determining should the plantiff prevail, or should the defendant, is, what would grandma do." That is to say he invited you to consider grandma in a great sense of justice. The triers of the facts were urged to put themselves in her state of mind, to invest themselves with her moral rectitude and then make the decision.

In voting for the comparative negligence rule I feel it is more merely what grandma would do.

Mr. EILBERG. Mr. Speaker, in rebuttal to a couple of arguments that were just made. The gentleman stated that it would be very difficult to determine the degree of negligence in a particular case. Yet I say to him and to you, the juries are engaged in this very essential guessing game all the time. They are determining day after day, all over the state of Pennsylvania, just how much a broken arm is worth, just how much a broken leg is worth, just how much so many weeks in bed are worth It seems to me that the decision which we would now add to their existing burden, is a very small one indeed, and a much easier one in fact.

Reference was also made to the breakdown of safety in the Commonwealth. In answer to that I should like to say that most people, most laymen don't even know of the existence of the rule of contributory negligence. At least, in my experience, I have found that to be the case, that most people do not know about the rule of contributory negligence the fact that it exists, certainly is no deterrent on the highway or any place else to them in their ordinary conduct.

Furthermore I should like to add, that as we go along in our automobiles or in our other activities, we are still guided by our instinct of self preservation. We do not go out on the highway and attempt to commit suicide. That is ridiculous. I cannot see how the passage of this bill would in any way tend to break down the safety situation in the Commonwealth.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—69

Adam,	Erb,	Lippincott,	Sarraf,
Agnew,	Farabaugh,	Lopresti,	Schuster,
Anderson, S. A.,	Filo,	McKeever,	Smith, Wm. B.,
Banker,	Fineman,	Meholchick,	Stone,
Barnatovich,	Flint,	Muldowney,	Taylor,
Bell,	Floyd,	Mullen,	Thomas,
Boies,	Frank,	Munley,	Toll,
Bonner,	Frascella,	Murray, J. J.,	Wallace,
Boory,	Gaffney,	Needham,	Wargo,
Bower,	Garlock,	Pacchioli,	Welsh,
Branca,	Gibb,	Pashley,	Williams,
Breth,	Goldstein,	Polaski,	Wilt,
Bucchin,	Hocker,	Pomeroy,	Worley,
Cioffi,	Jones, G. E.,	Readinger,	Yetter,
Comer,	Kent,	Reibman,	Yetzer,
Curwood,	Kolankiewicz,	Reidenbach,	Ziegler,
Donaldson,	Leven,	Rigby,	Andrews,
Dougherty,			Speaker

NAYS—94

Anderson, M. S.,	Haudenshield,	Markley,	Pursley,
Ashton,	Helm,	McCann,	Renwick,
Breisch,	Henzel,	McCormack,	Rovansek,
Brenninger,	Horst,	McInroy,	Royer,
Brown,	Houk,	Metz,	Rudisill,
Bullen,	Isaacs,	Mihm,	Sherman,
Capano,	Johnson,	Mikula,	Smith, C. C.,
Cianfrani,	Jones, T. H. W.,	Miller,	Snider,
Davis,	Jump,	Mills,	Stank,
Donahue,	Kamyk,	Moody,	Stebbins,
Ehrgood,	Kehler,	Moran,	Steckel,
Ellberg,	Keller,	Moscrip.	Stevenson,
Eshleman,	Kline,	Murphy,	Stoner,
Ewing,	Knecht,	Murray, H. P.,	Strausser,
Flynn,	Kooker,	Murray, P. G.,	Swartz,
Frost,	Kornick,	Ogilvie,	Thompson,
Gelfand,	Kromer,	Olsen,	Toomey,
George,	Lafore,	O'Neil,	Varner,
Gibson,	Leiby,	Parry,	Wall,
Gramlich,	Leisey,	Paulhamus,	Weidner,
Guss,	Leonard,	Petrosky,	Wheeler,
Guthrie,	Lovett,	Polen,	Whitenight,
Hamilton, R. K.,	Mahan,	Price,	Willaredt,
Hass,			Wood,

NOT VOTING—44

Amarando,	Greenwood,	Maxwell,	Sigman,
Auker,	Heavey,	McGee,	Stephens,
Bazin,	Hewitt,	McLaughlin,	Stroup
Blair,	Holt,	McWherter,	Tompkins,
Brennan, A. P.,	Jenkins,	Monroe,	Varallo,
Brennan, J. J.,	Kratz,	Musto,	Vaughan,
Cochran,	Lawyer,	Naugle,	Verona,
Connelly,	Light,	Pettigrew,	Walsh,
Cooper,	Limper,	Rosen,	Waterhouse.
Down,	Lutty,	Rubin,	Wescott,
Foster,	Magee,	Scarcelli,	Young,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1176, entitled:

An Act defining and relating to installment land contracts and providing for and regulating the rights and obligations between parties to such contracts under certain terms and conditions.

On the question,

Shall the bill pass finally?

Mr. MOSCRIP. Mr. Speaker, this being a very important bill, particularly as it affects our law in the rural areas, I ask for a slow roll call, and that only those in their seats be recorded.

The SPEAKER pro tempore. The roll will be called slowly.

Mr. MULLIN. Mr. Speaker, I would like to make the request that you reconsider your decision calling this bill up, and pass it over temporarily for today, in view of the fact that we have so many absentees.

Mr. READINGER. Mr. Speaker, I request that the bill be passed over in order.

Mr. CHARLES C. SMITH. Mr. Speaker, I have no objection to any bills being passed over, but I think the Majority Leader made a statement that he was going to roll these bills regardless. I wonder what made him change his mind on this one particular bill.

Mr. READINGER. Mr. Speaker, I have no particular objection to any particular bill's being voted on or passed over. But the sponsor is here and has requested that it be passed over until tomorrow. It is true there are many absentees. I do not want to be in a position of insisting under all circumstances that every bill be brought up for a vote.

The gentleman is entitled to make a motion to lay it on the table or to do anything else and let the House decide it. The gentleman from Philadelphia is trying to place me in the position of being a dictator as to whether the bill is voted upon, and I don't wish to be placed in that position.

I did want to voice a thought that I did before, that regardless of the Members being here or not being here, I would like to see them voted on. But I cannot control that situation.

Mr. CHARLES C. SMITH. Mr. Speaker, I had no idea to place the gentleman in that role. I hope he does not interpret it that way at all. But then if it works this way, I would like it also to work on the basis that if any of our Members ask for a bill to be passed over today regardless, that it also be passed over, or that they also be passed over, rather.

Mr. READINGER. Mr. Speaker, I think that is understood. I have already requested the Chair to pass over certain bills because some of the Minority Members are ill and not here. I do not want to be unfair in any way but I say if the gentleman from Philadelphia, Mr. Mullen, requests that this bill be passed over and would desire to make a motion, the House would have to vote as to whether it wanted to pass it over or not.

BILL PASSED OVER

The SPEAKER pro tempore. Without objection, this bill will be passed over. The Chair hears none.

BILLS PASSED OVER

There being no objection

House Bill No. 1562, Printer's No. 1413 and

House Bill No. 1928, Printer's No. 1425

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the consideration on final passage of Senate Bill No. 841, as follows:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is hereby determined and declared as a matter of legislative finding

(1) That a greater utilization of the rivers in the Commonwealth is necessary for the increased commerce and prosperity of the people of the Commonwealth

(2) The increased commerce and prosperity of the people of the Commonwealth require in counties of the second class more effective coordination of the combined facilities of water rail air and highway

(3) That the expanding industrial activities of the Commonwealth require the planning designing construction erection and operation of port facilities in counties of the second class

(4) That property values in counties of the second class are threatened with irreparable loss for the lack of port facilities available to industry

(5) The crisis in industrial transportation which threatens the welfare of the Commonwealth can be reduced by providing adequate port facilities

(6) That the establishment of a port authority will promote the public safety convenience and welfare

(7) That it is intended that the authority cooperate with all existing transportation facilities that private enterprise and government may mutually provide adequate port facilities for the convenience of the public

Therefore it is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote the safety and welfare of the inhabitants thereof by the creation of a body corporate and politic for each second class county to be known as The Port of (insert name county) Authority which shall exist and operate for the purposes contained in this act Such purposes are hereby declared to be public uses for which public money may be spent and private property may be acquired by the exercise of the power of eminent domain

Section 2 As used in this act

(1) The term "authority" shall mean any body politic and corporate created by this act

(2) The term "port district" shall mean all the territory within a second class county

(3) The term "member" shall mean a member of the governing body of an authority

(4) The term "board" shall mean the governing body of an authority

(5) The term "bonds" shall mean and include the notes bonds refunding bonds and other evidences of indebtedness or obligations which the authority is authorized to issue pursuant to section 5 of this act

(6) The term "construction" shall mean and include acquisition and construction and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable

(7) The term "municipality" shall mean any county city town borough or township of the Commonwealth of Penn-

sylvania or any authority organized under any law of the Commonwealth of Pennsylvania

(8) The term "Federal agency" shall mean and include the United States of America the president of the United States and any department or corporation agency or instrumentality heretofore or hereafter created designated or established by the United States of America

(9) The term "improvement" shall mean and include extension enlargement and improvement and the term "to improve" shall mean and include to extend to enlarge and to improve all in such manner as shall be deemed desirable

(10) The term "person" shall mean and include natural persons

(11) The term "terminal" shall include any marine motor truck railroad and air terminal also any coal grain bulk liquids and lumber terminal and any union freight and other terminals used or to be used in connection with the transportation or transfer of freight and equipment materials and supplies

(12) The term "port facility or facility" shall include all real and personal property used in the operation of a terminal including but without being limited to wharves piers slips ferries docks drydocks ship repair yards bulkheads dock walls basins carfloats float-bridges dredging equipment radio receiving and sending stations grain or other storage elevators warehouses cold storage tracks yards sheds switches connections ovedhead appliances bunker coal oil and fresh water stations railroads motor trucks floating elevators airports barges scows or harbor craft of any kind markets and every kind of terminal storage or supply facility now in use or hereafter designed for use to facilitate transportation and for the handling storage loading or unloading of freight at terminals and equipment materials and supplies therefor

Words importing the singular number include the plural number and vice versa

Section 3 (a) There are hereby created bodies corporate and politic in counties of the second class to be known as Port of (Name of county) Authority which shall constitute public bodies corporate and politic exercising the public powers of the Commonwealth as an agency thereof Each authority shall be for the purpose of planning acquiring holding constructing improving maintaining and operating owning leasing either as lessor or lessee port facilities within the port district

(b) Each authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights or powers

(1) To have perpetual existence

(2) To sue and be sued implead and be impleaded complain and defend in all courts to petition the Interstate Commerce Commission (or like body) or join in any proceeding before any such bodies or courts in any matter affecting the operation of any project of the authority

(3) To adopt and use and alter at will a corporate seal

(4) To establish a principal office and such other office or offices as may be necessary for the carrying on of its duties

(5) To acquire purchase hold lease as lessee and use any franchise property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time required by it

(6) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate facilities

(7) To make by-laws for the management and regulation of its affairs

(8) To appoint officers agents employes and servants to prescribe their duties ad fix their compensation

(9) To fix alter change and collect rates rentals and other charges for its facilities at reasonable rates to be determined exclusively by it subject to appeal as hereinafter provided for the purpose of providing for the payment of the expenses of the authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal and interest on its obligations and to comply fully with the terms and provisions of any agreements made with the purchases or holders of any such obligation The authority shall determine by itself exclusively the facilities to be operated by it and the services to be available to the public Any person questioning the reasonableness of any rate fixed by an authority may bring suit against the authority in the court of common pleas of the county wherein the facilities are located The court of common pleas shall have exclusive jurisdiction to determine the reasonableness of rates and other charges fixed altered charged or collected by an authority Appeals may be taken to the Superior Court within thirty days after the court of common pleas has rendered a final decision

(10) To borrow money make and issue negotiable notes bonds refunding bonds and other evidences of indebtedness or obligations of the authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(11) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(12) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency Commonwealth of Pennsylvania municipality or corporation

(13) To have the power of eminent domain

(14) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the authority as security for all or any of the obligations of the authority

(15) To do all acts and things necessary for the promotion of its business and the general welfare of the authority to carry out the powers granted to it by this act or any other acts

(16) To enter into contracts with the Commonwealth of Pennsylvania municipalities or corporations on such terms as the authority shall deem proper for the use of any facility of the authority and fixing the amount to be paid therefor

(17) To enter into contracts of group insurance for the benefit of its employes and to set up a retirement or pension fund for such employes

(18) An authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth of Pennsylvania or any political subdivision nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal or interest on such obligations (19) private rights and property in the reds of existing public highways vacated in order to facilitate the purposes of the authority shall not be deemed destroyed or ousted by reason of such vacation but shall be acquired or relocated by the authority in the same manner as other property"

Section 4 The bonds of the authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board and shall be of such series bear such date or dates mature at such time or times bear interest at such rate or rates not exceeding six percent per annum payable semi-annually be in such denominations be in such form either coupons or fully registered without coupons carry such registration exchangeability and interchangeable privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption at such prices not exceeding one hundred five percent of the principal amount thereof and be entitled to such priorities in the revenues rentals or receipts of the authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the authority shall determine and coupon bonds shall have attached thereto interest

coupons bearing the facsimile signature of the treasurer of the authority all as may be prescribed in such resolution or resolutions The bonds may be issued and delivered notwithstanding that one or more of the officers signing the bonds or the treasurer whose facsimile signature shall be upon the coupon or any officer thereof shall have ceased to be such officer at the time when the bonds shall actually be delivered

The bonds may be sold at public or private sale for such price or prices as the authority shall determine but the interest cost to maturity of any money received for any issue of said bonds shall not exceed six percent per annum Pending the preparation of the definitive bonds interim receipts or temporary bonds may be issued to the purchaser or purchasers of the bonds and may contain such terms and conditions as the authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (1) pledging the full faith and credit of the authority for such obligations or restricting the same to all or any of the revenues rentals or receipts of the authority from all or any facilities (2) the construction improvement operation extension enlargement maintenance and repair of the facilities and the duties of the authority with reference thereto (3) the terms and provisions of the bonds (4) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant of the United States may be applied (5) the rate of tolls rentals and other charges for use of the facilities of or for the services rendered by the authority including limitations upon the power of the authority to modify any lease or other agreement pursuant to which tolls rentals or other charges are payable (6) the setting aside of reserves or sinking funds and the regulations and disposition thereof (7) limitations of the issuance of additional bonds (8) the terms and provisions of any deed of trust or indenture securing the bonds or under which the same may be issued and (9) any other or additional agreements with holders of the bonds

The authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or any person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge any or all of the revenues rentals or receipts of the authority thereunder The deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the authority may authorize including but without limitation provision as to (1) the construction improvement operation maintenance and repair of facilities and the duties of the authority with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustees and the holders of the bonds (which may include restrictions upon the individual right of action upon such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

The bonds shall have all the qualities of negotiable instruments under the law of merchants and the uniform commercial code of the Commonwealth of Pennsylvania

Section 5 The rights and remedies hereinafter conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the authority shall default in the payment of principal or interest on any of the bonds after such principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in event the authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five percentum in the aggregate of the principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may (except as such may be limited under the provisions of any deed of trust indenture or other agreement as aforesaid) appoint a trustee to represent the bondholders for the purposes herein provided

The trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five percentum (or such other percentages as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name (1) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the authority to collect rates rentals or other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the authority and to require the authority to carry out any other agreements with or for the benefits of the bondholders and to perform its and their duties under this act (2) bring suit upon the bonds (3) by action or suit in equity require the authority to account as if it were the trustee of an express trust for the bondholders (4) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders and (5) by notice in writing to the authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five percentum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county wherein the authority is located shall have jurisdiction of any suit action or proceedings by the trustees on behalf of the bondholders Any trustee when appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may (to the same extent that the authority itself could so do) enter and take possession of the facilities of the authority or any part or parts thereof the revenues rentals or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the authority or board might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues rentals and receipts derived from the facilities of the authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

Nothing in this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the authority to sell assign mortgage or otherwise dispose of any of the assets of whatsoever kind and character belonging to the authority It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the authority as the court may direct and no holder of the bonds of the authority nor any trustee shall ever have the right in any suit action or proceedings in law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct a receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the authority

Section 6 The powers of the authority shall be exercised by a board composed of the number of members not more

than eight as shall be fixed by the county commissioners of each county of the second class the county commissioners of each county of the second class shall appoint the members of the board whose terms of office shall commence on the date of appointment one member shall serve for one year one for two years one for three years and one for four years from the first day of January next succeeding the date of approval of this act and if there are more than four members of the board their terms shall be staggered in a similar manner thereafter whenever a vacancy has occurred or is about to occur by reason of the expiration of the term of any member the county commissioners shall appoint a member for a term of five years to succeed the member whose term has expired or is about to expire Members shall hold office until their successors have been appointed and may succeed themselves A member shall receive no compensation for his services but shall be entitled to the necessary expenses including traveling expenses incurred in the performance of his duties Within ninety days after the creation of the authority the board shall meet and organize by electing from their number a chairman a vice chairman and such other officers as the board may determine The board may employ a secretary an executive director its own counsel and legal staff and such technical experts and other agents and employes permanent or temporary as it may require and may determine the qualifications and fix the compensation of such persons Four members of the board shall constitute a quorum for its meetings Members of the board shall not be liable personally on the bonds or other obligations of the authority and the rights of creditors shall be solely against such authority The board may delegate to one or more of its agents or employes such of its powers as it shall deem necessary to carry out the purposes of this act subject always to the supervision and control of the board The board shall have full authority to manage and operate the business of the authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it may be evercised and embodied.

If a vacancy by reason of death resignation or removal of a member the Board of County Commissioners shall appoint a successor to fill his unexpired term.

Section 7 The authority shall have the power to acquire by purchase or eminent domain proceeding either the fee or such right title interest or easement in such lands as the authority may deem necessary whether for immediate or future use for any of the purposes mentioned in this act and the authority may find and determine that such property whether a fee simple absolute or lesse interest is required for public use and upon such determination the said property shall be deemed to be required for a public use until otherwise determined by the authority and the said determination shall not be affected by the fact that such property has heretofore been taken for or is then devoted to a public use but the public use in the hands or under the control of the authority shall be deemed superior to the public use in the hands or under the control of any other person association or corporation.

When the authority desires to acquire land to carry on its purposes and a price for such lands or the interest therein desired cannot be agreed upon with the owner or owners thereof or where the owner or owners cannot be found in all such cases the authority is authorized to acquire the land or the interest therein desired by eminent domain proceedings.

Thereupon the authority may apply to the Court of Common Pleas of the county wherein the lands are located for the appointment of viewers the application for the appointment of viewers shall recite (1) the failure of the parties to agree to a price for the lands or interest therein desired or the owner or owners thereof cannot be found (2) a statement of the authority under which and the purpose for which the lands or interest therein are taken (3) a statement of the estate or interest in the lands taken (4) a description and plan of the lands taken and (5) a statement of the names and addresses if known of the owners of the land.

Upon the courts order appointing viewers being made and duly entered in the office of the prothonotary as well as recorded in the offices of the recorder of deeds in the county wherein the land is situated the title to the land in fee simple absolute or a less estate right title interest or easement therein as is specified in the applications shall vest in the authority and the lands shall thereupon be deemed to be condemned and taken for the use of the authority and the authority shall forthwith have the right to enter on and use same subject to the right to just compensation to the owners thereof as ascertained and awarded in the condemnation proceedings and established by judgment therein and the judgment shall include as part of the just compensation awarded interest at the rate of six per centum per annum on the amount finally awarded as the value of the land in fee simple absolute or less estate right title interest or easement therein as of the date of the filing of the order made for the appointment of viewers to the date of final judgment thereon

The court shall have power to make such orders in respect of encumbrances liens rents taxes assessments insurance and other charges if any as shall be just and equitable.

The court shall appoint three viewers and shall approve a time not less than twenty nor more than thirty days after the presentation of the petition for the appointment when the viewers shall meet upon the lands and view the same and all improvements in connection therewith.

The viewers shall give at least ten day's notice of their first meeting to the chairman of the authority and to the owners of such land if known if the owners of such lands are unknown notice shall be given in at least two newspapers of general circulation in such manner as the court may direct the viewers having been sworn or affirmed faithfully justly and impartially to decide and a true report to make concerning all matters to be submitted to them in relation to which they are authorized to inquire and having viewed the lands and premises shall hear the parties and their witnesses and shall estimate and determine the value of the property so taken where the owner of the lands and premises is unknown the viewers shall estimate and determine the value of the land and improvements upon the testimony of the witnesses for the authority and any witnesses called by the viewers.

When the report is filed notice thereof shall immediately be given to the chairman of the authority and to the owners of the land where known which notice shall state that unless exceptions be filed thereto within thirty days after the filing of the report the same will be confirmed absolutely.

Where any owners of such lands are unknown notice shall be given in at least two newspapers of general circulation in such manner as the court shall direct.

Within thirty days after the filing of any report the authority or the owners of the lands may file exceptions to the same and the court shall confirm modify or change the report or refer the same back to the same or new viewers

When the report is filed the prothonotary shall mark it "confirmed nisi" in case no exceptions are filed thereto within the time herein specified the court shall make a decree that the report is confirmed absolutely which decree shall be entered by the prothonotary.

Within thirty days after any report of viewers is filed under this act the authority or the owners of such land may appeal to the Court of Common Pleas and demand a trial by jury within six months after a confirmation absolute on exceptions or within six months after a verdict and final judgment on appeal for a jury trial the chairman of the authority or the owners of such land may appeal to the Supreme or to the Superior Court as in other cases.

When the amount payable to the owner of the land has been finally determined the same shall be paid by the authority from its funds all costs in connection with the proceedings shall be paid by the authority in like manner.

In all cases where the owners of land are unknown

and the report of viewers has been finally confirmed the authority shall be liable for all damages awarded therein if at any time after the final confirmation of the report of viewers any person appears and proves title to said lands such persons shall be entitled to and receive from the authority the sum so awarded by the viewers any claimant of the land may petition the court of common pleas of the county wherein the land is located giving a brief outline of the facts upon which the claim is based thereupon the court shall direct an issue to be framed wherein the claimant shall appear as plaintiff and the authority as defendant the issue shall be tried according to the rules of procedure and evidence governing trials in ejectment with a right of appeal by either party to the proper appellate court of the final judgment on such issue is in favor of the plaintiff the sum awarded by the report as finally confirmed shall be paid by the authority to the claimant the party to the action against whom the judgment is entered shall be liable for the costs as provided by law in other civil actions.

Court proceedings necessary to acquire property or property rights for the purpose of this act shall take precedence over all causes not involving the public interest in all courts to the end that the development of port facilities be expedited.

Section 8 All moneys of the authority from whatever source derived shall be paid to the treasurer of the authority The moneys shall be deposited in the first instance by The Treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts to the extent the same is not insured shall be continuously secured by a pledge of direct obligations of the United States of America or of the Commonwealth of Pennsylvania having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account The securities shall either be deposited with the treasurer or held by a trustee or agent satisfactory to the authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the authority or of such other person or persons as the authority may authorize to execute such warrants or orders The authority shall have at least an annual examination of its books accounts and records by a certified public accountant A copy of the audit shall be delivered to the Board of County Commissioners of the Commonwealth of Pennsylvania A concise financial statement shall be published annually at least once in a newspaper of general circulation in the county where the principal office of the authority is located

Section 9 All construction reconstruction repairs or work of any nature made by the authority where the entire cost value or amount of such construction reconstruction repairs or work including labor and materials shall exceed seven hundred fifty dollars ($750) except reconstruction repairs or work done by employes of the authority or by labor supplied under agreement with any Federal or State agency with supplies or materials purchased as hereinafter provided shall be done only under contract or contracts with the lowest responsible bidder upon proper terms afte due public notice has been given asking for competitive bids as hereinafter provided No contract shall be entered into for construction improvement or repair of any facility or portion thereof unless the contractor shall give an undertaking with sufficient surety or sureties approved by the authority and in an amount fixed by the authority for the faithful performance of the contract All such contracts shall provide among other things that the person or corporation entering into such contract with the authority will pay for all labor and materials furnished for the performance of the contract and that any person or corporation furnishing such labor and materials may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the authority to construct repair or improve any facility or portion thereof or any addition betterment or extension thereto directed by the officers agents and employes of the authority or otherwise than by contract

All supplies and materials costing seven hundred fifty dollars ($750) or more shall be purchased only after due advertisements as hereinafter provided The authority shall accept the lowest bid or bids kind quality and material being equal but the authority shall have the right to reject any or all bids or select a single item from any bid The provisions as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a non-competitive market or solely by a manufacturer's authorized dealer nor to the purchase of articles where there is only a single supplier or manufacturer of such article

The term "advertisement" or "due public notice" wherever used in this section shall mean a notice published at least ten days before the award of any contract in a newspaper of general circulation published in the municipality where the authority has its principal office and if no newspaper is published therein then by publication in a newspaper in the county where the authority has its principal office

No member of the authority or officer or employe thereof shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the authority for any matter cause or things whatsoever by reason whereof any liability or indebtedness shall in any way be created against the authority If any contract or agreement shall be made in violation of the provisions of this section the same shall be null and void and no action shall be maintained thereon against such authority

Subject to the aforesaid any authority may (but without intending by this provision to limit any powers of this authority) enter into and carry out such contracts or establish and comply with such rules and regulations concerning labor and materials and other related matters in connection with any facility or portion thereof as the authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of the facility or any part thereof The provisions of this section shall not apply to any case in which the authority has taken over by transfer or assignment of any contract authorized to be assigned to it under the provisions of section 14 of this act nor to any contract in connection with the construction of any project which the authority may have had transferred to it by any person or private corporation

Section 10 The use of the facilities of the authority and the operation of its business shall be subject to the rules and regulations adopted from time to time by the authority but the authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the authority or violate any agreements with them or for their benefit

Section 11 The Commonwealth does hereby pledge to and agree with any person firm or corporation or Federal agency subscribing to or acquiring the bonds to be issued by the authority for the construction extension improvement or enlargement of any facility or part thereof that the Comonwealth will not limit or alter the rights hereby vested in the authority until all bonds at any time issued together with the interest thereon are fully met and discharged The Commonwealth of Pennsylvania does further pledge to and agree with the United States and any other Federal agency that in the event any Federal agency shall construct or contribute any funds for the construction extension improvement or enlargement of any facility or portion thereof the Commonwealth will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the facility or the improvement thereof or which would be inconsistent with the due performance of any agreements between the authority and any such Federal agency and the authority shall continue to have and may exercise all powers herein granted so

long as the same may be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of the facility or such portion thereof

Section 12 The effectuation of the authorized purposes of any authority created under this act shall and will be in all respects for the benefit of the people of the Commonwealth for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since the authority will be performing essential government functions in effectuating such purposes the authority shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes In lieu of taxes or special assessments the authority may agree to make payments to any municipality The bonds issued by the authority their transfer and the income therefrom including any profits made on the sale therefrom shall at all times be free from taxation other than inheritance and estate taxation within the Commonwealth of Pennsylvania

Section 13 Any municipality or owner is hereby authorized to sell lease lend grant or convey to the authority any facility or any part or parts thereof or any interest in real or personal property which may be used by the authority in the construction improvement maintenance or operation of any facility Any municipality is also authorized to transfer sell assign and set over to the authority any contracts which may have been awarded by such municipality for the construction of facilities not begun or if begun not completed

Section 14 The provisions of this act shall be severable and if any of the provisions thereof shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—178

Adam,	**Gaffney,**	**Lutty,**	**Renwick,**
Agnew,	**Garlock,**	Mahan,	Rigby,
Anderson, M. S.,	Gelfand,	Markley,	Rovansek,
Anderson, S. A.,	George,	Maxwell,	Royer,
Ashton,	Gibb,	McCann,	**Rudisill,**
Banker,	Gibson,	**McCormack,**	Sarraf,
Barnatovich,	Goldstein,	McGee,	Schuster,
Bell,	Gramlich,	McInroy,	Sherman,
Boles,	Guss,	McKeever,	Sigman,
Bonner,	Guthrie,	McWherter,	Smith, C. O.,
Boory,	Hamilton, R. K.,	**Meholchick,**	**Smith, Wm. B.,**
Bower,	Hass,	Metz,	Snider,
Branca,	Haudenshield,	**Mihm,**	Stank,
Breisch,	Heavey,	Mikula,	Stebbins,
Brennan, A. P.,	Helm,	Miller,	Steckel,
Brenninger,	Henzel,	Mills,	**Stevenson,**
Breth,	Hewitt,	Moody,	Stone,
Brown,	Hocker,	Moran,	**Stoner,**
Bucchin,	Holt,	Moscrip,	Strausser,
Bullen,	Houk,	Muldowney,	Swartz,
Capano,	Horst,	Mullen,	Taylor,
Cianfrani,	Isaacs,	Munley,	Thomas,
Cioffi,	Johnson,	Murphy,	Thompson,
Cochran,	Jones, G. E.,	**Murray, H. P.,**	Toll,
Comer,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cooper,	Jump,	Murray, P. G.,	Varner,
Curwood,	**Kamyk,**	Musto,	Wall,
Davis,	Kehler,	Naugle,	Wallace,
Donahue,	Keller,	Needham,	Walsh,
Donaldson,	Kent,	Ogilvie,	Wargo,
Dougherty,	Kline,	Olsen,	Weidner,
Ehrgood,	Knecht,	O'Neil,	Welsh,
Eilberg,	Kolankiewicz,	Pacchioli,	Wescott,
Erb,	Kooker,	Parry,	Wheeler,
Eshleman,	**Kornick,**	Pashley,	Whitenight,
Ewing,	Kromer,	Paulhamus,	Willaredt,
Farabaugh,	Lafore,	Petrosky,	Williams,
Filo,	Leiby,	Polaski,	Wilt,
Fineman,	Leisey,	**Polen,**	Wood,
Flint,	Leonard,	Pomeroy,	Worley,
Floyd,	Leven,	Price,	Yetter,
Flynn,	**Lippincott,**	Pursley,	Yetzer,
Frank,	Lopresti,	**Readinger,**	Ziegler,
Frascella,	Lovett,	Reibman,	Andrews,
Frost,		**Reidenbach,**	Speaker

NAYS—0

NOT VOTING—29

Amarando,	**Foster,**	Magee,	**Stephens,**
Auker,	**Greenwood,**	McLaughlin,	Stroup
Bazin,	Jenkins,	**Monroe,**	Tompkins,
Blair,	**Kratz,**	Pettigrew,	**Varallo,**
Brennan, J. J.,	Lawyer,	Rosen,	Vaughan,
Connelly,	Light,	**Rubin,**	Verona,
Down,	Limper,	Scarcelli,	Waterhouse,
			Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILLS ON FINAL PASSAGE POSTPONED

TIME EXTENDED ON BILLS

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 319, Printer's No. 1137, on page 5 of today's calendar, bills on final passage postponed.

Mr. READINGER asked and obtained uanimous consent to extend the time five days on House Bill No. 1219, Printer's No. 383, on page 5 of today's calendar, bills on final passage postponed.

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1379, Printer's No. 1196, on page 5 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of House Bill No. 1828, as follows:

An Act repealing section 445 act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" further regulating the payment by the counties of expenses of the association of county commissioners solicitors and chief clerks

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 445 act of August 9, 1955 (Act No. 130) known as "The County Code" is hereby repealed

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—58

Agnew,	Farabaugh,	Kolankiewicz,	Polen,
Anderson, M. S.	Flint,	Leiby,	Pursley,
Barnatovich,	Floyd,	Lovett,	Reibman,
Boles,	Flynn,	McGee,	Renwick,
Boory,	Gaffney,	McKeever,	Rudisill,
Brennan, A. P.,	Garlock,	Miller,	Sarraf,

Bucchin,	Gelfand,	Mills,	Schuster,
Capano,	Gibb,	Moran,	Sherman,
Cioffi,	Guss,	Mullen,	Stebbins,
Comer,	Hass,	Olsen,	Swartz,
Donaldson,	Haudenshield,	Pacchioli,	Taylor
Dougherty,	Kamyk,	Paulhamus,	Thomas,
Eilberg,	Keller,	Petrosky,	Wallace,
Erb,	Knecht,	Polaski,	Whitenight,
Ewing,			Worley,

NAYS—95

Adam,	Gramlich,	Mahan,	Rovansek,
Ashton,	Guthrie,	Markley,	Royer,
Banker,	Hamilton, R. K.,	McCann,	Smith, Wm. B.,
Bell,	Helm,	McInroy,	Snider,
Bonner,	Henzel,	Meholchick,	Stank,
Bower,	Hewitt,	Metz,	Steckel,
Branca,	Hocker,	Mikula,	Stevenson,
Breisch,	Horst,	Moody,	Stone,
Brenninger,	Houk,	Moscrip,	Stoner,
Breth,	Isaacs,	Munley,	Strausser,
Bullen,	Johnson,	Murphy,	Thompson,
Cochran,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Curwood,	Jump,	Murray, P. G.,	Toomey,
Davis,	Kehler,	Musto,	Varner,
Donahue,	Kent,	Needham,	Wall,
Ehrgood,	Kline,	Ogilvie,	Wargo,
Eshleman,	Kooker,	O'Neil,	Weidner,
Filo,	Kromer,	Parry,	Welsh,
Frank,	Lafore,	Pashley,	Wescott,
Frascella,	Leisey,	Pomeroy,	Wheeler,
Frost,	Leonard,	Price,	Willaredt,
George,	Leven,	Reedinger,	Wood,
Gibson,	Lippincott,	Reidenbach,	Yetzer,
Goldstein,	Lopresti,	Rigby,	

NOT VOTING—54

Amarando,	Heavey,	McWherter,	Tompkins,
Anderson, S. A.,	Holt,	Mihm,	Varallo,
Auker,	Jenkins,	Monroe,	Vaughan,
Bazin,	Jones, G. E.,	Muldowney,	Verona,
Blair,	Kornick,	Murray, J. J.,	Walsh,
Brennan, J. J.,	Kratz,	Naugle,	Waterhouse,
Brown,	Lawyer,	Pettigrew,	Williams,
Cianfrani,	Light,	Rosen,	Wilt,
Connelly,	Limper,	Rubin,	Yetter,
Cooper,	Lutty,	Scarcelli,	Young,
Down,	Magee,	Sigman,	Ziegler,
Fineman,	Maxwell,	Smith, C. C.,	Andrews,
Foster,	McCormack,	Stephens,	Speaker
Greenwood,	McLaughlin,	Stroup,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 49 as follows:

An Act amending the act of May thirteen one thousand nine hundred fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" authorizing minors to appear in entertainment performances under certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May thirteen one thousand nine hundred fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" is amended by adding after section 7 a new section to read

Section 7.1 (a) No minor under eighteen years of age shall be permitted to appear in any performance for public entertainment including radio and television broadcasts and modeling unless the provisions of this section have been complied with In no case shall any such minor appear in more than two performances a day or eight performances a week The provisions of this section shall not apply to performances by such a minor in a church school or other nonprofit organization entertainment when no compensation is paid for his performance and when admission fees if any are for the legitimate use of the sponsoring nonprofit organization nor to any such entertainment limited to a single performance when no compensation is paid for the performance and when no admission fee is charged

(b) The manager of every place of public entertainment where a minor under eighteen years of age is scheduled to appear in a performance shall require the management or agent responsible for the performance to secure a special theatrical permit for the minor valid for one year and to present it for posting in the place of public entertainment Application for the permit shall be made in person by the management or agent responsible for the performance at least forty-eight hours prior to the appearance of the minor The application shall be made to the official authorized to issue employment certificates under this act in the school district in which the minor resides If the minor does not reside in Pennsylvania application shall be made to the issuing official in the Pennsylvania school district in which the minor will first appear in a place of public entertainment

(c) Application for such permit shall include (1) the name home address sex parents' names and addresses birth record school record height and weight of the minor (2) the names addresses and locations of the places where

the performance is to be produced (3) the name of the play concert program or other performance in which the minor is to participate (4) the auspices and name of the manager under which the performance is being given (5) a detailed description of the nature of the work to be performed by the minor which shall include not more than two performances a day and eight in a week (6) the dates and times of each performance by the minor (7) the verified written approval of the minor's parents to his appearance in the performance and (8) a signed statement that the parent or guardian of a male minor under sixteen years of age and of a female minor under eighteen years of age will accompany the minor at all rehearsals and performances

(d) The issuing officer shall examine every such application and if he is satisfied that (1) the environment in which the performance is to be produced is proper and suitable for a minor (2) the conditions under which the minor appears are not detrimental to his health safety welfare or morals and (3) the minor's education will not be neglected or hampered by the performance he shall approve and issue the permit applied for

(e) Upon such approval and issuance copies of the same shall be mailed to the applicant who shall post his copy in a conspicuous spot at the place of performance and to the Secretary of the Department of Labor and Industry A third copy shall be kept in the files of the issuing officer

(f) Any permit issued under the provisions of this section may be revoked by the issuing officer if he finds that the facts represented in the application are false or at any time subsequent to issuance of the permit are changed so as to be detrimental to the health education morals or welfare of the minor

(g) Nothing contained in this section shall be construed to permit any minor under eighteen years of age to appear in a performance in any place where alcoholic beverages or liquors are sold served or dispensed

(h) Any person who violates any of the provisions of this section shall on summary conviction be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) or to undergo imprisonment for not more than thirty days or both

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. COMER. Mr. Speaker, A. A "theatrical permit" bill like H. B. 49 is needed because:

1. In Pennsylvania, legitimate theatres, radio and television studios and academies of music, etc. are increasingly and regularly employing gifted children less than 16 and often less than 14 years of age as actors, musicians and models.

For just a few examples:

Children under 18 years of age (some of them under 14 and as young as four) have been employed in evening performances of plays and other shows, including:

Member of the Wedding (Star—Ethel Waters)
Mrs. McThing (Star—Helen Hayes)
Medea (Star—Judith Anderson)
Time of the Cuckoo (Star—Shirley Booth)
Ponder Heart (Star—David Wayne)

Frankie Robinson ("Sugar") advertised as "nine years of age" (though really just 14 at the time of his last performance (has played his "wonderful rhythm" several times in the Philadelphia Academy of Music and Convention Hall.

Ferruccio Burco appeared as a symphony orchestra conductor at evening performances at the Academy of Music when he was nine years old and again when he was 13.

Under age children with special talents are employed for radio and television shows. (According to the report of a well qualified musician, at least one of these children's voices was badly strained through over use.)

2. All such employment is direct violation of the Pennsylvania Child Labor Law and of an interpretation of the Industrial Board (of the Department of Labor and Industry).

a. The Child Labor Law provides for the health, safety and welfare of minors by forbidding their employment under certain specified ages (14 is the minimum); by restricting their hours of work (no one under 16 may be employed after 7 P. M., and no girl under 18 may be employed after 9 P. M.); and by requiring employment certificates for minors under 18 years of age and prescribing rules for their issuance.

b. On February 25, 1926, the Industrial Board ruled "That the Child Labor Law applies to all theatrical performances for pay." A number of the managers for theatrical and modeling children have applied for employment certificates but because of the ages of theatrical children, and their hours of work, employment certificates could not be issued for their employment.

3. There has been no enforcement of the Pennsylvania Child Labor Law provisions affecting theatrical children in Philadelphia (and possibly in Pennsylvania) for a number of years. As a result:

a. These children are learning disrespect for law observance as it affects themselves, (This may lead to serious individual and civic consequences).

b. Employers in related and other fields of work question why they should observe child labor law regulations when theatres, radio stations, etc. openly violate the law without penalty.

4. Years of experience with special laws for the protection of theatrical and show children in New York and California (to mention only two states) have demonstrated that careful observance of these special laws can protect the education, health, and well-being of gifted children.

B. House Bill 49 is well drawn for the protection of children who appear in performances for public entertainment because:

1. It is an amendment to the existing Child Labor Law and will be administered, (as are other provisions of the Pennsylvania Child Labor Law) by the Superintendent of Schools (there are few people in a community who are more deeply, intelligently and fairly interested in children's well being than school staff).

2. It provides for the health, safety and welfare of children employed in the public entertainment field by:

a. Requiring that Special Theatrical Permits be obtained for them and posted in the places of public entertainment where they are scheduled to appear.

b. Establishing the conditions under which the Special Theatrical Permit may be issued. These include detailed information about the child, about the nature of work he will do, about the auspices and place where the entertainment will be given, and provision for personal supervision of a parent or guardian of the child at all rehearsals and performances.

c. Limiting the number of performances in which a child may appear to two a day and eight in a week.

d. Making the issuing officer responsible for seeing that (1) the environment is proper and suitable for a child (2) the conditions of employment are not detrimental to the child's health, safety, welfare and morals, and (3) the minor's education will not be neglected or hampered by the performance, before issuing the Special Theatrical Permit.

e. Making it possible for the issuing officer to revoke the Special Theatrical Permit if the facts presented are false or if conditions are changed so as to become detrimental to the child.

3. It is practical—

a. In making it possible for managers of places of public entertainment to observe the law and at the same time to meet the interests of citizens in good music and drama.

b. In exempting from its provisions, children who perform in (1) entertainments given by churches and schools when no compensation is paid the children and admission fees are for legitimate use of the sponsoring non-profit organization, and (2) entertainments limited to a single performance when no compensation is paid and no admission fee is charged.

c. It establishes no minimum age for employment but makes the issuing official responsible for seeing that all conditions of employment are safe for each individual child employed in the entertainment field. (California has a two weeks old minimum age; Washington, D. C. has recently lowered its 12 year minimum to seven).

d. It prohibits any minor under 18 years of age from appearing in a performance where alcoholic beverages or liquors are sold, served or dispensed.

By way of summary:

1. Under present conditions, no protections are given illegally employed theatrical children in seeing that:

a. Their education is not neglected, (except school attendance laws).

b. The places where they work and the conditions under which they work are not harmful to their health, moral and well being.

c. Their ideas of law observance are not warped.

2. It seems doubtful that:

a. Agents of gifted musical children will not book these children for appearance on the stages of large cities, and that music lovers will not want to hear them perform.

b. Radio and television studios will limit their regular performers to those who are over 14 years of age and also restrict the performances to legal hours for children under 18 years of age (i.e. not after 7 P. M. for those between 14 and 16, and not after 9 P. M. for girls under 18).

c. The Theatrical Guild and other theatrical groups will not use children in their performances in Pennsylvania.

d. Provisions of the Pennsylvania Child Labor Law will be enforced for theatrical, radio and musical children.

Public opinion seems generally adverse to enforcement.

3. It is, therefore, advisable to pass H. B. 49 which will provide for issuance of a Special Theatrical Permit to protect the best interests of children in the entertainment field.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—173

Adam,	**Garlock,**	Markley,	**Renwick,**
Agnew,	**Gelfand,**	Maxwell,	Rigby,
Anderson, M. S.,	George,	McCann,	Rovansek,
Anderson, S. A.,	**Gibb,**	**McCormack,**	Royer,
Banker,	**Gibson,**	McGee,	**Rudisill,**
Barnatovich,	**Goldstein,**	McInroy,	Sarraf,
Bell,	**Gramlich,**	McKeever,	Schuster,
Boies,	Guss,	McWherter,	Sherman,
Bonner,	Guthrie,	**Meholchick,**	Sigman,
Boory,	**Hamilton, R. K.,**	Metz,	Smith, C. C.,
Bower,	Hass,	**Mihm,**	**Smith, Wm. B.,**
Branca,	**Haudenshield,**	Mikula,	Snider,
Breisch,	Heavey,	Miller,	Stank,
Brennan, A. P.,	Helm,	Mills,	**Stebbins,**
Brenninger,	**Henzel,**	Moody,	Steckel,
Breth,	Hewitt,	Moran,	Stone,
Brown,	**Hocker,**	Moscrip,	Stoner,
Bucchin,	Holt,	Muldowney,	Strausser,
Bullen,	**Horst,**	Mullen,	**Swartz,**
Capano,	**Houk,**	Munley,	Taylor,
Cianfrani,	**Johnson,**	Murphy,	Thomas,
Cioffi,	Jones, G. E.,	**Murray, H. P.,**	Thompson,
Cochran,	Jones, T. H. W.,	Murray, J. J.,	Toll,
Comer,	**Jump,**	Murray, P. G.,	**Toomey,**
Cooper,	**Kamyk,**	Musto,	Varner,
Curwood,	Kehler,	**Naugle,**	Wall,
Donahue,	Keller,	Needham,	Wallace,
Donaldson,	**Kent,**	**Ogilvie,**	Walsh,
Dougherty,	**Kline,**	Olsen,	Wargo,
Ehrgood,	Knecht,	O'Neil,	Weidner,
Eilberg,	Kolankiewicz,	**Pacchioli,**	**Welsh,**
Erb,	Kooker,	Parry,	Wescott,
Eshleman,	**Kornick,**	Pashley,	Wheeler,
Ewing,	Kromer,	**Paulhamus,**	**Willaredt,**
Farabaugh,	**Lafore,**	Petrosky,	**Whitenight,**
Filo,	Leiby,	**Polaski,**	Williams,
Fineman,	Leisey,	**Polen,**	**Wilt,**
Flint,	Leonard,	Pomeroy,	**Wood,**
Floyd,	Leven,	Price,	Worley,
Flynn,	**Lopresti,**	**Pursley,**	Yetter,
Frank,	Lovett,	Readinger,	Yetzer,
Frascella,	Lutty,	Reibman,	Ziegler,
Frost,	Mahan,	**Reidenbach,**	Andrews,
Gaffney,			Speaker

NAYS—5

Ashton,	**Isaacs,**	**Lippincott,**	**Stevenson,**
Davis,			

NOT VOTING—29

Amarando,	**Foster,**	**Magee,**	**Stephens,**
Auker,	**Greenwood,**	McLaughlin,	Stroup,
Bazin,	**Jenkins,**	Monroe,	**Tompkins,**
Blair,	Kratz,	Pettigrew,	**Varallo,**
Brennan, J. J.,	Lawyer,	Rosen,	**Vaughan,**
Connelly,	Light,	**Rubin,**	Verona,
Down,	Limper,	Scarcelli,	Waterhouse,
			Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection,

House Bill No. 217, Printer's No. 345,

was passed over at the request of Mr. McCORMACK.

House Bill No. 231, Printer's No. 1318 and

House Bill No. 776, Printer's No. 1300,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 821, as follows:

An Act amending the act of May 18, 1937 (P. L. 654) entitled as amended "An act to provide for the safety

and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus materials devices and machinery used therein prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act and fixing penalties" requiring nurses to be on duty in certain establishments.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of May 18, 1937 (P. L. 654) entitled as amended "An act to provide for the safety and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus materials devices and machinery used therein prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act and fixing penalties" is amended by adding at the end thereof a new subsection to read

Section 2 General Safety and Health Requirements

* * *

(i) When one hundred or more persons are working in any establishment in which the employes due to the nature of employment are subject to injury from flying particles falling objects sharp or rough surfaces or materials hot corrosive or poisonous substances acids or caustics or injurious rays a registered nurse or practical nurse shall be on duty in the establishment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—110

Adam,	Flynn,	McKeever,	Renwick,
Anderson, M. S.,	Frank,	McWherter,	Rigby,
Anderson, S. A.,	Frascella,	Meholchick,	Rovansek,
Barnatovich,	Gaffney,	Mikula,	Rudisill,
Bell,	Garlock,	Mills,	Sarraf,
Boles,	Gelfand,	Moody,	Schuster,
Bonner,	Goldstein,	Moran,	Sherman,
Bower,	Guss,	Moscrip,	Smith, Wm. B.
Branca,	Hamilton, R. K.,	Muldowney,	Snider,
Breisch,	Hass,	Munley,	Stank,
Brennan, A. P.,	Heavey,	Murphy,	Stebbins,
Breth,	Houk,	Needham,	Steckel,
Bucchin,	Isaacs,	Ogilvie,	Stone,
Capano,	Jump,	Olsen,	Stoner,
Cianfrani,	Kamyk,	O'Neil,	Swartz,
Cioffi,	Kolankiewicz,	Pacchioli,	Taylor,
Cochran,	Leiby,	Parry,	Thomas,
Comer,	Leonard,	Pashley,	Toll,
Curwood,	Leven,	Paulhamus,	Toomey,
Donahue,	Lopresti,	Petrosky,	Wallace,
Dougherty,	Lovett,	Polaski,	Wargo,
Ehrgood,	Lutty,	Polen,	Welsh,
Eilberg,	Markley,	Pomeroy,	Whitenight,
Farabaugh,	Maxwell,	Price,	Williams,
Filo,	McCormack,	Readinger,	Worley,
Fineman,	McGee,	Reibman,	Yetter,
Flint,	McInroy,	Reidenbach,	Yetzer,
Floyd,			Ziegler,

NAYS—43

Agnew,	Gibson,	Kent,	Smith, C. O
Ashton,	Gramlich,	Knecht,	Stevenson,
Banker,	Guthrie,	Kooker,	Strausser,
Bullen,	Haudenshield,	Kromer,	Thompson,
Davis,	Helm,	Leisey,	Varner,
Donaldson,	Hewitt,	Lippincott,	Wall,
Erb,	Hocker,	Mahan,	Weidner,
Eshleman,	Horst,	Miller,	Wescott,
Ewing,	Johnson,	Murray, H. P.,	Wilt,
Frost,	Kehler,	Murray, P. G.,	Wood,
Gibb,	Keller,	Pursley,	

NOT VOTING—54

Amarando,	Henzel,	McCann,	Sigman,
Auker,	Holt,	McLaughlin,	Stephens,
Bazin,	Jenkins,	Metz,	Stroup,
Blair,	Jones, G. E.,	Mihm,	Tompkins,
Boory,	Jones, T. H. W.	Monroe,	Varallo,
Brennan, J. J.,	Kline,	Mullen,	Vaughan,
Brenninger,	Kornick,	Murray, J. J.,	Verona,
Brown,	Kratz,	Musto,	Walsh,
Connelly,	Lafore,	Naugle,	Waterhouse,
Cooper,	Lawyer,	Pettigrew,	Wheeler,
Down,	Light,	Rosen,	Willaredt,
Foster,	Limper,	Royer,	Young,
George,	Magee,	Rubin,	Andrews,
Greenwood,		Scarcelli,	Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection,

House Bill No. 885, Printer's No. 1396,

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1226, entitled:

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1226, entitled:

An Act requiring the State Treasurer and other state officials to deduct the tax imposed by any first class city upon salaries wages and other compensation paid to officers and employes of the Commonwealth residing within that city and to make a return and remit the tax so deducted to the Revenue Commissioner of the city.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. TOLL. Mr. Speaker, I move that this bill be placed upon the final passage postponed calendar.

On the question,

Will the House agree to the motion?

Mr. JOHNSON. Mr. Speaker, I ask for a division on the question.

A division was had and seventy-nine Members having voted in the affirmative and seventy-three in the negative, the question was determined in the affirmative and the motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1242 as follows:

An Act to amend subsection (b) of Section 1605 and Section 1843 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties

for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by removing prohibition against unincorporated associations making political contributions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of Section 1605 and Section 1843 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" as amended by the act approved the third day of June one thousand nine hundred forty-three (P. L. 851) are hereby amended to read as follows

Section 1605 Contributions for Election Expenses to Be Made to Candidates or Treasurers Contributions by Corporations [and Unincorporated Associations] Prohibited

* * *

(b) No corporation [or unincorporated association] or officer or agent thereof whether incorporated [or organized] under the laws of this or any other state or any foreign country except those formed primarily for political purposes or a political committee shall pay give or lend or authorize to be paid given or lent either directly or through any other person or in reimbursement of any such payment gift or loan by any other person any money or other valuable thing belonging to such corporation [or unincorporated association] or in its custody or control to any candidate or political committee for the payment of any primary or election expenses or for any political purpose whatever

Section 1843 Contributions by Corporations Any corporation [or unincorporated association] which shall pay give or lend or agree to pay give or lend any money belonging to such corporation [or unincorporated association] or in its custody or control in violation of the provisions of Section 1605 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars nor more than five thousand ($5,000) dollars Any director officer agent or employe of any corporation [or unincorporated association] who shall on behalf of such corporation [or unincorporated association] pay give or lend or authorize to be paid given or lent any money belonging to such corporation [or unincorporated association] or in its custody or control in violation of the provisions of Section 1605 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one (1) month nor more than two (2) years or both in the discretion of the court

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—86

Adam,	Frank,	Meholchick,	Rovansek,
Anderson, M. S.,	Frascella,	Mills,	Rudisill,
Anderson, S. A.,	Gaffney,	Moody,	Sarraf,
Barnatovich,	Garlock,	Moran,	Schuster,
Boies,	Gelfand,	Muldowney,	Sherman,
Bonner,	Guss,	Mullen,	Smith, Wm. B.,
Branca,	Hamilton, R. K.,	Munley,	Snider,
Brennan, A. P.,	Hass,	Murphy,	Stank,
Breth,	Heavey,	Needham,	Stebbins,
Bucchin,	Kamyk,	Olsen,	Stone,
Capano,	Leiby,	O'Neil,	Swartz,
Cochran,	Leonard,	Pacchioli,	Taylor,
Comer,	Leven,	Pashley,	Thomas,
Curwood,	Lopresti,	Paulhamus,	Thompson,
Dougherty,	Lovett,	Petrosky,	Wallace,
Eilberg,	Lutty,	Polaski,	Wargo,
Farabaugh,	Maxwell,	Polen,	Wheeler,
Filo,	McCann,	Readinger,	Whitenight,
Fineman,	McCormack,	Reibman,	Williams,
Flint,	McGee,	Reidenbach,	Yetter,
Floyd,	McKeever,	Renwick,	Yetzer,
Flynn,	McWherter,		

NAYS—71

Agnew,	Gibson,	Kolankiewicz,	Pursley,
Ashton,	Goldstein,	Kooker,	Rigby,
Banker,	Gramlich,	Kromer,	Steckel,
Bell,	Guthrie,	Lafore,	Stevenson,
Breisch,	Haudenshield,	Leisey,	Stoner,
Brenninger,	Helm,	Lippincott,	Strausser,
Bullen,	Henzel,	Mahan,	Toll,
Davis,	Hewitt,	Markley,	Toomey,
Donahue,	Horst,	McInroy,	Varner,
Donaldson,	Houk,	Mikula,	Wall,
Ehrgood,	Isaacs,	Miller,	Weidner,
Erb,	Johnson,	Moscrip,	Welsh,
Eshleman,	Jones, T. H. W.,	Murray, H. P.,	Wescott,
Ewing,	Jump,	Murray, P. G.,	Willaredt,
Frost,	Kehler,	Ogilvie,	Wilt,
George,	Keller,	Parry,	Wood,
Gibb,	Kline,	Pomeroy,	Worley,
	Knecht,	Price,	Ziegler,

NOT VOTING—50

Amarando,	Foster,	Magee,	Sigman,
Auker,	Greenwood,	McLaughlin,	Smith, C. C.,
Bazin,	Hocker,	Metz,	Stephens,
Blair,	Holt,	Mihm,	Stroup,
Boory,	Jenkins,	Monroe,	Tompkins,
Bower,	Jones, G. E.,	Murray, J. J.,	Varallo,
Brennan, J. J.,	Kent,	Musto,	Vaughan,
Brown,	Kornick,	Naugle,	Verona,
Cianfrani,	Kratz,	Pettigrew,	Walsh,
Cioffi,	Lawyer,	Rosen,	Waterhouse,
Connelly,	Light,	Royer,	Young,
Cooper,	Limper,	Rubin,	Andrews,
Down,		Scarcelli,	Speaker

Less than the majority required by the Constitution having voted in the affirmative, the quesiton was determined in the negative and the bill falls.

INTERROGATION

Mrs. MARKLEY. I would like to interrogate the Majority Leader, Mr. Readinger.

The SPEAKER pro tempore. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. By the lady from Lehigh? Always.

Mrs. MARKLEY. Mr. Speaker, I question the Majority Leader in calling up all of these bills and they fall, then the sponsors asked that their votes be changed on the roll call and then we have a reconsideration. It seems to me that we are wasting a lot of time and it is not fair to the Members of the House who are present—I would like your opinion, Mr. Majority Leader.

Mr. READINGER. I will be happy to give the lady my opinion. If she and her colleagues will decide to vote for these bills, what she is talking about will not happen. I was just about to interrogate the Minority Leader to find out how many votes we are going to get on the next bill, so we will know in advance whether it is going to pass or not. But if the lady will bear with me for a moment, if she has a better suggestion as to how to get the Members who are not coming up here to come, ex-

cept by killing a few bills, I wish she would give me those suggestions.

Mrs. MARKLEY. Mr. Speaker, I have not any suggestions for the Majority Leader. I am not being personal. I think he does an excellent job. I merely interrogated him to put on record what he is trying to do.

Mr. READINGER. I thank the lady, Mr. Speaker.

BILL PASSED OVER

There being no objection

House Bill No. 1385, Printer's No. 1324

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1731 as follows:

An Act amending the act of May 2, 1929 (P. L. 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" regulating the repairing and renovating of elevators requiring permits and fixing fees permits and inspections

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 11 act of May 2, 1929 (P. L. 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" amended June 21, 1947 (P. L. 791) is amended to read

Section 11 [Approval of] Plans Permits and Inspections (a) Before any elevator shall be erected and installed [or undergo repairs amounting to one-half or more of the original value of the said elevator] detailed plans and specifications of the said apparatus in duplicate shall be submitted to the department for approval The application for the approval of plans of elevators shall be accompanied by the following fees Dumb-waiters seven dollars and fifty cents ($7.50) freight elevators ten dollars ($10) and passenger elevators fifteen dollars ($15) If the said plans are approved a permit for the erection [or repair] and installation of such elevator shall be issued by the department and a final inspection shall be made of the apparatus when installed [or repairs completed] and ready for inspection before final approval shall be given by the department The elevator shall not be operated until such final inspection and approval be given unless a temporary permit be granted by the department

(b) No elevator escalator dumb-waiter hoist or other raising or lowering device shall hereafter be repaired renovated or reerected when the changes involve major repairs as established by rules and regulations of the department before a permit is obtained from the department When repairs or changes are extensive the department may require that duplicate plans and specifications be submitted to it before a permit is granted The fee for such permit shall be three dollars ($3) The repaired or renovated elevator or lifting apparatus shall not again be operated until final inspection and approval by a department inspector unless temporary permission to do so is granted by the department The inspection fee shall be five dollars **($5)**

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I desire to interrogate the Minority Leader or the Minority Whip.

The SPEAKER pro tempore. Will the Minority Whip permit himself to be interrogated?

Mr. JOHNSON. I shall, Mr. Speaker.

Mr. READINGER. I desire to ask the Minority Whip whether he is familiar with the provisions of this House Bill 1731, relating to elevators?

Mr. JOHNSON. I would say substantially, yes.

Mr. READINGER. May I inquire if the gentleman knows whether there are any votes on his side in favor of this bill, if he knows

Mr. JOHNSON. I cannot say for certain, I believe there is a feeling on this side that the bill goes a little bit too far in reposing too much power in the Secretary of Labor and Industry, with respect to elevators, and I cannot say how many votes there will be for the bill. I would say there is a preponderance of noes.

Mr. READINGER. I thank the gentleman.

Mr. Speaker, that answer was about as vague as I could expect it to be. Whatever a preponderance of the remaining Members of the Republican party of this House might be, I haven't any idea. I gather from one of the roll calls that there were approximately 76 Republicans present out of their total membership, and what a preponderance of that would be I would not know.

This bill seeks to amend the elevator regulation law of Pennsylvania to strengthen it and to provide that there be a system of permits and inspections relative to the repair and erection of elevators. It is a departmental bill. I believe it is one that the department has studied and believes is necessary to effectively administer a law which will provide for the safety of our people concerning elevators.

I am asking all of the Members to vote for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—97

Adam,	Floyd,	Markley,	Price,
Anderson, M. S.,	Flynn,	Maxwell,	Reibman,
Anderson, S. A.,	Frank,	McCann,	Reidenbach,
Banker,	Frascella,	McCormack,	Renwick,
Barnatovich,	Gaffney,	McGee,	Rudisill,
Boies,	Garlock,	McKeever,	Sarraf,
Bonner,	Gelfand,	McWherter,	Schuster,
Boory,	Guss,	Meholchick,	Sherman,
Branca,	Hamilton, R. K.,	Mikula,	Smith, Wm. B.,
Breisch,	Hass,	Mills,	Snider,
Breth,	Heavey,	Moody,	Stank,
Bucchin,	Jones, G. E.,	Moran,	Stebbins,
Capano,	Jones, T. H. W.,	Muldowney,	Stone,
Cianfrani,	Jump,	Munley,	Swartz,
Cioffi,	Kamyk,	Needham,	Taylor,
Cochran,	Kline,	Olsen,	Thomas,
Comer,	Kolankiewicz,	O'Neil,	Toll,
Curwood,	Kornick,	Pacchioli,	Varner,
Dougherty,	Leiby,	Parry,	Wallace,
Ellberg,	Leonard,	Pashley,	Wargo,
Farabaugh,	Leven,	Paulhamus,	Wheeler,
Filo,	Lopresti,	Polaski,	Whitenight,
Fineman,	Lovett,	Polen,	Williams,
Flint,	Lutty,	Pomeroy,	Yetter,
			Yetzer,

NAYS—62

Agnew,	Goldstein,	Lafore,	Royer,
Ashton,	Gramlich,	Leisey,	Steckel,
Bell,	Guthrie,	Lippincott,	Stevenson,
Brenninger,	Haudenshield,	Mahan,	Stoner,
Cooper,	Helm,	McInroy,	Strausser,
Davis,	Henzel,	Miller,	Thompson,
Donahue,	Hewitt,	Moscrip,	Toomey,
Donaldson,	Horst,	Murray, H. P.,	Wall,
Ehrgood,	Isaacs,	Murray, P. G.,	Weidner,
Erb,	Johnson,	Ogilvie,	Welsh,
Eshleman,	Kehler,	Petrosky,	Wescott,
Ewing,	Keller,	Pursley,	Willaredt,
Frost,	Knecht,	Readinger,	Wilt,
George,	Kooker,	Rigby,	Wood,
Gibb,	Kromer,	Rovansek,	Worley,
Gibson,			Ziegler,

NOT VOTING—48

Amarando,	Greenwood,	Metz,	Sigman,
Auker,	Hocker,	Mihm,	Smith, C. C.,
Bazin,	Holt,	Monroe,	Stephens,
Blair,	Houk,	Mullen,	Stroup,
Bower,	Jenkins,	Murphy,	Tompkins,
Brennan, A. P.,	Kent,	Murray, J. J.,	Varallo,
Brennan, J. J.,	Kratz,	Musto,	Vaughan,
Brown,	Lawyer,	Naugle,	Verona,
Bullen,	Light,	Pettigrew,	Walsh,
Connelly,	Limper,	Rosen,	Waterhouse,
Down,	Magee,	Rubin,	Young,
Foster,	McLaughlin,	Scarcelli,	Andrews, Speaker

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, it has become quite obvious that what the Lady from Lehigh was talking about is true. We cannot pass a bill here today without bipartisan support. We have not been getting much of that this afternoon.

If the absenteeism in this House does not stop on the days we are supposed to be here to work, I am going to suggest that we have joint caucuses, so that we know what you are going to do and you know what we are going to do. Maybe it wouldn't be a bad idea, although I didn't mean it.

It is not your fault and it is not my fault that we do not have more of our Members here today. Where they are, I do not know.

I have a leave of absence I am going to request for one of our Democratic Members who is sick in the hospital, but I cannot recall hearing any other requests for leaves of absence. Still bills of importance are failing to pass today because there are so many absentees.

I know that the session has been very long and you know it too. We are all tired of coming here. But some of these bills have been on the calendar for six or eight weeks and we have been passing them over, and passing them over only because the Members were not here. I think the time has come today when we should do what we are doing, bring these bills up so that the absentee Members know that they are going to fall when they do not show up.

But as the lady from Lehigh has pointed out so well, many of these will be reconsidered again and we are now wasting our time. In view of this situation, I am now going to suggest that we pass over all the rest of the bills on the calendar with the exception of House Bill 1854, on page 8, and House Bill 2008 on page 10, to which there are some amendments to be offered.

PERMISSION TO ADDRESS HOUSE

Mr. JOHNSON asked and obtained unanimous consent to address the House.

Mr. Speaker, briefly in answer to the Majority Leader, so that there will be no misunderstanding, we have on this side, of course, gone along on many, many bills which have passed this House, 206-0. There are other bills on the calendar which are controversial, which do not go across party line, shall we say, and we do, when we are marking the calendar indicate that that is a controversial bill, but it is not a bill that our party is taking a stand on, and of course, those bills are called and generally the negative votes are asked to rise and are counted.

However, there are numerous bills on this calendar, which, as the Majority Leader says, have been passed over from week to week, but they are bills, many of which are against our party philosophy. Therefore, they are bills which will have to be passed by the Majority side with votes from the Minority. It isn't that we on this side are being cantankerous or mean or trying to dodge our responsibilities. It is always the case at the end of a session with the bills that are controversial and not in accord with the philosophy of our party which must of necessity be passed by the Majority.

That is the case with respect to this calendar now. There are many, many bills which we as a party will not vote for on party principles. That being the case, you will have to produce 106 votes for them. As I say there are many, many bills which we say we are not against, there are a few on our side who are against a bill, let us roll that bill and let the negative votes stand.

I do not want the record to show that we are trying to be obstructionists or anything like that. We are engaged in representative party government. When we have bills here that are not in accord with our party principles, of course, we vote as a party against them.

BILLS PASSED OVER

The SPEAKER pro tempore. Without objection, the remaining bills on the third reading calendar, with the exception of House Bills Nos. 1854 and 2008, will be passed over. The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1854, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

On the question,

Will the House agree to the bill on third reading?

Mr. POLEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 1, page 1, lines 1 and 2, by striking out "Seven Hundred and Fifty Thousand Dollars ($750,000.00)" and inserting in lieu thereof "Seven Hundred and Eighty-two Thousand Dollars ($782,000.00)."

Amend Section 1, page 4, by inserting between lines 13 and 14 "St. Joseph's Children and Maternity Hospital Scranton $32,000."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2008, entitled:

An Act amending the act of May 22, 1933 (P. L. 853), entitled "an act relating to taxation, designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes; and for the use of those municipal and quasi municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," clarifying the exclusion of cities, boroughs, townships, school districts and poor districts in counties of the second class from provision excluding certain items in valuing real estate.

On the question,

Will the House agree to the bill on third reading?

Mr. EWING. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1 (Sec. 201) page 3, line 6 by inserting after "cities" other than cities of the second class

Amend Sec. 1 (Sec. 201) page 3, line 6 by inserting after "districts" other than school districts of the first class A.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON SECOND READING

Mr. READINGER. Mr. Speaker, I call up on page 2 of today's calendar, bills on second reading, House Bill No. 1891.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1891, entitled:

An Act amending the "Liquor Code" * * * authorizing the board to investigate and cause the prosecution of unlicensed establishments authorizing the confiscation of certain property with certain limitations and changing penalties

The first section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendment:

Amend Sec. 1, (Sec. 207), page 3, line 6, by inserting after "appurtenances" actually

It was agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to to as amended.

Ordered, To be transcribed for third reading.

The SPEAKER pro tempore. The Chair at this time would like to return the gavel to the Speaker.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

STATEMENT BY SPEAKER

The SPEAKER. The Chair desires to make a brief statement.

The time will automatically come when this matter of postponing bills on the calendar will take care of itself. We are going to reach the stage in our proceedings sometime when only Senate bills can be considered. Ultimately we are going to have a sine die resolution and we will then reach the point where House bills can have no place upon the calendar.

It is unfair to the Members who are here that there should be so many absentees. The Chair has taken the position from the first that the matter of attendance is within the province of this House. It is not within the province of the Speaker, it is not within the province of the respective Floor Leaders. This House can at any time it wants to require the attendance of the absentees.

If that is not the disposition of the House, it is not incumbent upon the Speaker to urge any such course. I am only pointing out that nothing is really gained by postponing day after day, day after day, the consideration of bills, because the day will come when those bills simply cannot be considered.

If the Members of the House are interested in particular bills, and Members on both sides have bills in which they are interested, it is up to the membership to take such steps as will make it possible for this House to do business, instead of asking that this bill be deferred, and this bill be deferred, for further action.

The Chair thanks the House for its attention.

LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Readinger for Mr. STEPHENS for the week because of illness.

PARLIAMENTARY INQUIRY

Mr. LIPPINCOTT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LIPPINCOTT. Mr. Speaker, is it true as a matter of custom at least, that the Speaker of this House should not engage in partisan debate on the floor without relinquishing the Chair?

The SPEAKER. That would be the proper procedure. However, if the Chair offends parliamentary propriety,

any Member of the House is privileged to raise the point of order.

Mr. LIPPINCOTT. Mr. Speaker, is it not a fair statement to say that the purpose of the Speaker's weekly news letters, which are sent to the Members of this House and released to the Press is so that he can express his views without offending against parliamentary practice?

The SPEAKER. The Chair does not feel impelled to explain any communications which as an individual he may issue to Members of the House. It is a privilege which every Member of this House enjoys in equal measure with the Chair and for which no Member can be held accountable in this forum.

Mr. LIPPINCOTT. Mr. Speaker, should not the Speaker in addressing the Members of this House, whether on the floor or by letter, at least morally be guided by the Rules of the House?

The SPEAKER. If it is a personal communication, not within the jurisdiction of this House, the Speaker, the writer, can be as indiscreet as he chooses.

Mr. LIPPINCOTT. Does the Speaker regard the news letter as a purely personal communication to the Members?

The SPEAKER. It is. It is a purely personal communication to the Members and has no official status.

Mr. LIPPINCOTT. Does not House Rule 64 prevent a Member of this House from referring to another Member by name on the floor?

The SPEAKER. If that is the Rule, it has been so consistently disregarded that the Rule can hardly be said to be in effect, because customarily the Members of this House, without being reproved by the Speaker, have referred to each other by name rather than "the gentleman" from such and such a county.

Mr. LIPPINCOTT. Would it be considered improper for a Member of this House to refer in a sarcastic way, shall we say, to another Member of the House by name?

The SPEAKER. If a point of order were raised the Speaker would have to rule upon it.

Mr. LIPPINCOTT. Does not, Mr. Speaker, as a matter of parliamentary inquiry, the rather sarcastic reference by the Speaker in his news letter of this week to a Member of the House by name morally, at least, offend against the Rules of this House?

The SPEAKER. The Chair would not say so. The Chair would not so rule.

Mr. LIPPINCOTT. One more point, Mr. Speaker. Is it proper for the Speaker in his impartial capacity to criticise personally the way a Member of this House votes?

The SPEAKER. Not while in the presence of the House nor while the House is in session, but any Member outside of the jurisdiction of this House can utter any criticisms he may like of any other Member concerning his conduct.

Mr. LIPPINCOTT. Then, Mr. Speaker, I take it—and this is a question—that the Speaker considers it perfectly proper in his weekly news letter to criticise personally the way eighteen Members of this House voted?

The SPEAKER. The Chair is not criticising; the letter simply pointed out. The Chair would reply to the gentleman's inquiry, if the point were raised, the Chair would have to rule that the gentleman's inquiry was out of order, because no Member can be censured because of statements made outside of this Chamber.

Mr. LIPPINCOTT. Mr. Speaker, I realize that is probably true. I thank the Speaker for his statements. I am merely trying to express the view that perhaps the Speaker in his impartial position in his weekly news letter should be more discreet.

The SPEAKER. The Chair thanks the gentleman from Delaware.

LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Helm for Mr. TOMPKINS for the week because of illness.

Mr. Ehrgood for Mr. LIGHT for the week because of illness.

Mr. Filo for Mr. McLAUGHLIN for the week because of illness in the family.

PARLIAMENTARY INQUIRY

Mr. READINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. READINGER. Mr. Speaker, I desire to know whether a Member of this House who absents himself from the House, either voluntarily or involuntarily, for the entire week's session, is entitled to mileage for that week.

The SPEAKER. The Chair would hold that the Member who is absent during the entire week is not entitled to mileage.

The gentleman refers to an abuse that has existed in this House for many, many years. The Commonwealth in the last 40 years has spent literally thousands upon thousands of dollars for mileage that was never, never traveled, and if the Rules were properly enforced, Members who are absent during the week without being given leave of absence would not be entitled to mileage.

Mr. READINGER. Mr. Speaker, I now request a leave of absence for every Member who is not in this House today.

The SPEAKER. It would be necessary for the gentleman to specify and name by name the gentlemen for whom he desires leave of absence for the protection of the Clerks.

The Chair would hold that leaves of absence must be requested by names specifically and individually. A blanket leave of absence cannot be granted.

REQUEST FOR LEAVE OF ABSENCE WITHDRAWN

Mr. READINGER. Mr. Speaker, at this time I desire to withdraw my request for leave of absence for Members who were not here today. I think I shall renew it tomorrow, but at this time I do not care to press it.

The SPEAKER. The Chair thanks the gentleman from Berks, Mr. Readinger.

PARLIAMENTARY INQUIRY

Mr. McCORMACK. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. Mr. Speaker, is it proper for anyone to request a leave of absence without the express permission of the person for whom it is asked?

The SPEAKER. The responsibility resides with the conscience of the Member making the request. It is a practice which has frequently been followed in a friendly spirit by one Member of the House who desired to protect some other Member who had neglected to to ask for leave of absence. It is a matter of conscience with the individual Member.

Mr. McCORMACK. Would it be within the spirit of the Rules, Mr. Speaker, to ask for a leave of absence unless a person so requests that someone ask?

The SPEAKER. It is a matter of conscience, and the Rules have nothing to do with it. It is a matter resting upon the individual conscience of the Member, and if he desires to do it, he can do it. If he does not think he ought to do it, he does not have to.

BILLS INTRODUCED AND REFERRED

By Messrs. EILBERG and MULDOWNEY.

HOUSE BILL No. 2047.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," changing penalties for operating motor vehicles under the influence of intoxicating liquors.

Referred to the Committee on Motor Vehicles.

By Mr. POLEN. HOUSE BILL No. 2048.

An Act making an appropriation to the Department of Public Instruction for the payment of costs incurred in administering the Special School Milk Program, in cooperation with the Federal Government.

Referred to the Committee on Appropriations.

By Messrs. SARRAF and EWING.

HOUSE BILL No. 2049.

An Act amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," further regulating payments to certain beneficiaries under the fund.

Referred to the Committee on Cities—Counties Second and Second Class A.

By Messrs. SARRAF and EWING.

HOUSE BILL No. 2050.

An Act amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," further regulating the withdrawal of service increment contributions.

Referred to the Committee on Cities—Counties Second and Second Class A.

REPORT FROM COMMITTEE

Mr. AGNEW from the Committee on Boroughs, reported as committed, Senate Bill No. 811, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" adding a new route in the Borough of Carnegie.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1623 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 23, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1623, Printer's No. 1348, for the purpose of amendment.

GEORGE M. LEADER.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

RESOLUTION

Mrs. ANDERSON offered a resolution which was filed with the Clerk under the Rules.

COMMITTEE MEETINGS

The Legislative Service Club will meet for breakfast tomorrow morning, February 28, at 8:30 a. m. in the Private Dining Room of the Capitol Cafeteria.

ADJOURNMENT

Mr. RIGBY. Mr. Speaker, I move that this House do now adjourn until Tuesday, February 28, 1956, at 10:00 a. m.

The motion was agreed to, and (at 6:23 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., TUESDAY, FEBRUARY 28, 1956. No. 144.

SENATE

TUESDAY, February 28, 1956.

The Senate met at 10:00 o'clock, a. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

Our dear Heavenly Father, we come to Thee again today and we pray that Thou wilt help us to appreciate the immensity of Thy love for us, in that Thou hast given us so many of the material blessings of the world and that Thou hast assured us of eternal life.

We pray for Thy wisdom and guidance this day in our work. Use us in Thine own way to do Thy will. We ask it in Christ, our Redeemer's Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. PECHAN and Mr. DIEHM, further reading was dispensed with, and the Journal was approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 383, PRINTER'S No. 492

Comonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Comonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 383, Printer's No. 492, entited "An Act amending the act of May 20, 1949 (P. L. 1594) entitled 'An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duities upon the Department of Agirculture prescribing penalties and providing for the enforcement thereof' authorizing and regulating the manufacture and sale of artificially sweetened ice cream for diabetics."

GEORGE M. LEADER.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 49, entitled:

An Act amending the "Child Labor Law" of May 13, 1915 (P. L. 286) entitled "An act to provide for the health safety and welfare of minors * * *" authorizing minors to appear in entertainment performances under certain circumstances

Which was commited to the Committee on Labor and Industry.

House Bill No. 821, entitled:

An Act amending the act of May 18 1937 (P. L. 654) entitled as amended "An act to provide for the safety and to protect the health and morals of persons while employed * * *" requiring nurses to be on duty in certain establishments

Which was committed to the Committee on Labor and Industry.

SENATE BILL No. 841 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the

authorities' powers and duties and defining the port districts.

With information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

BILL SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 773, entitled:

An Act amending the act of May 1 1929 (P. L. 905), entitled "Vehicle Code," prohibiting the operation of motor vehicles the mufflers of which have internal parts removed.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. BLASS, from the Committee on Public Health and Welfare, reported as amended, Senate Bill No. 39, entitled:

An Act amending the act of July eleven one thousand nine hundred and seventeen (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof . . .," further defining drugs coming within the scope of said act and changing the penalties for the illegal sale dispensing or giving away of drugs.

He also, from the Committee on Public Health and Welfare, re-reported as committed, Senate Bill No. 188, entitled:

An Act relating to the practice of Ophthalmic Dispensing, providing for the licensure and registration of Dispensing Opticians, authorizing the issuance of certificates to registered qualified Ophthalmic Dispensers, creating a State Board of Examiners for Dispensing Opticians to determine the respective qualifications of applicants, and defining specific powers and duties thereof, providing for penalties for violations of the provisions thereof, and providing for appeals to Court.

He also, from the Committee on Public Health and Welfare, reported as commited, House Bill No. 647, entitled:

An Act amending the act of June 12 1951 (P. L. 533) entitled "The Mental Health Act of 1951," fixing the date for liability of costs of patient care.

He also, from the Committee on Public Health and Welfare, reported as committed, House Bill No. 1432, entitled:

An Act amending the act of June 24 1937 (P. L. 2051) entitled "Public Assistance Law," changing provisions relating to children eligible for assistance.

BILL RE-REFERRED

Mr. BLASS, from the Committee on Public Health and Welfare, returned to the Senate, House Bill No. 1470, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051), entitled "Public Assistance Law," including financial assistance for nursing home care within the word assistance

Which was re-referred to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. Berger, from the Committee on Public Health and Welfare, reported as committed, House Bill No. 1733, entitled:

An Act amending the act of September 29 1951 (P. L. 1652) entitled "An act providing for the construction by The General State Authority of an addition of a medical and surgical hospital building to the Philadelphia State Hospital . . .," clarifying the word hospital.

Mr. STEVENSON, from the Committee on Local Government, reported as committed, Senate Bill No. 988, entitled:

An Act amending the act of August 9 1955 (P. L. 323) entitled "The County Code," giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

He also, from the Committee on Local Government, reported as committed, Senate Bill No. 989, entitled:

An Act amending the act of July 28 1953 (P .L. 723) entitled "Second Class County Code," giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

BILL INTRODUCED AND REFERRED

Mr. WADE read in his place and presented to the Chair Senate Bill No. 1001, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," adding a new route in Cumberland County.

Which was committed to the Committee on Highways.

RECESS

Mr. LANE. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEE

Mr. STEVENSON. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STEVENSON, from the Committee on Local Government, reported as amended, Senate Bill No. 972, entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "The Third Class City Code," by further regulating forests and watersheds.

He also, from the Committee on Local Government reported as amended, Senate Bill No. 985, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code," further fixing qualifications of members of the board of health.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 407

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, February 28, 1956.

Resolved (if the Senate concur), That House Bill No. 407, Printer's No. 624, entitled:

An Act amending the act of August 10, 1951 (P. L. 1182), entitled "Chiropractic Registration Act of 1951," extending the period for application for limited examination, clarifying certain provisions thereof, establishing further standards of educational conferences and requiring board approval thereof, providing for branch office certificates and prohibiting branch office practice without such certificates.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1514

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, February 27, 1956.

Resolved (if the Senate concur), That House Bill No. 1514, Printer's No. 600, entitled:

An Act amending the act of September 26, 1951 (P. L. 1518), entitled "An act to provide for the registration and protection of trademarks and to secure the rights, property and interests therein; providing for the assignment, cancellation and revocation thereof, and imposing penalties for violations; conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof; and to repeal all acts inconsistent therewith," further defining the right to registration.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of holding a meeting of the Committee on Finance.

Mr. PECHAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

PERMISSION TO ADDRESS SENATE

Mr. KESSLER asked and obtained unanimous consent to address the Senate.

Mr. KESSLER. Mr. President, some of the bills which I am about to report from committee will need amendment. However, in order to save some time, we felt we could get the bills on First Reading today, probably Second Reading tomorrow and amend them tomorrow.

REPORTS FROM COMMITTEE

Mr. KESSLER. Mr. President, I now ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KESSLER, from the Committee on Finance, re-reported as amended, House Bill No. 941, entitled:

An Act amending the act of May sixteen one thousand nine hundred thirty-five (P. L. 208) entitled as amended "Corporate Net Income Tax Act" changing formula for determining gross receipts where entire business is not transacted in the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time.

He also, from the Committee on Finance reported as amended, House Bill No. 1591, entitled:

An Act amending the act of June 1, 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" postponing the manufacturing exemption with regard to capitol stock tax and the franchise tax on domestic and foreign corporations joint-stock associations limited partnerships and companies and changing the gross receipts fraction in the franchise tax.

He also, from the Committee on Finance re-reported as amended, House Bill No. 1880, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine" by requiring additional reports and changing the due date of certain payments of capitol stock tax and franchise tax changing the gross receipts fraction applicable to foreign corporations and further providing for the computation and payment of the tax by domestic corporations, joint-stock associations, limited partnerships and companies.

He also, from the Committee on Finance reported as committed, House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale use storage or other consumption of certain tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation.

He also, from the Committee on Finance reported as committed, House Bill No. 2010, entitled:

An Act imposing a tax on persons engaged in the business of operating hotels inns apartment hotels motels tourist homes restaurants cafes public eating places public drinking places clubs and catering establishments prescribing the manner of collecting the tax measured by gross receipts from sales of food drinks and lodgings imposing duties on and prescribing powers of the Department of Revenue and fixing penalties.

PERMISSION TO ADDRESS SENATE

Mr. BARR asked and obtained unanimous consent to address the Senate.

Mr. BARR. Mr. President, for the benefit of the Members on the Democratic side, who were not at the Finance Committee meeting, I want to make the same statement here which I made at the meeting and that is when these bills are amended, they are no longer Democratic bills. This is the Republican tax program.

REPORT FROM COMMITTEE

Mr. KOPRIVER, JR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KOPRIVER, JR., from the Committee on Local Government, reported as committed, Senate Bill No. 30, entitled:

An Act amending the act of June 19, 1913 (P. L. 534), entitled "An act relating to appointment of deputy constables," defining the jurisdiction of deputy constables.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection- the Chair hears none.

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth, which were laid on the table:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael F. Young, 2384 Academy Street, Aliquippa, Beaver County, for appointment as Justice of the Peace in and for the Borough of Aliquippa, Beaver County, to serve until the first Monday of January 1958, vice John Babich, resigned.

GEORGE M. LEADER

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Karl E. Feigles, 78 North Main Street, Hughesville, Lycoming County, for reappointment as Justice of the Peace in and for the Borough of Hughesville, Lycoming County, to serve until the first Monday of January 1958.

GEORGE M. LEADER

MEMBER OF THE WAYNE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Louis A. Carey (Dem.), R. D. 1, Lakewood, Wayne County, for appointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Mrs. Edna B. Smith, South Sterling, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE FAYETTE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Fayette County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Ralph B. Worthington (Dem.), 259 Nassau Street, Uniontown, vice Charles Kuhn, Fayette City, whose term expired.

Clarence E. Hess (Rep.), Republic, vice Jack M. Collins, South Connellsville, resigned.

GEORGE M. LEADER.

MEMBERS OF THE LANCASTER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Lancaster County Board of Assistance:

Mrs. Bertha Brossman Eaby (Dem.), 207 East Main Street, Ephrata, to serve until December 31, 1957, and until her successor is duly appointed and qualified, vice Mrs. Irene R. Weidman, Ephrata, whose term expired.

Mrs. Joanne Ferguson Hensel (Dem.), 16 West State Street, Quarryville, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice A. H. Burkholder, Quarryville, whose term expired.

Mrs. Jeanne M. Carroll (Dem.), 1020 Woods Avenue, Lancaster to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Dr. V. W. Dippell, Lancaster, whose term expired.

Mrs. Margaret A. Krimmel (Dem.), 427 West Vine Street, Lancaster, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice Mrs. Josephine S. Roye, Columbia, resigned.

Mrs. Maude Frantz Draper (Rep.), 232 East Orange Street, Lancaster, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBER OF THE FOREST COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Pearly

W. Kifer (Dem.), Marienville, Forest County, for appointment as a member of the Forest County Board of Assistance, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Francis W. McClellan, Marienville, resigned.

GEORGE M. LEADER.

MEMBERS OF THE MONTOUR COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Montour County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Mrs. Jean Kelly (Democrat), Washingtonville, vice Cyrus K. Shultz, Danville, whose term expired.
Mrs. Elizabeth J. Stamm (Democrat), R. D. 2, Danville. (Reappointment)
Mrs. Isabel B. Snyder (Republican), 215 Grand Street, Danville. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE ALLEGHENY COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of the Allegheny County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Stanton C. Crawford (Rep.), Dean of the Faculties, University of Pittsburgh, Pittsburgh 13.
Norman O. Kegel (Dem.), 4018 Shoreham Street, Pittsburgh.

GEORGE M. LEADER.

SENATE CONCURRENT RESOLUTION

RECALLING SENATE BILL No. 646 FROM THE GOVERNOR

Mr. FLEMING. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 28, 1956.

Resolved (if the House of Representatives concur), that Senate Bill No. 646, Pinter's No. 224, entitled "An act amending the act of June 21 1939 (P. L. 566) entitled 'A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents' entitling certain unemployed persons to benefits and fixing minimum compensation payments," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

PERMISSION TO ADDRESS SENATE

Mr. WEINER asked and obtained unanimous consent to address the Senate.

Mr. WEINER. Mr. President, there are today abroad in our Country acts of violence going on which apparently no one has raised any voice about. I realize this is only a State Legislative Body, but one of our main functions here is the enactment of laws and to do everything that we possibly can to see that these laws are enforced.

I feel, as everyone else must feel, that it is a horrible situation when the Supreme Court of the United States hands down a decision—whether we agree or disagree with that decision is not important. The fact that our courts have seen fit to act in a certain area and on a certain problem which has been presented to them and have taken a position on this problem, it is, therefore, incumbent upon all of us, as American citizens living in a Democracy where we abide by majority rule and by a government of laws, to see that these decisions are upheld.

Our position today is somewhat similar to the time when the Dred Scott Decision was handed down by the Supreme Court. At that time, there was a great deal of feeling. As a matter of fact, some historians have even stated they felt that was one of the bases, or one of the beginnings, of the Civil War. I feel that our civilization and this Country have advanced to the point where we do not have to have civil war to solve some of the problems presented. However, this mob violence in the South and in other parts of the Country, where no one in authority is speaking out, where nobody in Congress has taken the floor to condemn this mob violence or do anything about it, certainly leaves me and many other people with the question of whether our Executive Branch is that paralyzed or whether our Legislative Branch is that paralyzed that they will not act.

I feel that the representatives from the State of Pennsylvania certainly should make their voices felt and heard. There is no reason for this mob violence going on in the South or elsewhere. There is no reason for the United States Attorney General, who has the power, to just sit idly by while this violence and this wild action by groups that serve their own ends and their own purposes continue to act. We are back where we were in Pennsylvania not too long ago, when the Ku Klux Klan, and other groups of that type, took up the cudgel for their own purposes, masquerading and using as the reason some act or action that they did not particularly care about. I feel that the forces of religion, the forces of labor and the forces of government should bring all these persons who are causing these difficulties together. I do not think we have ever had any difficulty in this Country in working out our problems. We have done it in the field of labor, we have done it in the field of religion and we have even done it in the field of politics.

Therefore, Mr. President, I am offering this resolution.

SENATE CONCURRENT RESOLUTION REFERRED TO COMMITTEE

MEMORIALIZING CONGRESS TO CONSIDER THE PROBLEM OF MOB VIOLENCE AND RULE IN THESE UNITED STATES

Mr. WEINER. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WEINER offered the following resolution, which was twice read as follows:

In the Senate, February 28, 1956.

The acts of irresponsible and lawless mobs in the South and elsewhere are intolerable and must be met by the full force of laws.

Mob violence has never solved anything or ever will be the solution to any problem.

The General Assembly is appalled that legislators and legislative bodies in other states can lend aid and comfort to these lawless elements, and they must, therefore, share the responsibility for they are just as guilty.

This is an issue which cannot be solved by force, and therefore, must be solved by calling together the parties most directly concerned so that a common front may be presented against the lawless mobs, gangsters, and irresponsible persons. We must condemn these persons and utilize our forces of religion, business, labor, and our own legislative bodies to find answers to this problem in keeping with our American way of doing things.

To do otherwise shames us before the entire world, especially when we are engaged in a deathlike struggle fighting for the minds of persons throughout the world.

We have seen that in our conflicts both armed and unarmed in Asia, Africa, and other vast areas of the world where Democracy is unknown that we had the finger of accusation pointed at us as being unable to solve and care for the problems here presented; therefore be it

Resolved(the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to take up this problem immediately and that these states that are flaunting the highest laws of the land and the decisions and decrees of the Supreme Court of the United States be called to task and to use every means within its power to eliminate mob violence and rule in these United States; and be it further

Resolved, That copies of this resolution be transmitted to the Presiding Officer of each house of Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

REQUEST THAT RULE 39 BE SUSPENDED

Mr. WEINER. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. MAHANY. Mr. President, first, I want to object to the immediate consideration of this resolution and ask that it be sent to a committee for study.

The reason I do this, Mr. President, is because I certainly think we would probably get a message back from Congress if we were to send this resolution down there. We would also probably receive communication from any States that are involved.

(Remarks of the gentleman from Crawford, Mr. MAHANY, expunged from the record pursuant to subsequent motion.)

The PRESIDENT. The Chair hears objection to unanimous consent for the immediate consideration of this resolution.

Mr. WEINER. Mr. President, I would like to just point out to the Majority Floor Leader two points. Number one, this resolution was drawn by me and not by the Legislative Reference Bureau. It could not be less innocuous and could not be more watered down if I had tried.

If the Majority Leader is worried about receiving a communication from the Members of Congress, I think he would be doing them a service to acquaint them with what is going on. Apparently they are not aware of this situation.

How Mr. Mahany can compare a labor dispute to a problem of this type, which takes on national and international proportions, I do not quite understand. I fail to follow that type of reasoning or that type of logic. Mr. President, I do not see how you can take a labor dispute, which has been going on in a certain area, and compare that to a situation in which the Supreme Court handed down a decision and which decision the people are fighting. Mr. Mahany has a committee, which he I believe is a member of, investigating this situation in the western part of our State. He has not made a report on that investigation, so we do not know what he has found or has not found. This situation cannot be compared with a problem which is taking on not only national but international proportions. I fail to understand or see his logic in this.

Also, Mr. President, if this resolution were sent to Members of Congress, I think they would probably read this very respectfully and I doubt whether we would get even a single answer. Maybe somebody would take the trouble and write that they have to deal with the members in the South and, therefore, do not want to take up this problem or say anything about it and others may promptly relegate this to the wastebasket.

However, Mr. President, I think that all we would be doing by sending this resolution to Congress would be going on record, as a legislative body, who are ourselves sworn to uphold the laws and Constitution of not only this State but of the United States, to see that the people who have been told to do so, at least, receive a memorandum that this is what the problem is and take up this problem.

Mr. President, how this matter relates to a labor dispute, I do not quite understand.

Mr. MAHANY. Mr. President, I do not care how violent your riot is, whether it is in relation to a labor dispute or whether it is in relation to segregation problems or whether it is in relation to hot-rodders, I guess they call them, down at Daytona Beach, trying to overturn cars. Violence is violence regardless of the cause.

When you have violence, mob rule and a break down of law and order, then it becomes incumbent upon all of those people, who have within their control the enforcement of the laws, to see to it that those laws are enforced and that the violence is put down. If it takes all of the law enforcement officers in the city, county and State to do the job, then that is their duty.

Mr. President, I am not getting into labor disputes or whether the union is right or the company is right or whatnot; it is a question of whether or not violence exists. If it exists, then it is up to us to put it down.

However, Senator Weiner, I am in sympathy with the wording of your resolution and I am for it. I think, though, that it ill behooves us to criticize some other State. Maybe you remember the reaction of Senator Dent

the other day, when we received a communication from the State of New Jersey, criticizing the State of Pennsylvania about something that we were doing.

The people of the South, Senator, and the southern States have their own particular problems and they are trying to work them out. For us up here in the North, not knowing what their problems are, to tell them what they should do or criticize them about something which is going on in their State, I think comes with pretty poor grace from us, Senator. We should not tell another State what to do about their problems.

I will say this, Senator; that if this resolution is referred to the Rules Committee, on which the Democrats and Republicans are just about equally divided I guess, I will be happy to, if your group decides that this is the kind of resolution they want to have adopted,—Senator Dent is on that Rules Committee and he is the one who took off on the State of New Jersey the other day when we received a resolution from them—report it out within the next day or two and you can vote then on your resolution.

Mr. WEINER. Mr. President, I do not wish to prolong this debate any longer, but I would just like to present to Senator Mahany a few facts. In our dealings in international relations with other nations, I doubt very much whether they would bring up the labor dispute out in Sharon, Pennsylvania; whereas, I think they probably would bring up this small problem, as he calls it, and I think they would feel that we are certainly derelict in our duty by not trying to enforce the laws which everybody has sworn to uphold. This little problem out in Sharon, which involves an honest dispute between management and labor, does not make any world-shaking difference and will not involve the people or us internationally or in any other way in dealing with peoples.

Mr. President, how can we say that we want peace throughout the world, and that we want certain rules and regulations upheld, when we are not willing to abide by our own rules and regulations as we have laid them down? I certainly do not think anybody can say that that is true in a labor dispute.

Mr. LANE. Mr. President, I am wholly in accord with the statements of Senator Weiner. I think he is entirely correct.

Mr. President, I wonder how the Majority Leader could arrive at the conclusion that Senator Weiner's resolution is comparable to what he claims exists over around Sharon. It seems to me, Mr. President, that the Senate of Pennsylvania appointed a committee to investigate the complaints made by the Majority Leader. It seems to me, too, that the Majority Leader is now filing his report. I do not believe that the investigating committee has arrived at any conclusion as to the accurateness of his accusations. All I know is that they made the investigation.

It seems to me, Mr. President, that by the Majority Leader's verbiage on the floor today, he is filing a report on behalf of this committee.

Let me say further, Mr. President, that in my opinion it seems to me the Majority Party wants to involve this Administration in a labor dispute. I believe they are endeavoring to embarrass us. They are trying to use the Pennsylvania State Police to do a job which local officials have a responsibility to enforce. As I notified the Majority Leader the other day, the sheriff of the County of Mercer has the authority, under the law, to deputize as many persons as he needs to preserve the public peace, just as long as these deputies comply with the Act of Assembly setting up deputy sheriffs. Therefore, the sheriff of Mercer County has the responsibility.

I am informed, too, that the Governor of Pennsylvania receives reports several times a day in regard to the conditions over at Sharon. I do not believe that the problem in Sharon has anything to do with Senator Weiner's resolution. I, therefore, feel that Senator Mahany should withdraw his objection and let us pass this resolution. I believe, too, that we will not receive criticism, but I imagine we will receive some congratulatory telegrams from Members of Congress because we have the foresight to do the job and go ahead.

Mr. DENT. Mr. President, I did not have the privilege of listening to the remarks made by Senator Mahany relative to the Sharon situation. However, I think it is a very serious thing to have in the record today a statement from Senator Mahany relative to the findings, which might be interpreted to be the conclusions, of this committee.

At this time, rather than to present a rebuttal, because I believe one is in order, I will move that the remarks of the gentleman, pertaining to the Sharon situation, be stricken from the record. In all fairness to both sides in the dispute and to the members of the committee, I believe that any references to the Sharon situation should come from the committee after it has an executive meeting. The statements that Senator Mahany made, as I understand, are just a report of his charges he made before the hearings were held.

One would be perfectly right in assuming that the hearings meant nothing at all to Senator Mahany and that he was prejudiced in his approach to the subject because, without consulting with the committee members, he proceeds to present into the records, and for the newspapers to pick up, a positive statement to the effect that there is mob rule at Sharon. I am not going to take the time of this Senate, unless Senator Mahany refuses to allow his remarks to be expunged from the record. They cannot and must not be public property at this time. They cannot be entered into the records to further add to the situation out there, which we all know is one that has many facets to it. They cannot be dismissed by a few short, terse statements of condemnation against either one side or the other.

Mr. PRESIDENT, I do not believe that this Senate is performing its duty, and this committee cannot perform its duty, if prejudiced remarks are allowed to be made into the record and become public property as a part of this committee's hearings.

MOTION TO EXPUNGE REMARKS FROM THE RECORD

Mr. DENT. Mr. President, I so move that the remarks of the gentlemtn from Crawford, Senator Mahany, pertaining to the Sharon strike situation be expunged from the record.

Mr. BARR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, I had no intent to make any report of the committee. However, on the other hand, because I happen to be a member of this committee, and in fact the chairman of it, I do not feel that it requires me to keep my mouth closed about things that I have seen out in Sharon.

Mr. President, I want to say to Senator Dent that I do not care how long he rants and raves about anything he wants to on the floor of the Senate. I have never tried to shut him up. He can go on and do anything he wants to. He puts a lot of stuff out here that does not have any near relation to actual facts at times, in relation to quoting figures.

I would say to Senator Dent that Sharon is in my District. I have seen pictures of things out there which I feel warrant us, at least, to certainly be very careful in cleaning up our own back yards before we send resolutions to Congress or to some other State relative to their particular situation.

Mr. President, I want to say that we have not made any conclusions. The work of the committee is still going on. We did take testimony out at Sharon from various witnesses, but we also have some other work to do. We will try to make the report—

POINT OF ORDER

Mr. BARR. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny, Mr. Barr, will state his point of order.

Mr. BARR. Mr. President, the gentleman from Crawford is going into the same remarks that we want stricken from the record. I, therefore, presume he is out of order.

The PRESIDENT. The gentleman from Crawford, Senator Mahany, will confine his remarks to the motion.

And the question recurring,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, I think that I certainly had a right to make the statements that I did. If there is any statement in my remarks that is not true, relative to what the sheriff did, what the judge did and what the mayor did, then I am willing to have that stricken from the record. That is all I did say. I said that there were some officials out there who had called for aid and they did not receive any. Until such time as we can straighten out our own back yard, it seems to me that this Senate could certainly be ridiculed for criticizing some other State.

Therefore, Mr. President, I am not willing to have any of my remarks expunged from the record. I am going to vote "no" on the motion.

Mr. DENT. Mr. President, I believe that any fair-minded person would accept the premise that I have made; that any remarks of a positive nature, or divulging any of the information which this committee has in its portfolio, is contrary to all of the rules of procedure in any standing or special committee's work in this Senate. If Senator Mahany belives that the property of this committee is for his personal use and that his interpretation is to be the official interpretation of what we learned at Sharon, then I believe, in all fairness, the other side of the picture, as I see it, should also be entered into the record.

If Senator Mahany does not feel that his remarks are out of order, then, of course, there is only one fair thing to do because we are dealing not in a matter of minor importance, but in a situation that has major overtones. Senator Mahany goes into the picture and he is the one who opened it up. I am not willing to go into it unless he forces me into it.I am ready, just as I am sure that Senator Mahany is ready, to detail for the Senate exactly what we heard and what we saw. I would not be a bit doubtful of the fact that Senator Mahany saw out of his eyes a different picture than what I saw, and heard through his ears different words than I heard. There is no question about that.

I think everyone realizes that when you are in these situations, there are two sides to them. To allow Senator Mahany's side and his impression to go out of this Senate as another charge, substaniating the charges you made upon this floor, is eminently unfair. If Senator Mahany does not vote to expunge the remarks pertaining to the strike situation at Sharon from the record, I fully expect to take the floor on Personal Privilege, as a member of that committee, and give my full dress rehearsal of what I heard.

Mr. HALUSKA. Mr. President, it seems that all this debate stems from the resolution offered by the gentleman from Philadelphia, Senator Weiner. I am not going to uphold or criticize anybody for their actions, but the gentleman from Crawford, Senator Mahany, had a perfect right to object. I am in deep sympathy with the resolution itself and after listening to him, he pointed out very definitely that the resolution would be discussed in committee. If, after that committee hearing, he fails to report it out, then we here have the right to debate it at great length. However, in the past, it has been our program here that unless they are privileged resolutions, they are objected to and sent to committee. Therefore, I agree with the gentleman from Crawford on that point.

I must disagree with Senator Mahany, though, when he injected the Sharon affair. I must agree definitely with my colleague from Westmoreland, Senator Dent. I dislike very much to vote to have expunged from the record any remarks made by a Member of this Senate. If I must, I shall.

I trust that my colleague from Westmoreland, a member of that committee, and Senator Mahany will get together and make remarks for the record that will strike out each other's positive remarks and keep us from voting to expunge Senate Mahany's remarks from the record.

And the question recurring,

Will the Senate agree to the motion?

PERSONAL PRIVILEGE

Mr. YOSKO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Northampton, Mr. Yosko, will state his question of personal privilege.

Mr. YOSKO. Mr. President, in recent months there have been a number of casualties here in the Senate. Frankly, I happen to have been one of them and I do not feel too good today. While I was in the hospital, I read a statement issued by one of the doctors here in Harrisburg who took care of a few of the Members, in

which he said that one of the things that we should do here is to eat three meals a day and eat them on time. They were the instructions which I received from my doctor.

Mr. President, it is now twenty minutes of one and it is past lunch time. I, therefore, suggest that the Senate do recess for lunch and during that recess, Senator Mahany and Senator Dent may possibly settle their differences on what should remain in the record and what should be taken from the record so that when we come back after lunch, the matter can be straightened out.

MOTION TO RECESS

Mr. YOSKO. Accordingly, Mr. President, I move that the Senate do now recess for one hour for the purpose of having lunch.

Mr. McMENAMIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BLASS. Mr. President, I would like to ask leave of the Senator from Northampton, before the one-hour recess, that I might be permitted, by unanimous consent, to make a committee report so that I may be on my way out of the city of Harrisburg for the rest of the afternoon.

MOTION TO RECESS WITHDRAWN TEMPORARILY

Mr. YOSKO. Mr. President, I withdraw temporarily my motion that the Senate recess for one hour for the purpose of having lunch.

Mr. McMENAMIN. Mr. President, ordinarily a motion to recess or adjourn takes precedence and is not debatable. However, I am sure that the gentleman from Erie, Senator Blass, supersedes and transcends all such technical rules, and I withdraw my second to the motion.

Mr. BLASS. Mr. President, I want to thank both of the gentlemen from the other side of the Senate for their courtesy in withdrawing the motion and the second.

REPORT FROM COMMITTEE

Mr. BLASS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BLASS, from the Committee on Public Health and Welfare, reported as amended, House Bill No. 1618, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" prescribing powers and duties of the Department of Welfare with respect to juveniles.

And the question recurring,

Will the Senate agree to the motion?

RECESS

Mr. YOSKO. Mr. President, I move that the Senate do now take a recess for one hour for lunch.

Mr. McMENAMIN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

The question recurs on the adoption of the motion of the gentleman from Westmoreland, Mr. Dent.

SPEAKER OF THE HOUSE OF REPRESENTATIVES, HONORABLE HIRAM G. ANDREWS, INVITED TO ROSTRUM

Mr. MAHANY. Mr. President, may we delay that for just a moment? I notice that there is in our midst the Speaker of the House, Hiram Andrews, who, when I went over to the House one day, had me come up to the rostrum and address the body. Therefore, Mr. President, I would suggest that we reciprocate and I would suggest that you call upon "Senator" Andrews to come up and address the Senate.

The PRESIDENT. The Chair is very happy to extend an invitation to the Speaker of the House to come to the rostrum and give some sound advice to this Senate.

REMARKS BY SPEAKER OF THE HOUSE OF REPRESENTATIVES, HONORABLE HIRAM G. ANDREWS

Mr. ANDREWS. Mr. President and Members of this distinguished body, celerity is the essence of cunctation and so I have come to congratulate this Body upon the speed with which it has concluded the public business. It has been a remarkable achievement. We have only been in Session some fourteen, or sixteen or eighteen months, I have forgotten which, and I see the strains that labor imposes upon those who are incessantly devoted to the public service. So, I congratulate you upon the celerity of your performance.

I am glad to be here because I see so many old, familiar faces who side-stepped a career of achievement in the House to find a place in this lesser important assembly. You see, the founding fathers did not trust you. They said that only in the House is there wisdom and devotion to the public interest and while it is decreed that we will permit your Body to formulate appropriation bills, only to the wisdom of the House will the formation of original tax legislation be entrusted.

I do not wish to impinge upon your time. You certainly have an array of tax proposals from which to choose. Having observed this Body over the course of years, I can, as a party man, be quite confident that you will make the most impossible and impractical choice.

The PRESIDENT. Thank you, Mr. Speaker, for those words of wisdom.

Mr. MAHANY. Mr. President, I want to remind the Speaker of the House that it is a very difficult job for us to weed out the bad from the bad that is sent over to us.

And the question recurring,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, we seem to have lost much of our audience since the time of our recess. Therefore, any words that either Senator Dent or I might say relative to the situation before us might not fall on very many ears and also because I do not want to continue on here all afternoon debating about conditions in Sharon and have our poor secretary, who is working all by herself, sit up all night to take down all of the words that we say here this afternoon, I am willing to knock out all of the discussion which followed the introduction of Senator Weiner's resolution. Instead of those remarks, I would like to have the following placed in the record.

This is the part that I would like to have included in the record:

Senator Weiner, you know that there has been an investigating committee appointed by this Senate to investigate alleged violence at the Sharon plant of the Westinghouse Company. That committee has had some hearings, but as yet it has not come up with any report or findings. However, until the committee does make such a report, it would ill behoove us to criticize some other State or send this resolution to the Congress of the United States until we are quite sure that our own back yard is clean.

Therefore, Mr. President, first I want to oppose the immediate consideration of Senator Weiner's resolution and suggest that it be referred to the Rules Committee, until the committee to investigate conditions at Sharon makes its report.

The PRESIDENT. The question recurs on the adoption of the motion.

Mr. DENT. I am sorry and I apologize to the President of the Senate, but I was answering some questions of one of my colleagues and I did not hear what the Chair said.

The PRESIDENT. The question before the Senate is on your motion. The gentleman from Crawford, Mr. Mahany, made his statement.

Mr. DENT. As I understand it then, Mr. President, and I would ask that the newspapers take note, the remarks made earlier by Senator Mahany are not considered public matter. Inasmuch as he would appreciate, and I am sure he joins me in the interest of the common good we would like to refrain from having any mention made of the situation at Sharon until this committee which has been named has an opportunity to turn in their report. That is as I understand it.

MOTION TO EXPUNGE REMARKS FROM THE RECORD WITHDRAWN

Mr. DENT. Mr. President, I would like to withdraw my motion to have the remarks of the Senator from Crawford expunged from the record.

Mr. BARR. I withdraw my second to the motion, Mr. President.

Mr. MAHANY. May we be at ease a few minutes, Mr. President?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Mr. MAHANY. Mr. President, I understand that parliamentary procedure requires that we have a motion in order to expunge remarks from the record.

REMARKS EXPUNGED FROM THE RECORD

Mr. DENT. Mr. President, I now move that the remarks of the gentleman from Crawford, Senator Mahany, pertaining to the Sharon strike situation be expunged from the record.

Mr. BARR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McGINNIS. Mr. Persident, I am very happy and I think everybody on this floor is happy that Senator Dent and Senator Mahany have settled their little differences.

I realize however, Mr. President, that whatever trouble there is in Sharon is in Senator Mahany's District. I have heard him say here on the floor a number of times that he is concerned about it, but I cannot point to a single word he ever spoke that showed which side he was on, management or labor.

And the question recurring,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

The PRESIDENT. There being objection to the immediate consideration of this resolution, the resolution is referred to the Committee on Rules.

BILL INTRODUCED AND REFERRED

Messrs. MULLIN and SILVERT read in place and presented to the Chair Senate Bill No. 1002, entitled:

An Act amending the act of January 8, 1952 (P. L. 1851), entitled "An act providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases; . . ." regulating bail for persons charged with commission of sex crimes.

Which was committed to the Committee on Judiciary General.

PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President and Members of the Senate, the Congress of the United States, in the year of 1954 passed legislation empowering the various States of the United States to utilize the forces of atomic energy. I have been in contact with the State of New York and I have legislation similar to what was passed in the State of New York.

Mr. President, this legislation will create a temporary State Atomic Energy Commission to undertake studies and coordinate developments and activities relating to the peaceful use of atomic energy and making an appropriation for that purpose. It empowers the Department of Public Instruction to create scholarships for study in the field of engineering and atomic research, and prescribes eligibility proceedings and also provides for the selection by competitive examination for these scholarships and makes an appropriation. It further makes appropriation to the trustees of the Pennsylvania State University for use in studying and making plans and recommendations for the establishment of advanced education programs in the utilization of atomic energy for peaceful purposes, and also creates a temporary State commission to study the effects of atomic developments on the people and industries of Pennsylvania, and also makes an appropriation to coordinate development and regulatory activities relating to the peaceful uses of atomic energy, providing functions, powers and duties.

I would say to you, Mr. President, that the Commonwealth of Pennsylvania is seriously in need of legislation of this type and I hope that the committee to which it is referred will give it its very serious consideration. I would like to appear before that committee and express my views in regard to this legislation.

PERMISSION TO ADD ADDITIONAL SPONSOR

Mr. LANE. Mr. President, with the pleasure of the

Chair, I would like to add the name of Senator Mahany as one of the co-sponsors of this legislation.

The PRESIDENT. If the Senator will come up and sign his name, we will agree.

BILLS INTRODUCED AND REFERRED

Messrs. LANE, BARR, DENT, HAYS, STIEFEL and MAHANY read in place and presented to the Chair Senate Bill No. 1103, entitled:

An Act to coordinate development and regulatory activities relating to the peaceful uses of atomic energy; providing for the establishment of an independent administrative board, and the appointment of an executive secretary; prescribing functions, powers and duties of the board and the executive secretary; and making an appropriation.

Which was committed to the Committee on State Government.

They also read in place and presented to the Chair Senate Bill No. 1004, entitled:

An Act empowering the Department of Public Instruction to create scholarship for study in the fields of engineering and atomic research; prescribing eligibility; providing for selection by competitive examination and making an appropriation.

Which was committed to the Committee on Education.

They also read in place and presented to the Chair Senate Bill No. 1005, entitled:

An Act creating a temporary State commission to study the effects of atomic developments on the people and industries of Pennsylvania; and making an appropriation.

Which was committed to the Committee on State Government.

They also read in place and presented to the Chair Senate Bill No. 1006, entitled:

An Act creating a temporary State Atomic Energy Commission to undertake studies and coordinate development and activities relating to the peaceful uses of atomic energy; and making an appropriation therefor.

Which committed to the Committee on State Government.

They also read in place and presented to the Chair Senate Bill No. 1007, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State University for use in studying and making plans and recommendations for the establishment of advanced education programs in the utilization of atomic energy for peaceful purposes.

Which was committed to the Committee on Appropriations.

Messrs. STIEFEL and RUTH read in place and presented to the Chair Senate Bill No. 1008, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code for 1949" requiring release of pupils for religious observances, without counting the resultant absences against the record of the pupils thus released.

Which was committed to the Committee on Education.

PETITIONS AND REMONSTRANCES

Mr. DONOLOW. Mr. President, I, at this time, should like to bring to the attention of the Members of the Senate a most chaotic condition which now exists in many communities in the State of Pennsylvania. I am referring to the decay of democracy which has taken place by way of the rise, recently, of wire tapping.

Mr. President, introduced in the Senate on March the 1st was Senate Bill No. 196. The same companion bill was introduced in the House, and that was House Bill No. 726. Both of these bills carried the endorsement of many Bar organizations throughout the State of Pennsylvania and many civic and church groups. The provisions of this bill were to prohibit wire tapping in any form.

I must report, Mr. President, that the Senate Bill still remains in the Judiciary General Committee without any action. The House Bill, House Bill No. 726, was passed by the House on June the 2nd—and that, also, lies in the Judiciary General Committee of the Senate. I may say in passing that the vote in the House was 135 in favor to 33 opposed.

Mr. PRESIDENT, I am particularly interested in this evil practice which has arisen in our State. In the last few months, I have looked into this matter, taking reports and evidence from every part of the State. I will report, and I shall make it public in due time, that through this vicious practice of wire tapping there has been political blackmail in the State of Pennsylvania. Through this practice, Mr. President, in many communities of Pennsylvania today, elected officials fear to talk on their telephones because certain law enforcement agencies, under the guise of detecting crime, are wiretapping and listening in on private conversations.

I was told, Mr. President, just a few weeks ago by a learned judge in Philadelphia, half in jest and half in a sorrowful approach, that when he talks on his telephone in the evening and hangs up, he says, "Good night everyone who is listening."

Mr. President, when democracy in Pennsylvania has reached the point that we can no longer talk on our telephones for fear that they are being tapped, it is time we do something. This wire tapping is a rising situation which is taking place in Pennsylvania today.

I would like to point, if I may, to my own city of Philadelphia. I say to you, Mr. President, that in Philadelphia today there is so much wire tapping going on that the tappers are tapping the tappers. This certainly does not lead to the privacy which the Constitution of this Country and this State has guaranteed to us.

Mr. President, in 156 years since the founding of this Commonwealth, the law enforcement agencies of this State were able to very successfully detect crime and bring in those who were guilty of it without the necessity of delving into the privacy of the home.

We saw recently in the case of Commonwealth versus Chase where the Pennsylvania Supreme Court handed down a decision in which they said that we have no restriction on wire tapping and such evidence would be admissible because we had no law to prohibit it. During the testimony in that case, it was brought out that police, in ten seconds, could wire tap any telephone in the Commonwealth of Pennsylvania and find out what is going on.

I think Justice Musmanno put it very ably in that case when he said, "Thus the liberty of privacy, which has

been achieved through centuries of struggle, may in the hands of wilful meddlers be lost in ten seconds."

All this wire tapping has accomplished is to brin in petty gamblers, petty bookmakers and others of petty crime. Any police force in this Commonwealth that cannot detect that sort of crime without wire tapping certainly is not worth the name of a law enforcement agency

I say here today, Mr. President, on this floor, that I am not a historian, but I hope not to return some day in Pennsylvania to point the finger and say, "I told you so." Unless we in the Senate, unless the Judiciary General Committee, will bring that bill out and make it law this method of wire tapping and this method of usin coercion by information secured will come back to haunt us in the future. That is the great crime facing the future of democracy in this State. That is the future which we must try to protect.

Mr. President, when business people in the city of Philadelphia are having their telephones tapped and when certain enforcement agencies are put on the payroll of competitors to secure information, then it is about time that we in this body take action to protect them.

Mr. President, there are many States that see it the same way. The Federal jurisdiction, through the Federal Communications Act, has made it a crime to divulge information secured through wire tapping. It is about time that the alarm be sounded in Pennsylvania so that we can, likewise, protect the privacy of the four walls of our homes and our economic life.

Therefore, Mr. President, I urge the Members of the Judiciary General Committee to get House Bill No. 72 out of Committee and get it on the floor for a vote.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary of the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Albert H. Fleck, P. O. Box 203, Harrisville, Butler County, for appointment as Justice of the Peace in and for the Township of Mercer, Butler County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George A. Hill, R. D. 2, Montoursville, Lycoming County, for reappointment as Justice of the Peace in and for the Township of Upper Fairfield, Lycoming County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. Russell Brode, Route 63, Sumneystown Pike, Sumneytown, Montgomery County, for appointment as Justice of the Peace in and for the Township of Marlborough, Montgomery County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 844, as follows:

An Act amending the act of May 1 1929 (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing use of warning figures commonly known as "silent policemen" to be erected within school zones on highways and State highways by certain political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 1110 of the act of May 1 1929 (P L 905) known as "The Vehicle Code" amended June 5 1937 (P L 1718) is amended to read

Section 1110 Erection of Traffic Signs Signals and Markings

(a) The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to erect and maintain official traffic signs signals and markings Before local authorities except in cities of the first and second class shall erect or cause to be erected traffic signals they must first obtain the approval of the Secretary of Highways of this Commonwealth

Local authorities in counties cities boroughs incorporated towns townships and school districts may at their discretion place or cause to be placed and used within school zones warning figure commonly known as silent policemen on highways and State highways within such political subdivisions subject however to the following conditions

(1) A school zone shall be a distance not exceeding one hundred (100) feet from the nearest boundary of the school grounds in any direction

(2) No such warning figure shall be left in place on any highway except for the period beginning one hour before school convenes and ending one hour after school adjourns

(3) No such warning figure shall be placed on any highway in conflict with any rule or regulation adopted and promulgated by the Secretary of Highways under section eleven hundred five of this act

(4) The Secretary of Highways with reference to state highways and local authorities in counties cities boroughs incorporated towns and townships with respect to highways under their jurisdiction may in their discretion determine the proper placing and location of such warning figures

Section 2 This act shall take effect immediately

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL No. 844, RECALLED FROM THE GOVERNOR

Mr. PECHAN. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 844, recalled from the Governor.

Mr. PROPERT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 970, ts follows:

An Act amending the Act of May 1 1929 P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by changing requirements and penalties concerning lamps and illuminating devices

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 802 Act of May 1 1929 (P L 905) known as "The Vehicle Code" is amended by adding after subsection (c) thereof two (2) new subsections to read

Section 802 Additional Permissible Lights and Devices

* * *

(d) Warning Devices Any vehicle used exclusively for repair or emergency purposes may be equipped with not to exceed one (1) warning lamp of a type approved by the secretary to be used only in connection with repair or emergency work while the vehicle is stationary

(e) Flashing Emergency Lamps Every snow plow or cinder truck operated by or for the Department of Highways of this Commonwealth or operated by or for the highway department of any political subdivision must be equipped with at least one (1) flashing emergency lamp of a type approved by the secretary for use in emergency only

Section 2 The penalty clause of section 802 of the act amended June 27, 1939 (P. L. 1135) is amended to read

Section 802 Additional Permissible Lights and Devices

* * *

Penalty Any person violating any of the provisions of this section or any person who shall use a warning lamp of the type authorized by subsection (d) of this section while a vehicle is in motion shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 3 This act shall take effect immediately

And the Amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL No. 970, RECALLED FROM THE GOVERNOR

Mr. PECHAN. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 970, recalled from the Governor.

Mr. CAMIEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Dent,	Mallery,	Pechan,	Wade,
Chapman	McCreeah,	Peelor,	Wagner,
Diehm,	McGinnis,	Propert,	Watkins,
DiSilvestro,	Kopriver, Jr.,	Ruth,	Weiner,
Donolow,	Lane,	Schmidt,	Whalley,
Flack,	Madigan,	Scott,	Wolfe,
Fleming,	Mahany,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 235, entitled:

An Act amending "The Pennsylvania Occupational Disease Act" * * * by including tuberculosis within the meaning of the term occupational disease

Which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

SENATE NON-CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 235

Mr. PECHAN. Mr. President, I move that the Senate do non-concur in the amendments made by the House to Senate Bill No. 235.

Mr. McGINNIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 797, as follows:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" requiring entrance of bond in appeals from board of adjustment rulings affecting zoning regulations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 3107 act of June 24, 1931 (P. L. 1206) known as "The First Class Township Code" reenacted and amended May 27, 1949 (P. L. 1955) is amended to read

Section 3107 Board of Adjustment Such board of township commissioners may appoint a board of adjustment and in the regulations and restrictions adopted pursuant to the authority of this article may provide that said board of adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained

The board of adjustment shall consist of three members one of whom shall be designated to serve until the first day of January following the adoption of the zoning ordinance one until the first day of the second January thereafter and one until the first day of the third January thereafter Their successors shall be appointed on the expiration of their respective terms to serve three years The members of the board shall be removable for cause by the appointing authority upon written charges and after public hearing Vacancies shall be filled for the unexpired term of any member whose term becomes vacant

The board of adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this article Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine Such chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses All meetings of the board shall be open to the public The board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the board and shall be a public record

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer except that appeals which are based on a claim that a zoning ordinance is invalid shall be taken within thirty days after such decision directly to the court of common pleas of the county by petition duly verified setting forth the grounds relied upon a copy of such petition shall be served upon the officer from whom the appeal is taken who shall forthwith transmit to the court all the papers constituting the record upon which the action appealed from was taken the court shall take such testimony as is necessary for the proper disposition of the appeal and shall render such decision as may appear just and proper any such appeal to the court if taken from the grant of a permit to build in conformity with the zoning ordinance shall not be allowed unless the appellant shall file a bond to prosecute the same with effect and to pay all costs and damages incurred by the person granted the permit by reason of delay or otherwise such bond shall be in such form and in such amount as the court may direct but in no event shall the amount be less than twenty-five percentum of the cost of the construction as set forth in the application for the building Any such appeal to the board of adjustment shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property In scuh case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of common pleas of the county on application on notice to the officer from whom the appeal is taken and due cause shown

The board of adjustment shall fix a reasonable time for the hearing of the appeal give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time Upon the hearing any party may appear in person or by agent or by attorney

The board of adjustment shall have the following powers

(1) To hear and decide appeals where it is alleged there is error in any order requirement decision or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto

(2) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance

(3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done

In exercising the above mentioned powers such board may in conformity with the provisions of this article reverse or affirm wholly or partly or may modify the order requirement decision or determination appealed from and may make such order requirement decision or determination as ought to be made and to that end shall

have all the powers of the officer from whom the appeal is taken Notice of such decision shall forthwith be given to all parties in interest

Any person aggrieved by any decision of the board of adjustment or any taxpayer or any officer of the township may within thirty days after such decision of the board appeal to the court of common pleas of the county by petition duly verified setting forth that such decision is arbitrary capricious an abuse of discretion or otherwise not in accordance with law specifying the grounds upon which he relies

Upon the presentation of such petition in proper form the court shall forthwith issue a writ of certiorari directed to the board of adjustment commanding it within twenty days after the service thereof to certify to the court under the certificate of its chairman its entire record in the matter in which the appeal has been taken The prothonotary shall serve the board of adjustment by registered mail with a copy of the writ and a copy of the appeal petition On or before the return day of the writ the board of adjustment shall file the entire record with the writ in the office of the prothonotary

Any time during the pendency of the appeal upon application of the appellant and upon due notice to the board of adjustment the court or a judge thereof may after hearing grant an order of supersedes upon such terms and conditions including the filing of security as the court or the judge may prescribe

If upon hearing of the appeal it shall appear to the court that testimony is necessary for the proper disposition of the appeal it may take evidence or appoint a referee to take evidence as it may direct and report the same to the court with his findings of facts and conclusions of law The court may reverse or affirm in whole or in part the decision appealed from as to it may appeal just and proper

Which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 797

Mr. PECHAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 797.

Mr. WATKINS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1630

The Senate proceeded to the consideration of the report of Committee of Conference on House Bill No. 1630, as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1630, entitled: "Amending the act of May 1, 1929 (P. L. 905), entitled 'An act for the protection of the public safety, regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling including liens, encumbrances, and legal claims registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities, * * *.' regulating registration of antique motor vehicles."

Respectfully submit the following bill as our report:

GEORGE N. WADE,
G. GRAYBILL DIEHM,
FRANK W. RUTH,
(Committee on the part of the Senate.

LOUIS J. AMARANDO,
ALBERT LEVEN,
ROBERT F. KENT,
(Committee on the part of the House of Representatives.)

An Act amending the act of May 1 1929 (P.L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates alderman justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissable as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfietures fees and miscellaneous receipts making an apropriation and providing for refunds" regulating registration of antique motor vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of the words "Antique Motor Vehicle" in section 102 act of May 1 1929 (P. L. 905) known as "The Vehicle Code" added August 24 1951 (P. L. 1360) is amended to read

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

* * *

"Antiques Motor Vehicle" Any self-propelled vehicle owned and operated as an exhibition piece or collector's item provided such vehicle shall have noted on its registration record the fact that it is such special purpose vehicle or any self-propelled vehicle manufactured more than twenty-five years prior to the current year Which is used for participation in club activities exhibits tours parades occasional transportation and similar uses but is not used for general daily transportation

* * *

Section 2 Section 413 of the act amended January 18 1952 (P. L. 2163) is amended to read

Section 413 Expiration of Registration All registrations except registration of antique motor vehicles shall be issued for a registration year commencing on April first of one year and expiring March thirty-first of the year following Provided That all registrations for commercial motor vehicles motor buses motor omnibusses truck tractors trailers and semi-trailers for the registration year one thousand nine hundred fifty-three shall expire May thirty-first one thousand nine hundred fifty-four provided further That no registration for a commercial motor vehicle motor bus motor omnibus truck tractor trailer or semi-trailer shall be issued for the registration year one thousand nine hundred fifty-three prior to the first day of June one thousand nine hundred fifty-three unless the application therefor is accompanied by the annual fee prescribed plus an additional fee equal to one sixth thereof Commencing with the registration year one thousand nine hundred fifty-four and thereafter registrations for commercial motor vehicles motor buses motor omnibuses truck tractors trailers and semi-trailers shall be issued for a registration year commencing on June first of one year and expiring May thirty-first of the year following Registration shall also expire when suspended for cause by the secretary and immediately upon the transfer of ownership or the destruction of the vehicle Registrations for the succeeding year may at the option of their holders be used on and after the fifteenth day of the month immediately preceding the beginning of the current registration year Registrations of antique motor vehicles shall be for the duration of the time that such vehicles are owned by residents of Pennsylvania

Section 3 Section 501 of the act is amended by adding after subsection (d) a new subsection to read

Section 501 Registration plates to be Furnished by Department

* * *

(e) Registration plate or plates furnished for an antique motor vehicle need not have any registration numbers or figures or other indications of the renewal of registration but only such identification as the department deems necessary

* * *

Section 4 Section 510 of the act amended January 18 1952 (P. L. 2163) is amended to read

Section 510 The Expiration of Registration Plates

(a) All registration plates except registration plates for antique motor vehicles shall be issued for a registration year commencing on April first of one year and expiring March thirty-first of the year following Provided That all registration plates for commercial motor vehicles motor buses motor omnibuses truck tractors trailers and semi-trailers for the registration year one thousand nine hundred fifty-three shall expire May thirty-frst one thousand nine hundred fifty-four commencing with the registration year one thousand nine hundred fifty-four and thereafter registration plate for commercial motor vehicles motor buses motor omnibuses truck tractors trailers and semi-trailers shall be issued for a registration year commencing on June first of one year and expiring May thirty-first of the year following Registration plates shall also expire when suspended for cause by the secretary The registration plate or plates for the succeeding year may at the option of the owner be used on and after the fifteenth day of the month immediately preceding the beginning of the current registration year Registration plates for antique motor vehicles shall be issued for the duration of the time that such vehicles are owned by residents of Pennsylvania The registration plates issued for any antique motor vehicle shall be returned to the department upon transfer of the title to any such vehicle to a non-resident of Pennsylvania

(b) No motor vehicle trailer or semi-trailer shall be operated with a registration plate or plates which have expired nor without registration plate or plates on as required by this act the claim by the owner or operator that the registration plate or plates for the current year have been applied for but not received

Penalty Any person violating any of the provisions of subsection (b) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10.00) dollars and costs of prosecution and in default of the payment thereof undergo imprisonment for not more than five (5) days

Section 5 The act is amended by adding after section 711 a new section to read

Section 711.1 Antique Motor Vehicles The fee for registration of an antique motor vehicle for the duration of the time that such vehicle is owned by a resident of Pennsylvania shall be twelve dollars and fifty cents ($12.50)

On the question,

Will the Senate adopt the report of the Committee of Conference?

SENATE ADOPTS REPORT OF COMMITTEE ON CONFERENCE ON HOUSE BILL No. 1630

Mr. PECHAN. Mr. President, I move that the Senate adopt the report of the Committee of Conference on House Bill No. 1630.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	**Haluska,**	**McMenamin,**	**Stevenson,**
Berger,	**Harney,**	**McPherson, Jr.,**	**Stiefel,**
Blass,	**Hays,**	**Miller,**	**Taylor,**
Camiel,	**Kessler,**	**Mullin,**	**Van Sant,**
Chapman,	**Kopriver, Jr.,**	**Pechan,**	**Wade,**
Dent,	**Lane,**	**Peelor,**	**Wagner,**
Diehm,	**Madigan,**	**Propert,**	**Watkins,**
DiSilvestro,	**Mahany,**	**Ruth,**	**Weiner,**
Donolow,	**Mallery,**	**Schmidt,**	**Whalley,**
Flack,	**McCreesh,**	**Scott,**	**Wolfe,**
Fleming,	**McGinnis,**	**Silvert,**	**Yosko,**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

THIRD READING CALENDAR

BILLS OVER IN ORDER

Mr. BARR. Mr. President, I ask unanimous consent that Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 587, Printer's No. 290, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 826, Printer's No. 335, on third reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. STIEFEL. Mr. President, I have the unfortunate experience of having illness in my family. Torrow, I must take my sister to the hospital and I will be unable

to attend the Session at that time. However, I will be back Thursday. I hope that, in my absence, the status of the bill will not be changed. If necessary, I can say a few words in support of it. I hope that tomorrow it will also go over in order until I come back, unless Senator Mahany takes up the cudgels for the bill and it passes with flying colors tomorrow.

Mr. PECHAN. What if Senator Pechan picks up the cudgels? Would you rather have Senator Mahany do it?

Mr. STIEFEL. I will appreciate help from Senator Pechan, too, because Armstrong County has been long outstanding in the disposal of historical matters. Recently, they lost their historical society. By Senator Pechan taking up the cudgels, in addition to Senator Mahany, that will assure its success.

The PRESIDENT. There being no objection, the bill will go over in its order.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1786, as follows:

An Act providing for cooperation by the Commonwealth of Pennsylvania in conjunction with the State of New Jersey with the United States of America in the improvement and maintenance of the Delaware Rive between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is hereby declared to be the policy and purpose of the Commonwealth to cooperate with the United States in a project for the further improvement of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey In order to effectuate such policy and purpose the Department of Forests and Waters acting for on behalf and in the name of the Commonwealth is hereby granted the following authority and powers

(a) To agree to furnish free of cost to the United States all lands easements rights-of-way and spoil disposal areas on the Pennsylvania side of the river required for the improvement of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and for its maintenance henceforth

(b) To agree to hold and save the United States and its agents free from damage due to the construction and maintenance of the improvements of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey other than claims arising from the tortious acts of agents or employes of the United States

(c) To do all other acts and things necessary or convenient to carry out the powers expressly granted by this act and to effectuate its purpose including the power to act in the acquisition of lands privately owned in accordance with the provisions of the laws of Pennsylvania

Section 2 There is hereby appropriated to the Department of Forests and Waters the sum of fifty thousand dollars ($50,000.00) to compensate property owners affected by the provisions of this act and to pay the necessary costs

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 1792, Printer's No. 1412, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SECOND READING CALENDAR

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 244, entitled:

An Act amending the act of June 28, 1951 (P. L. 638) entitled "Register of Wills Act of 1951," providing for the fixing of costs where there are separate orphans' courts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 245, entitled:

An Act amending the act of August 21, 1953 (P. L. 1309) entitled "An act prescribing the fees to be received by registers of wills in counties of the fourth fifth sixth seventh and eighth class" eliminating counties of the fourth class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 246, entitled:

An Act amending the act of August 21, 1953 (P. L. 1306) entitled "An act prescribing the fees to be re-

ceived by the clerks of orphans' courts of counties of the fourth fifth sixth seventh and eighth class" eliminating counties of the fourth class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 247, entitled:

An Act amending the act of August 10, 1951 (P. L. 1163) entitled as amended "Orphans' Court Act of 1951," providing for the fixing of costs where there are separate orphans' courts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 258, entitled:

An Act amending the act of May 11, 1921 (P. L. 522) entitled as amended "Dog Law of 1921" providing for free license tags for guide dogs for the blind

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. McMENAMIN. Mr. President, when this bill was in the Judiciary General Committee, some of us as a subcommittee worked on some amendments. The amendments were put in the bill in committee, and it was amended and reported out, as amended. In checking it over, I see that a printer's error has been made in the printing of the amendments and inserting them into the bill.

Therefore, Mr. President, I ask unanimous consent that Senate Bill No. 415, Printer's No. 512, on second reading, go over in its order until we have time to reconfer, the committee chairman being away, and I have asked to have new amendments prepared.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 471, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" deleting certain routes and adding a new route in Erie County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 700, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" deleting a route in Chester County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 701, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Chester County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 702, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Chester County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 703, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "Borough Rural State Highway Law" adding a new route in Chester County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 704, entitled:

An Act returning to the local authorities a route in West Goshen, Chester County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 740, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Indiana County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 809, entitled:

An Act amending the act of May 18, 1945 (P. L. 809) entitled "An act removing certain roads or sections of road from the State highway system . . ." removing an additional road from the State highway system

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 810, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled (Rural State Highway Law" changing a route in Lancaster County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 817, entitled:

An Act relating to the lien and operation of mortgages and their accompanying bonds and imposing duties on recorder of deeds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 865, entitled:

An Act to amend the act approved the twenty-ninth day of July one thousand nine hundred fifty-three (P. L. 1050) entitled "The Intra-State Tunnel Revenue Bond Act" by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenue of the commission including tolls or from such funds as may be available to the commission for such purpose providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 873, Printer's No. 1400, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 876, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code" further regulating the hours of service of firemen

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 904, entitled:

An Act amending the act of June 22, 1931 (P. L. 720) entitled "City State Highway Law" adding new routes in the city of Titusville

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 934, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Crawford County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 967, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in or near White Haven Foster Township Luzerne County for the use of the Department of Welfare in the treatment of mentally retarded children and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 984, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Delaware County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 993, entitled:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Armstrong County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1666, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1667, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Funds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1668, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1669, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1670, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1671, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1672, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State employes Retirement System with respect to State employes receiving compensation from the Banking Department Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1705, entitled:

An Act transferring money from the Banking Fund to the General Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1732, entitled:

An Act lapsing unexpended and unencumbered balances of certain appropriations from the Motor License Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 1863, Printer's No. 1414, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1903, entitled:

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1944, entitled:

An Act to amend the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 P. L. 28) entitled "State Council of Civil Defense Act of 1951," by authorizing the State Council of Civil Defense to make rules and regulations

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendment:

Amend Sec. 1 (Sec. 4), page 3, lines 3, 4 and 5, by striking out "Such rules regulations and orders adopted by" in line 3 and all of lines 4 and 5.

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 324 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. RUTH. Mr. President, I call up from the Second Reading Postponed Calendar, Senate Bill No. 324, Printer's No. 244, for consideration at this time.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 324, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" revising the school health program changing the duties of the Department of Health and the Department of Public Instruction relating thereto and changing the basis for reimbursement therefor.

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. RUTH, on behalf of Messrs. WAGNER and DENT, offered the following amendments:

Amend Sec. 2 (Sec. 1401), page 3, lines 17, 18 and 19, by striking out "Secretary of Health and" in line 17, all of line 18 and "the Superintendent of Public Instruction" in line 19 and inserting in lieu thereof: "State Council of Education"; amend Sec. 2 (Sec. 1401), page 4, lines 5 and 6, by striking out "required by the Secretary of Health" and inserting in lieu thereof: "subsequently adopted by the State Council of Education"; amend Sec. 2 (Sec. 1401), page 4, lines 12, 13 and 14, by striking out "Secretary of Health and the additional" in line 12, all of line 13 and "dent of Public Instruction" in line 14 and inserting in lieu thereof: "State Council of Education"; amend Sec. 2 (Sec. 1401), page 5, line 1, by striking out "required by the Secretary of Health" and inserting in lieu thereof: "subsequently adopted by the State Council of Education"; amend Sec. 2 (Sec. 1402), page 5, line 13, by striking out "in addition to"; amend Sec. 2 (Sec. 1402), page 5, line 15, by striking out "the" and inserting in lieu thereof: "The"; amend Sec. 2 (Sec. 1402), page 5, line 16, by inserting after "child": "shall be considered a part of his health record"; amend Sec. 2 (Sec. 1408), page 9, line 11, by striking out "with the consent" and inserting in lieu thereof: "at the request"; amend Sec. 2 (Sec. 1408), page 9, line 12, by inserting after "guardian": "to a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth"; amend Sec. 2 (Sec. 1421), page 15, line 19, by inserting after "The": "content of the"; amend Sec. 2 (Sec. 1421), page 16, line 1, by inserting after "program": "shall be prescribed by, and the program"; amend Sec. 2 (Sec. 1421), page 16, line 2, by striking out "who" and inserting in lieu thereof: "except that the educational and teaching phases of the program shall remain under the administrative supervision of the Department of Public Instruction. The Secretary of Health"; amend Sec. 2 (Sec. 1421), page 16, line 4, by striking out "their duties" and inserting in lieu thereof: "the professional duties of all school health personnel"; amend Sec. 2 (Sec. 1421), page 16, line 5, by striking out "prescribe" and inserting in lieu thereof: "recommend to the State Council of Education"; amend Sec. 2 (Sec. 1421), page 16, line 6, by striking out "(i)"; amend Sec. 2 (Sec. 1421), page 16, lines 7 to 11, by striking out "which standards" in line 7, all of lines 8, 9 and 10

and "Instruction for purposes of certification and (ii)" in line 11 and inserting in lieu thereof: "and formulate and prescribe standards of qualifications"; amend Sec. 2 (Sec. 1422), page 17, line 8, by striking out "and hearing"; amend bill, page 17, by inserting between lines 9 and 10: "Section 3. The act is amended by adding after section 2505 a new section to read:"; amend Sec. 2 (Sec. 1423), page 17, line 10, by striking out "1423" and inserting in lieu thereof: "2505.1"; amend Sec. 2 (Sec. 1423), page 18, line 18, by inserting after "made": "under this section"; amend Sec. 2 (Sec. 1423), page 18, line 20, by inserting after "amendment": "Reimbursement on account of the employment of school nurses shall continue to be made under section 2505 of the act amended hereby"; amend Sec. 2 (Sec. 1423), page 19, by inserting between lines 5 and 6: "(c) Nothing herein contained shall be construed to prohibit any school district from expending for health services amounts in excess of the reimbursable amounts."

They were agreed to.

The section was agreed to as amended.

The third section was read.

On the question,

Will the Senate agree to the section?

Mr. RUTH, on behalf of Messrs. WAGNER and DENT, offered the following amendment:

Amend Sec. 3, page 19, line 6 by striking out "3" and inserting in lieu thereof: "4".

It was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. RUTH, on behalf of Messrs. WAGNER and DENT, offered the following amendment:

Amend Title, page 1, next to last line of Title, by inserting after "thereto": "imposing duties on the State Council of Education."

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 324, Printer's No. 244, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

INTERROGATION

Mr. YOSKO. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated,

Mr. MAHANY. I will, Mr. President.

Mr. YOSKO. Senator Mahany, I have a schedule of activities worked out for the balance of this week and next week. I hear so many rumors around here as to the length of this legislative week and next week. I would like some clarification so that I will know whether I must revise my schedule for this week and for next week or whether I may go ahead with what has been planned. Will you kindly enlighten us on what the legislative schedule is going to be?

Mr. MAHANY. To the best of my knowledge, Senator Yosko, we expect to work for the balance of the week, at least through Thursday. The reason for that is because we want to take some action on the tax bills that are before us. As you know, the tax bills were reported from committee today. We expect to have them pass First Reading today, Second reading tomorrow, which will be Wednesday, and then have them recommitted for the purpose of any amendments. Of course, that will depend upon the Finance Committee as to when they report them out. If the committee reports them out immediately after they have been amended the same day that they are recommitted to the Finance Committee, then we would have them on the Third Reading Calendar for Thursday. It might be that the bills may be so radically changed that someone would want to have more time to study them before they vote on Thursday. I do not know about that, Senator. However, if no one objects and everybody has full knowledge of what the bills are, as amended on Third Reading, and they are ready to vote, then I would like to have us vote on Thursday.

I do not like to have so many ifs and conditions in my reply, but you can understand that I cannot very well be more certain than that. I am giving you the best of my intentions as to what might happen this week. That is what we intended to do.

Mr. YOSKO. If some of the ifs you are talking about materialize and if we cannot vote on the bills that you have in mind on Thursday, does that mean that we will stay over until Friday?

Mr. MAHANY. I would say so, Senator Yosko. I would like to finish up our job, as far as this new tax legislation is concerned, this week if it is at all possible.

Mr. YOSKO. What is the schedule for next week?

Mr. MAHANY. That, of course is very difficult to answer. I expect to come back on Monday and clean up any legislation that we have to clean up and try to get any bills out of committees that the committee chairmen and the members of the committee wish to have reported out. In other words, I expect to just generally keep on working now until we get our job completed and then hope that some day we will be able to adjourn sine die.

Mr. YOSKO. I am for that, but are you anticipating a four-day week or a five-day week or a three-day week next week?

Mr. MAHANY. Senator Yosko, I cannot very well tell you. It if were up to me, I would like to stay here six days a week and just take Sundays off until we get finished. I cannot tell you because, you see, what we do is not entirely within my hands next week. I have others to consider; perhaps, some of you Democrats might not want to work clear through the week. I cannot tell you exactly how many days we will work. I would like to work, as I said, through the whole week. However, perhaps some of the other fellows may decide that they would only like to put in four days. Therefore, I cannot really guarantee anything for next week.

Mr. YOSKO. Then, can we safely say that if there is agreement on both sides we will be here all week next week?

Mr. MAHANY. I cannot very well say that. I am saying that if I had it to do, I would stay here six days. However, there are others who are concerned and we have not discussed how many days next week we will be in Session. I would say that we should be in Session at least three days next week.

Mr. YOSKO. Thank you very much.

BILLS ON FIRST READING

Mr. PECHAN. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. BARR. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 30, entitled:

An Act amending the act of June 19, 1913 (P. L. 534), entitled "An act relating to appointment of deputy constables," defining the jurisdiction of deputy constables.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 39, entitled:

An Act amending the act of July eleven one thousand nine hundred and seventeen (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof . . .," further defining drugs coming within the scope of said act and changing the penalties for the illegal sale dispensing or giving away of drugs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 647, entitled:

An Act amending the act of June 12, 1951 (P. L. 533) entitled "The Mental Health Act of 1951," fixing the date for liability of costs of patient care.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 972, entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "The Third Class City Code," by further regulating forests and watersheds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 985, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code," further fixing qualifications of members of the board of health.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 988, entitled:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "The County Code," giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 989, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "Second Class County Code," giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1432, entitled:

An Act amending the act of June 24 1937 (P. L. 2051) entitled "Public Assistance Law" changing provisions relating to children eligible for assistance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1591, entitled:

An Act amending the act of June 1, 1899 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" postponing the manufacturing exemption with regard to capitol stock tax and the franchise tax on domestic and foreign corporations joint-stock associations limited partnerships and companies and changing the gross receipts fraction in the franchise tax.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1618, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" prescribing powers and duties of the Department of Welfare with respect to juveniles.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1733, entitled:

An Act amending the act of September 29, 1951 (P. L. 1652) entitled "An act providing for the construction by The General State Authority of an addition of a medical and surgical hospital building to the Philadelphia State Hospital . . ." Clarifying the word hospital.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale use storage or other consumption of certain tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 2010, entitled:

An Act imposing a tax on persons engaged in the business of operating hotels inns apartment hotels motels tourist homes restaurants cafes public eating places public drinking places clubs and catering establishments prescribing the manner of collecting the tax measured by gross receipts from sales of food drinks and lodgings imposing duties on and prescribing powers of the Department of Revenue and fixing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 835

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 835, entitled:

An Act amending the act of August 9, 1955 (Act No. 130), "The County Code," authorizing the appointment of solicitors by clerks of the court of quarter sessions and oyer and terminer in third, fourth and fifth class counties, and prescribing their duties.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 835

Mr. MAHANY. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 835, and that a Committee of Conference on the part of the Senate be appointed.

Mr. STEVENSON. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGE

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 856

The Clerk of the House of Representatives being introduced, informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 856, entitled:

An Act amending the act of March 30, 1917 (P. L. 21), entitled "Optometrists Licensure Law," further regulating the refusal, cancellation, revocation and suspension of licenses, providing for rules and regulations, and eliminating repealed provision.

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 856

Mr. MAHANY. Mr. President, I move that the Senate insists upon its amendments non-concurred in by the House to the foregoing bill.

Mr. PECHAN. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

STUDENTS FROM PORTER TOWNSHIP CONSOLIDATED SCHOOLS PRESENTED TO SENATE

Mr. DENT. Mr. President, I received a letter from our colleague, Senator Derk, and he asked me to present to this Body forty-five pupils and their teachers from Porter Township Consolidated Schools, under the leadership of William Snyder. They are the fourth and fifth grade classes. I herewith present them to the Senate of Pennsylvania. They are seated up in the balcony.

The PRESIDENT. We are very happy to have these constituents of Senator Derk's here with us today. We hope you take a message back to him and tell him we want him to get well and get back here as soon as possible. We hope you will enjoy your stay with us.

Mr. DENT. Mr. President, I might add, and I know that the Senators and all of those who are in the Senate at this moment will be happy to know, that Senator Derk is well on the way to recovery. He is feeling, as he said, "Strong as a bull."

ADJOURNMENT

Mr. MAHANY. Mr. President, I think we are going to do something unusual tomorrow. At least, we are going to meet on a date which probably, if you went back into the history of Pennsylvania, you would find that a Session of the Legislature never occurred on this date before. Our usual meetings are held in the odd years and February 29th comes during an even year, so this is going to be some kind of a new record in Pennsylvania for us to meet on February 29th.

Therefore, Mr. President, I move that the Senate do now adjourn until Wednesday, February 29, 1956, at 2:00 o'clock, p.m., Eastern Standard Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:32 o'clock, p.m., Eastern Standard Time until Wednesday, February 29, 1956, at 2:00 o'clock, p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, February 28, 1956

The House met at 10:00 a. m.
The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

Honorable Harry R. McInroy, a Member of the House from Tioga County, offered the following prayer:

Oh Great and Eternal God, somewhere behind the swirling snowflakes there is a breath of springtime in the air this morning—a promise of better things to come. Soon the fragant flowers will be bursting into bloom. the leaves will be coming out again on the trees, and the birds will be filling the air with their songs. As we detect this slight change in Nature, so it seems we feel a change taking place in this Assembly, a faint ray of hope, a glimpse of the rainbow, which so often follows the rain. Though more snowflakes may fall and March winds may blow, we know that springtime will surely come.

This morning we pray for more wisdom, more vision, and more courage. We ask for wisdom to separate the wheat from the chaff. We ask for vision that we may look for in the future, and so govern our conduct, here, that the laws we pass may be wise and just for posterity. We ask for courage to carry out Thy will, when we know what is Thy will. Help us to wind up the affairs of this long and tiresome session of the Legislature as quickly and efficiently as possible. Bless our great Commonwealth and our beloved country. May we be a beacon light of hope, shining out on a sinful, strife-torn, selfish, and at times a discouraged world. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, February 27, 1956, will be postponed until printed. The Chair hears none.

The SPEAKER. The Chair requests the gentleman from Armstrong, Mr. Helm, to preside temporarily.

Mr. HELM IN THE CHAIR

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. POLEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

RESOLUTION

RECALLING HOUSE BILL No. 1514 FROM THE GOVERNOR

Mr. READINGER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, February 28, 1956.

Resolved (if the Senate concur), that House Bill No. 1514, Printer's No. 600, entitled "An act amending the act of September 26, 1951 (P. L. 1518) entitled 'An act to provide for the registration and protection of trademarks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof and imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith' further defining the right to registration," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL No. 407 FROM THE GOVERNOR

Mr. READINGER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, February 28, 1956.

Resolved (if the Senate concur) that House Bill No. 407, Printers No. 624, entitled "An act amending the act of August 10, 1951 (P. L. 1182) entitled 'An act relating to and defining chiropractic and the right to practice chiropractic requiring licensure conferring powers and imposing duties upon the State Board of Chiropractic Examiners and the Department of Public Instruction providing for the granting suspension and revocation of licenses issued by the board preserving the right of existing licensees and giving them certain personal choice as to jurisdiction conferring jurisdiction upon the court of common pleas of Dauphin County and prescribing penalties' extending the period for application for limited examination clarifying certain provisions thereof establishing further standards of educational conferences and requiring board approval thereof providing for branch office certificates and prohibiting branch office practice without such certificate," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following House resolution:

RESOLUTION No. 159

By Messrs. CHARLES C. SMITH, MATT S. ANDERSON, WHEELER, McCANN, TOLL, WELSH, NEEDHAM, CAPANO, WILLIAMS, MORAN, McKEEVER, FINEMAN, TAYLOR, KOLANKIEWICZ, PETTIGREW, Mrs. MUNLEY, Messrs. HOLT, BOIES, READINGER, BUCCHIN, Mrs. PASHLEY, Messrs. MULLEN, EILBERG, FLOYD, McCORMACK and Mrs. ANDERSON.

In the House of Representatives, February 27, 1956.

The United States Supreme Court in a recent decision has uanimously decreed that the 14th amendment of the Constitution of the United States contains certain basic rights, one of which is the prohibiting of segregation based on race, color or creed in public schools or in governmental matters which are conducted by State agencies or institutions.

Within the framework of such decree, certain civil rights organizations such as the National Association for the Advancement of Colored People have worked tirelessly and vigorously as proponents of civil rights in making the decree, which guarantees civil rights and prohibits segregation a reality.

In direct, illegal and violent opposition to the supreme court decree and the efforts of the N.A.A.C.P. to have realistic enforcement made of such decree, there has occurred in many parts of this great nation, particularly in the South, a wave of brutal and defiant terrorism in the form of illegal mob action against N.A.A.C.P. proponents and leaders, whereby their freedom of advocacy, property, liberty and their very lives have been put in extreme jeopardy.

Mob actions such as these cannot be tolerated for they are contrary to every concept of freedom guaranteed to the people and embodied in our Constitution and the Bill of Rights. These mob actions have heaped international

disgrace on our great nation and have conveyed to the world the belief that our Constitution is not the supreme law of the land, but merely a hollow and meaningless symbol of liberty; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania does hereby memorialize the Congress of the United States to investigate these mob actions and enact legislation or take other appropriate action which will alleviate this disgrace and mockery of our Constitution and ensure protection of life, liberty and property to all proponents of the true constitutional spirit against discrimination and segregation by State institutions and agencies; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker has signed the following Senate bills:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 866.

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures and miscellaneous receipts making an appropriation and providing for refunds" by changing the total maximum length of certain vehicles

SENATE BILL No. 918.

An Act amending the act of June 21, 1939 (P. L. 626) entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties" requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions and prescribing the time for appeal

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, February 23, 1956.

Resolved (if the Senate concur) that House Bill No. 730, Printer's No. 1270, entitled "An act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pullorum testing programs," be recalled from the Governor for the purpose of amendment.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MIHM asked and obtained permission for the Committee on Cities—Counties—Second and Second Class A to meet during the session of the House.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. STRAUSSER. Mr. Speaker, I move that House Bill No. 53, Printer's No. 1307 together with the communication from the Governor be taken from the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 53 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 53, Printer's No. 1307, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

Mr. STRAUSSER. Mr. Speaker, I move that the vote by which the bill passed finally be reconsidered.

Mr. STONER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Columbia Mr. Strausser vote on the final passage of this bill?

Mr. STRAUSSER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Cumberland Mr. Stoner vote on the final passage of this bill?

Mr. STONER. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. STRAUSSER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. STRAUSSER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend title, page 2, last line of title, by inserting after "vehicles" and further limiting and regulating certain actions.

Amend Section 1 (Section 1023.1), page 3, by inserting between lines 2 and 3

In any prosecution under this section, the throwing of garbage, bottles, rubbish, wire, glass or cardboard or wood cartons or boxes from a motor vehicle shall be prima facie evidence that they were thrown or permitted to be thrown from the motor vehicle by the operator.

If at any hearing or proceeding the operator shall testify under oath or affirmation that he did not throw garbage, bottles, rubbish, wire, glass or cardboard or wood cartons or boxes from the motor vehicle and shall submit himself to an examination as to who did the throwing and reveal the name of such person, if known to him, or if the information is made in a court other than that of his own residence shall forward to the magistrate an affidavit setting forth these facts, then the prima facie evidence arising as above set forth shall be overcome and removed and the burden of proof shifted.

Amend page 3 by inserting immediately following line 7

Section 2. Subsection (a) of section 1201 of said act, as last amended by the act of August nineteen, one thousand nine hundred fifty-three (Pamphlet Laws 1084), is further amended to read:

Section 1201. Limitations of Actions.

(a) Informations, charging violations of any of the summary provisions of this act, shall be brought before the nearest available magistrate within the city, borough, incorporated town, or township in the county where the alleged violation occurred, except informations charging any such violations upon any turnpike or highway under the supervision of the Pennsylvania Turnpike Commission, which shall be brought before the avialable magistrate within the county where the alleged violation occurred who is nearest to the first exit from that part of the turnpike or highway where the alleged violation occurred; where there is no substantial difference between the respective distance from the place where the alleged violation occurred or the exit from a turnpike to the offices of more than one magistrate, any such prosecution may be brought before any one of such magistrates, or if there is no person holding the office of magistrate in such city, borough, incorporated town, or township, then such information shall be brought before such nearest available magistrate in any adjoining city, borough, incorporated town, or township in the county, within fifteen (15) days after the commission of the alleged offense and not the thereafter, except that where an information is filed against a person prima facie guilty of a summary offense, and it subsequently appears that a person other than the person named in the information was the offender, an information may be filed against such other person within fifteen (15) days after his or her identity shall have been discovered, and excepting further, that informations charging violations of the provisions of sections 205, 207, 210, 212, 213, 406.1 506(a), 511, 610.1, 620(b), (c), (j), 813, 823.1, 1023.1 and 1025(d) of this act may be brought within fifteen (15) days after it is discovered that a violation of any of these sections has been committed.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 641, Printer's No. 1238 together with the communication from the Governor be taken from the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 641 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 641, Printers No. 1238, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. LOVETT. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Lovett vote on the final passage of this bill?

Mr. LOVETT. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1 (Sec. 1904-A), page 5, lines 2 to 7, by striking out "He shall report to the State Department of Health at' in line 2, all of lines 3 to 6, and "ment" in line 7

Amend Sec. 1 (Sec. 1905-A), page 5, lines 12 to 20 and page 6, lines 1, 2 and 3, by striking out "shall placard and" in line 12 and all of lines 13 to 20, page 5, and all of lines 1 and 2 and "suffering from communicable diseases and" in line 3, page 6

Amend Sec. 1 (Sec. 1906-A), page 6, lines 11 to 14, by striking out "to prevent the introduction and spread of infectious or contagious" in line 11, all of lines 12 and 13, and "to any infectious or contagious disease and by" in line 14, and inserting in lieu thereof "for"

Amend Sec. 1 (Sec. 1906-A), page 6, line 19 and 20 and page 7, lines 1, 2 and 3, by striking out "The board shall also have" in line 19 and all of line 20, page 6 and all of lines 1, 2 and 3, page 7

Amend Sec. 1 (Sec. 1907-A), page 8, line 1, by striking out "infectious or contagious disease or"

The SPEAKER. Will the House give unanimous con-

sent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1623, Printer's No. 1348, together with the communication from the Governor be taken from the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1623 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 23, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1623, Printer's No. 1348, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. SARRAF. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Allegheny, Mr. Sarraf, vote on the final passage of this bill?

Mr. SARRAF. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SARRAF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend page 1, by striking out all of lines 3 to 6 and inserting

"Amending the act of July 28, 1953 (P. L. 723) entitled 'An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto' extending retirement benefits to veterans of armed conflicts."

Amend pages 2 and 3, by striking out lines 6 to 19, page 2, and lines 1 to 15, page 3, and inserting

"Section 1 Subsection (d) of Section 1710 of Article XVII of the Act of July 28, 1953 (P. L. 723) known as 'The Second Class County Code' is amended to read"

"Section 1710 Employes Entitled to Retirement Allowances."

* * * * *

(d) Any county employe who on and after the sixteenth day of September one thousand nine hundred forty has been employed by the county or county institution district for a period of six or more months and who on or subsequent to such date shall have enlisted or been inducted into military service of the United States in time of war or national emergency so proclaimed by the President or the Congress of the United States or any police action in which the United States is engaged or shall serve in the military service of the United States during any armed conflict shall have credited to his employment record for retirement benefits all of the time spent by him in such military service during the continuance of such war armed conflict national emergency or police action if such person returns or has heretofore returned to his employment within one year after his separation from military service and such payments as are required to be made by such county employe into the county employes' retirement fund shall be paid into such fund by the county or county institution district upon application by such county employe for retirement benefits any county employe who has been in military service and returned to the employ of the county or county institution district shall within one year after the effective date of this article file with the board a record of the time spent by him in such military service any county employe who has been in military service prior to the effective date of this article and has made payments into the county employes' retirement fund to secure for his employment record credit for his military service shall be reimbursed to the full extent of such payments by the board.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to

Ordered, That the bill as amended lie over for printing.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. McCANN. Mr. Speaker, I move that House Bill No. 1174, Printer's No. 1244 together with the communication from the Governor be taken from the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1174 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 26, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1174, Printer's No. 1244, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. READINGER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Greene, Mr. McCann vote on the final passage of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. McCANN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1 (Sec. 1176) page 2, line 8 by inserting a bracket before "or" and after "naval."

Amend Sec. 1 (Sec. 1176) page 2, line 10 by striking out "such" and inserting in lieu thereof "military."

Amend Sec. 1 (Sec. 1176) page 2, line 10 by inserting after "service" "in the armed forces of the United States of America."

Amend Sec. 2 (Sec. 1177) page 2, line 17, by inserting a bracket before "or" and after "naval."

Amend Sec. 3, page 3, line 4 by striking out "This act shall take effect immediately" and inserting in lieu thereof "The provisions of this amendatory act shall be construed to include all public school employes inducted for military service in the armed forces of the United States on or after February 1, 1955."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS REPORTED AS COMMITTED TO BE READ FIRST TIME

Mr. READINGER from the Committee on Rules offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, February 28, 1956.

Resolved, That all bills reported from House Committees as committed during the remainder of the Legislative session be read for the first time on the day they are reported.

REPORTS FROM COMMITTEE

Mr. LUTTY from the Committee on Cities—Counties Second and Second Clash A, reported as amended, House Bill No. 2049, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; * * *," further regulating payments to certain beneficiaries under the fund.

Mr. STANK from the Committee on Appropriations, reported as committed, House Bill No. 2023, entitled:

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employes, mileage of members and payment of postage and expenses.

Mr. WOOD from the Committee on Appropriations, reported as committed, House Bill No. 2046, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred fifty-five.

Mr. SCHUSTER from the Committee on Cities—Counties Second and Second Class A, reported as committed, House Bill No. 2050, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class, * * *," further regulating the withdrawal of service increment contributions.

BILLS ON FIRST READING

Pursuant to the resolution this day adopted bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2023, entitled:

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employes, mileage of members and payment of postage and expenses.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2046, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred fifty-five.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2050, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class, * * *," further regulating the withdrawal of service increment contributions.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 660, Printer's No. 1399, together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 660.

An Act amending the act of May 16 1923 (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" further regulating the sale of real property for the non-payment of tax and municipal claims and providing for the discharge of all liens mortgages ground rents estates and claims against such property by such sale subject to the right of redemption in cities of the first class

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 2, line 8 by inserting after the word "redemption" the following: "in cities of the first class."

Amend section 1, page 3, line 6 by inserting after the word "act" the following: "in cities of the first class."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—180

Adam,	Garlock,	Lovett,	Reidenbach,
Agnew,	Gaffney,	Lutty,	Renwick,
Anderson, M. S.,	Gelfand,	Mahan,	Rigby,
Anderson, S. A.,	George,	Markley,	Rovansek,
Ashton,	Gibb,	Maxwell,	Royer,
Banker,	Gibson,	McCann,	Rudisill,
Barnatovich,	Goldstein,	McCormack,	Sarraf,
Bell,	Gramlich,	McGee,	Schuster,
Boies,	Guss,	McInroy,	Sherman,
Bonner,	Guthrie,	McKeever,	Sigman,
Boory,	Hamilton, R. K.,	McWherter,	Smith, C. O.,
Bower,	Hass,	Meholchick,	Smith, Wm. B.,
Branca,	Haudenshield,	Metz,	Snider,
Breisch,	Heavey,	Mihm,	Stank,
Brennan, A. P.,	Helm,	Mikula,	Stebbins,
Brenninger,	Henzel,	Miller,	Steckel,
Breth,	Hewitt,	Mills,	Stevenson,
Brown,	Hocker,	Moody,	Stone,
Bucchin,	Holt,	Moran,	Stoner,
Bullen,	Horst,	Moscrip,	Strausser,
Capano,	Houk,	Muldowney,	Swartz,
Cianfrani,	Isaacs,	Mullen,	Taylor,
Cioffi,	Johnson,	Munley,	Thomas,
Cochran,	Jones, G. E.,	Murphy,	Thompson,
Comer,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cooper,	Jump,	Murray, J. J.,	Toomey,
Curwood,	Kamyk,	Murray, P. G.,	Varner,
Davis,	Kehler,	Musto,	Wall,
Donahue,	Keller,	Naugle,	Wallace,
Donaldson,	Kent,	Needham,	Walsh,
Dougherty,	Kline,	Ogilvie,	Wargo,
Ehrgood,	Knecht,	Olsen,	Weidner,
Eilberg,	Kolankiewicz,	O'Neil,	Welsh,
Erb,	Kooker,	Pacchioli,	Wescott,
Ewing,	Kornick,	Parry,	Wheeler,
Eshleman,	Kromer,	Pashley,	Whitenight,
Farabaugh,	Lafore,	Paulhamus,	Willaredt,
Filo,	Leiby,	Petrosky,	Williams,
Fineman,	Leisey,	Polaski,	Wilt,
Flint,	Leonard,	Polen,	Wood,
Floyd,	Leven,	Pomeroy,	Worley,
Flynn,	Light,	Price,	Yetter,
Frank,	Limper,	Pursley,	Yetzer,
Frascella,	Lippincott,	Readinger,	Ziegler,
Frost,	Lopresti,	Reibman,	Andrews, Speaker

NAYS—0

NOT VOTING—27

Amarando,	Foster,	Monroe,	Tompkins,
Auker,	Greenwood,	Pettigrew,	Varallo,
Bazin,	Jenkins,	Rosen,	Vaughan,
Blair,	Kratz,	Rubin,	Verona,
Brennan, J. J.,	Lawyer,	Scarcelli,	Waterhouse,
Connelly,	Magee,	Stephens,	Young,
Down,	McLaughlin,	Stroup,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1160, Printer's No. 1243, together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1160.

An Act amending the act of June 16, 1836 (P. L. 715) entitled "An act relating to Reference and Arbitration" providing for payment by the county of part of arbitrator's fees in certain cases.

With the information that the Senate has passed the

same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 8, by striking out after the word "exceeding" the following: "fifteen twenty-five" and inserting in lieu thereof the word "fifty."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—180

Adam,	Gaffney,	Lovett,	Reidenbach,
Agnew,	Garlock,	Lutty,	Renwick,
Anderson, M. S.,	Gelfand,	Mahan,	Rigby,
Anderson, S. A.,	George,	Markley,	Rovansek,
Ashton,	Gibb,	Maxwell,	Royer,
Banker,	Gibson,	McCann,	Rudisill,
Barnatovich,	Goldstein,	McCormack,	Sarraf,
Bell,	Gramlich,	McGee,	Schuster,
Boles,	Guss,	McInroy,	Sherman,
Bonner,	Guthrie,	McKeever,	Sigman,
Boory,	Hamilton, R. K.,	McWherter,	Smith, C. C.,
Bower,	Hass,	Meholchick,	Smith, Wm. B.,
Branca,	Haudenshield,	Metz,	Snider,
Breisch,	Heavey,	Mihm,	Stank,
Brennan, A. P.,	Helm,	Mikula,	Stebbins,
Brenninger,	Henzel,	Miller,	Steckel,
Breth,	Hewitt,	Mills,	Stevenson,
Brown,	Hocker,	Moody,	Stone,
Bucchin,	Holt,	Moran,	Stoner,
Bullen,	Horst,	Moscrip,	Strausser,
Capano,	Houk,	Muldowney,	Swartz,
Cianfrani,	Isaacs,	Mullen,	Taylor,
Cioffi,	Johnson,	Munley,	Thomas,
Cochran,	Jones, G. E.,	Murphy,	Thompson,
Comer,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cooper,	Jump,	Murray, J. J.,	Toomey,
Curwood,	Kamyk,	Murray, P. G.,	Varner,
Davis,	Kehler,	Musto,	Wall,
Donahue,	Keller,	Naugle,	Wallace,
Donaldson,	Kent,	Needham,	Walsh,
Dougherty,	Kline,	Ogilvie,	Wargo,
Ehrgood,	Knecht,	Olsen,	Weidner,
Eilberg,	Kolankiewicz,	O'Neil,	Welsh,
Erb,	Kooker,	Pacchioli,	Wescott,
Eshleman,	Kornick,	Parry,	Wheeler,
Ewing,	Kromer,	Pashley,	Whitenight,
Farabaugh,	Lafore,	Paulhamus,	Willaredt,
Filo,	Leiby,	Petrosky,	Williams,
Fineman,	Leisey,	Polaski,	Wilt,
Flint,	Leonard,	Polen,	Wood,
Floyd,	Leven,	Pomeroy,	Worley,
Flynn,	Light,	Price,	Yetter,
Frank,	Limper,	Pursley,	Yetzer,
Frascella,	Lippincott,	Readinger,	Ziegler,
Frost,	Lopresti,	Reibman,	Andrews, Speaker

NAYS—0

NOT VOTING—27

Amarando,	Foster,	Monroe,	Tompkins,
Auker,	Greenwood,	Pettigrew,	Varallo,
Bazin,	Jenkins,	Rosen,	Vaughan,
Blair,	Kratz,	Rubin,	Verona,
Brennan, J. J.,	Lawyer,	Scarcelli,	Waterhouse,
Connelly,	Magee,	Stephens,	Young,
Down,	McLaughlin,	Stroup,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. LOPRESTI asked and obtained permission for the Committee on Judiciary to meet during the session of the House.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1197, Printer's No. 1402, together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1197.

An Act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece prescribing forms therefor and fixing the fees thereof.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 7, page 5, line 8, by striking out entire line, as follows: "approved by owners of real estate"; Section 8, page 7, by striking out the word "Secretary" on line 1, the dots ". . ." on line 2, and the words "Approved by owners of real estate"; page 7, line 4, by striking out after the word "Section" the figure "8" and inserting in lieu thereof the figure "9"; and by striking out after the word "effect" the word "January" and inserting in lieu thereof the words: "July 1, 1956."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—180

Adam,	Gaffney,	Lovett,	Reidenbach,
Agnew,	Garlock,	Lutty,	Renwick,
Anderson, M. S.,	Gelfand,	Mahan,	Rigby,
Anderson, S. A.,	Gibb,	Markley,	Rovansek,
Ashton,	Gibson,	Maxwell,	Royer,
Banker,	George,	McCann,	Rudisill,
Barnatovich,	Goldstein,	McCormack,	Sarraf,
Bell,	Gramlich,	McGee,	Schuster,
Boles,	Guss,	McInroy,	Sherman,
Bonner,	Guthrie,	McKeever,	Sigman,
Boory,	Hamilton, R. K.,	McWherter,	Smith, C. C.,
Bower,	Hass,	Meholchick,	Smith, Wm. B.,
Branca,	Haudenshield,	Metz,	Snider,
Breisch,	Heavey,	Mihm,	Stank,
Brennan, A. P.,	Helm,	Mikula,	Stebbins,
Brenninger,	Henzel,	Miller,	Steckel,
Breth,	Hewitt,	Mills,	Stevenson,
Brown,	Hocker,	Moody,	Stone,
Bucchin,	Holt,	Moran,	Stoner,
Bullen,	Horst,	Moscrip,	Strausser,
Capano,	Houk,	Muldowney,	Swartz,
Cianfrani,	Isaacs,	Mullen,	Taylor,
Cioffi,	Johnson,	Munley,	Thomas,
Cochran,	Jones, G. E.,	Murphy,	Thompson,
Comer,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cooper,	Jump,	Murray, J. J.,	Toomey,

Curwood,	Kamyk,	Murray, P. G.,	Varner,
Davis,	Kehler,	Musto,	Wall,
Donahue,	Keller,	Naugle,	Wallace,
Donaldson,	Kent,	Needham,	Walsh,
Dougherty,	Kline,	Ogilvie,	Wargo,
Ehrgood,	Knecht,	Olsen,	Weidner,
Eilberg,	Kolankiewicz,	O'Neil,	Welsh,
Erb,	Kooker,	Pacchioli,	Wescott,
Eshleman,	Kornick,	Parry,	Wheeler,
Ewing,	Kromer,	Pashley,	Whitenight,
Farabaugh,	Lafore,	Paulhamus,	Willaredt,
Filo,	Leiby,	Petrosky,	Williams,
Fineman,	Leisey,	Polaski,	Wilt,
Flint,	Leonard,	Polen,	Wood,
Floyd,	Leven,	Pomeroy,	Worley,
Flynn,	Light,	Price,	Yetter,
Frank	Limper,	Pursley,	Yetzer,
Frascella,	Lippincott,	Readinger,	Ziegler,
Frost,	Lopresti,	Reibman,	Andrews, Speaker

NAYS—0

NOT VOTING—27

Amarando,	Foster,	Monroe,	Tompkins,
Auker,	Greenwood,	Pettigrew,	Varallo,
Bazin,	Jenkins,	Rosen,	Vaughan,
Blair,	Kratz,	Rubin,	Verona,
Brennan, J. J.,	Lawyer,	Scarcelli,	Waterhouse,
Connelly,	Magee,	Stephens,	Young,
Down,	McLaughlin,	Stroup,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1361, Printer's No. 1135, together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1361.

An Act authorizing the creation of regional planning commission by counties cities boroughs towns or townships authorizing interstate participation in regional planning under certain conditions and conferring powers and imposing duties on regional planning commissions

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Article II, page 3, line 1, by striking out after the word "regions" the following: and in recognition of the need for procedures which will provide foresight and coordination in determining the nature location and extent of the uses of land and the structures upon it including among other things adequate provision for traffic the promotion of safety from fire and other dangers adequate provisions for light and air the promotion of the healthful and convenient distribution and density of population the promotion of good civic design efficiency and economy in the expenditure of public funds and the adequate provision of public utilities and other public improvements the following powers for the establishment of regional planning line 19, by striking out after the word "bodies" the word "The" and inserting in lieu thereof the words "a majority of the"; page 4, line 13, by striking out after the word "any" the words "officers or"; line 18, by inserting after the word "may" the following: "with the consent of the legislative bodies"; page 5, line 1, by striking out after the word "governments" the following: "or from individuals corporations or foundations"; page 5, line 17, by striking out the following: "government or any of its agencies or made available from any other source public or private" and inserting in lieu thereof the following: "or state governments or any of their agencies' "; line 20, by inserting after the word "Federal" the words "or state"; page 6, line 7, by striking out the following: "Section 205 Delegated Powers of Regional Planning Commission The legislative body of any political subdivision except any city of the first class which is governed by a Home Rule Charter may delegate to the regional planning commission by ordinance or resolution any or all of the powers and duties of the local planning commission of the political subdivision with respect to the territory of the political subdivision"; line 13, by striking out the figure "206" and inserting the figures "205"; line 18, by inserting after the word "subdivisions" the word "and" and by striking out after the word "officials" the words "and all quasi public agencies"; page 7, line 3, by striking out after the word "Section" the figures "207" and inserting in lieu thereof the figures "206"; line 14, by striking out after the word "Section" the figures "208" and inserting in lieu thereof the figures "207"; line 18, by striking out after the word "Section" the figures "209" and inserting in lieu thereof the figures "208."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1361

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. WHEELER, STEBBINS and HELM.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 530, Printer's No. 501, together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 530.

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land property or material or any interest therein by poli-

tical subdivisions by authorities created by political subdivisions or by corporations in the exercise of their power of eminent domain

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 530.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

FOREIGN STUDENTS WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the Hall of the House a group of foreign students under the sponsorship of the Philadelphia Textile Institute.

The names and residence of the students are as follows: Ali Khan, Hyderabad, India; Maung Sein Pe, Burma; Habib Hussain, Pakistan; Evangelos Koutroubinis, Athens, Greece; Fedon Tchatchopoulo, Instanbul, Turkey; John Ang, Manila. Philippines; Guntina Stubis, Latvia; Maung Maung Tun, Burma; Yalcin Peker, Turkey The Chair asks the students to rise in their places.

They are here under the guidance of Bertrand W. Hayward, President of the Philadelphia Textile Institute, and Donald B. Partridge, Dean of Students.

They are the guests of the gentleman from Delaware Mr. Bullen.

USE OF HALL OF HOUSE GRANTED

Mr. READINGER Mr. Speaker, I move that the use of the Hall of the House of Representatives be granted to the Secretary of the Commonwealth for Thursday, March 1, 1956, (if the House be not in session) for the purpose of making drawings of names of candidates for place on election ballots.

The motion was agreed to.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1914, Printer's No. 1404 together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1914

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 8, by inserting after the word "of" the word "Edwin P. Taylor"; line 9, by inserting after the word "of" the words "John A. Diemand Jr"; line 12, by striking out after the word "wide" the word "land" and inserting in lieu thereof the word "lane"; line 12, by inserting after the second word "of" the words "Mary Day Scarborough".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—182

Adam,	**Gaffney,**	**Lutty,**	**Renwick,**
Agnew,	**Garlock,**	Mahan,	**Rigby,**
Anderson, M. S.,	**Gelfand,**	Markley,	Rosen,
Anderson, S. A.,	**George,**	**Maxwell,**	**Rovansek,**
Ashton,	**Gibb,**	**McCann,**	**Royer,**
Banker,	**Gibson,**	McCormack,	Rudisill,
Barnatovich,	**Goldstein,**	**McGee,**	**Sarraf,**
Bazin,	**Gramlich.**	**McInroy,**	**Schuster,**
Bell,	**Guss,**	**McKeever,**	**Sherman,**
Boies,	**Guthrie,**	**McWherter,**	**Sigman,**
Bonner,	**Hamilton, R. K.,**	**Meholchick,**	**Smith, C. C.,**
Boory,	**Hass,**	**Metz,**	**Smith, Wm. B.,**
Bower,	**Haudenshield,**	**Mihm,**	**Snider,**
Branca,	**Heavey,**	**Mikula,**	**Stank,**
Breisch,	**Helm,**	**Miller,**	**Stebbins,**
Brennan, A. P.,	**Henzel,**	**Mills,**	**Steckel,**
Brenninger,	**Hewitt,**	**Moody,**	**Stevenson,**
Breth,	**Hocker,**	**Moran,**	**Stone,**
Brown,	**Holt,**	**Moscrip,**	**Stoner,**
Bucchin,	**Horst,**	**Muldowney,**	**Strausser,**
Bullen,	**Houk,**	**Mullen,**	**Swartz,**
Capano,	**Isaacs,**	**Munley,**	**Taylor,**
Cianfrani,	**Johnson,**	**Murphy,**	**Thomas,**
Cioffi,	**Jones, G. E.,**	**Murray, H. P.,**	**Thompson,**
Cochran,	**Jones, T. H. W.,**	**Murray, J. J.,**	**Toll,**
Comer,	**Jump,**	**Murray, P. G.,**	**Toomey,**
Cooper,	**Kamyk,**	**Musto,**	**Varner,**
Curwood,	**Kehler,**	**Naugle,**	**Wall,**
Davis,	**Keller,**	**Needham,**	**Wallace,**
Donahue,	**Kent,**	**Ogilvie,**	**Walsh,**
Donaldson,	**Kline,**	**Olsen,**	**Wargo,**
Dougherty,	**Knecht,**	**O'Neil,**	**Weidner,**
Ehrgood,	**Kolankiewicz,**	**Pacchioli,**	**Welsh,**
Eilberg,	**Kooker,**	**Parry,**	**Wescott,**
Erb,	**Kornick,**	**Pashley,**	**Wheeler,**
Eshleman,	**Kromer,**	**Paulhamus,**	**Whitenight,**
Ewing,	**Lafore,**	**Petrosky,**	**Willaredt,**
Farabaugh,	**Leiby,**	**Polaski,**	**Williams,**
Filo,	**Leisey,**	**Polen,**	**Wilt,**
Fineman,	**Leonard,**	**Pomeroy,**	**Wood,**
Flint,	**Leven,**	**Price,**	**Worley,**
Floyd,	**Light,**	**Pursley,**	**Yetter,**
Flynn,	**Limper,**	**Readinger,**	**Yetzer,**
Frank,	**Lippincott,**	**Reibman,**	**Ziegler,**
Frascella,	**Lopresti,**	**Reidenbach,**	**Andrews,**
Frost,	**Lovett.**		Speaker

NAYS—0

NOT VOTING—25

Amarando,	**Greenwood,**	**Monroe,**	**Tompkins,**
Auker,	**Jenkins,**	**Pettigrew,**	**Varallo,**
Blair,	**Kratz,**	**Rubin,**	**Vaughan,**
Brennan, J. J.,	**Lawyer,**	**Scarcelli,**	**Verona,**
Connelly,	**Magee,**	**Stephens,**	**Waterhouse,**
Down,	**McLaughlin,**	**Stroup,**	**Young,**
Foster,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1530, Printer's No. 1403 together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1530.

An Act amending the act of June 23, 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" prescribing an additional amount of tax which may be levied and collected for general revenue purposes upon order of court.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 1, line 3, by striking out after the word "thereto" the words "increasing the" and inserting in lieu thereof the following: "prescribing an additional"; line 5, by inserting after the word "purposes" the following: "upon order of court";

Amend Section 1, page 2, line 7, by striking out the brackets before and after the word "fifteen" and striking out the word "twenty"; line 11, by inserting after the word "provided" the following: "where the city council by a majority action shall upon due cause shown petition the court of quarter sessions for the right to levy additional millage the court after such public notice as it may direct and after hearing may order a greater rate than fifteen mills but not exceeding five additional mills to be levied"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—181

Adam,	Gaffney,	Lovett,	Reidenbach,
Agnew,	Garlock,	Lutty,	Renwick,
Anderson, M. S.,	Gelfand,	Mahan,	Rigby,
Anderson, S. A.,	George,	Markley,	Rosen,
Ashton,	Gibb,	Maxwell,	Rovansek,
Banker,	Gibson,	McCann,	Royer,
Barnatovich,	Goldstein,	McCormack,	Rudisill,
Bazin,	Gramlich,	McGee,	Sarraf,
Bell,	Guss,	McInroy,	Schuster,
Boies,	Guthrie,	McKeever,	Sherman,
Bonner,	Hamilton, R. K.,	McWherter,	Sigman,
Boory,	Hass,	Meholchick,	Smith, C. C.,
Bower,	Haudenshield,	Metz,	Smith, Wm. B.,
Branca,	Heavey,	Mihm,	Snider,
Breisch,	Helm,	Mikula,	Stank,
Brennan, A. P.,	Henzel,	Miller,	Steckel,
Brenninger,	Hewitt,	Mills,	Stebbins,
Breth,	Hocker,	Moody,	Stevenson,
Brown,	Holt,	Moran,	Stone,
Bucchin,	Horst,	Moscrip,	Stoner,
Bullen,	Houk,	Muldowney,	Strausser,
Capano,	Isaacs,	Mullen,	Swartz,
Cianfrani,	Johnson,	Munley,	Taylor,
Cioffi,	Jones, G. E.,	Murphy,	Thomas,
Cochran,	Jones, T. H. W.,	Murray, H. P.,	Thompson,
Comer,	Jump,	Murray, J. J.,	Toll,
Cooper,	Kamyk,	Murray, P. G.,	Toomey,
Curwood,	Kehler,	Musto,	Varner,
Davis,	Keller,	Naugle,	Wall,
Donahue,	Kent,	Needham,	Wallace,
Donaldson,	Kline,	Ogilvie,	Walsh,
Dougherty,	Knecht,	Olsen,	Wargo,
Farabaugh,	Kolankiewicz,	O'Neil,	Weidner,
Ehrgood,	Kooker,	Pacchioli,	Welsh,
Eilberg,	Kornick,	Parry,	Wescott,
Erb,	Kromer,	Pashley,	Wheeler,
Eshleman,	Lafore,	Paulhamus,	Whitenight,
Ewing,	Leiby,	Petrosky,	Willaredt,
Filo,	Leisey,	Polaski,	Williams,
Flint,	Leonard,	Polen,	Wilt,
Fineman,	Leven,	Pomeroy,	Wood,
Floyd,	Limper,	Price,	Yetter,
Flynn,	Lippincott,	Pursley,	Yetzer,
Frank,	Light,	Readinger,	Ziegler,
Frost,	Lopresti,	Reibman,	Andrews, Speaker
Frascella,			

NAYS—1

Worley,

NOT VOTING—25

Amarando,	Greenwood,	Monroe,	Tompkins,
Auker,	Jenkins,	Pettigrew,	Varallo,
Blair,	Kratz,	Rubin,	Vaughan,
Brennan, J. J.,	Lawyer,	Scarcelli,	Verona,
Connelly,	Magee,	Stephens,	Waterhouse,
Down,	McLaughlin,	Stroup,	Young,
Foster,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEE

Mr. TOLL from the Committee on Judiciary, reported as committed, House Bill No. 1801, entitled:

An Act to further amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; * * *", by defining the term "predecessor in title."

Mr. FINEMAN from the Committee on Judiciary, reported as committed, House Bill No. 1809, entitled:

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932), providing for the release of land subdivision improvement encumbrances in certain instances.

Mr. FINEMAN from the Committee on Judiciary, reported as committed, House Bill No. 1810, entitled:

An Act amending the act of May 13, 1927 (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' * * *," providing for the release of subdivision improvement encumbrances in certain instances.

Mr. FINEMAN from the Committee on Judiciary, reported as committed, House Bill No. 1811, entitled:

An Act amending "The First Class Township Code," approved June 24, 1931, P. L. 1206, providing for the release of land subdivision improvement encumbrances in certain instances.

Mr. FINEMAN from the Committee on Judiciary, reported as committed, House Bill No. 1812, entitled:

An Act amending "The Borough Code" approved May 4, 1927 (P. L. 519) providing for the release of land subdivision improvement encumbrances in certain instances.

Mr. FINEMAN from the Committee on Judiciary, reported as committed, House Bill No. 1813, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103), providing for the release of land subdivision improvement encumbrances in certain instances.

Mr. CAPANO from the Committee on Judiciary, reported as committed, House Bill No. 1989, entitled:

An Act adopting an interpleader compact for the complete and expeditious adjudication of adverse claims to property in the hands of a stakeholder where one or more claimants are in different jurisdictions and entering the compact with other states, territories and posessions of the United States and the District of Columbia that adopt the compact and are acceptable to this Commonwealth for the purpose of the compact.

BILLS ON FIRST READING

Pursuant to the resolution this day adopted bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1801, entitled:

An Act to further amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; * * *", by defining the term "predecessor in title."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1809, entitled:

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932), providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 1810, entitled:

An Act amending the act of May 13, 1927 (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' * * *," providing for the release of subdivision improvement encumbrances in certain instances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1811, entitled:

An Act amending "The First Class Township Code," approved June 24, 1931, P. L. 1206, providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1812, entitled:

An Act amending "The Borough Code" approved May 4, 1927 (P. L. 519) providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1813, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103), providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration fo House Bill No. 1989, entitled:

An Act adopting an interpleader compact for the complete and expeditious adjudication of adverse claims to property in the hands of a stakeholder where one or more claimants are in different jurisdictions and entering into the compact with other states, territories and possessions of the United States and the District of Columbia that adopt the compact and are acceptable to this Commonwealth for the purpose of the compact.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 811, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" adding a new route in the Borough of Carnegie.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON FINAL PASSAGE

BILLS PASSED OVER

There being no objection

House Bill No. 68, Printer's No. 1302,
House Bill No. 1176, Printer's No. 1415, and
House Bill No. 1562, Printer's No. 1413,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1854, as follows:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven hundred and eighty-two thousand dollars ($782,000.00) or as much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred fifty-five to be by it paid to the homes hereinafter designated in the amounts hereinafter specified for the purpose of the maintenance of such homes in the manner prescribed by law

Aged Colored Women's Home Williamsport ..	$ 825.00
Allegheny Temporary Home for Children Pittsburgh	5,000.00
Almira Home Association New Castle	12,000.00
Beaver County Children's Home New Brighton	7,000.00
Benevolent Home Association for Children Pottsville	7,500.00

Boy's Industrial Home Oakdale	20,000.00
Chester Day Nursery & Children's Boarding Home Chester	1,500.00
Children's Aid Society of Franklin County Chambersburg	3,000.00
Children's Aid Society of Pennsylvania Philadelphia	68,000.00
Children's Aid Society of Western Pennsylvania Pittsburgh	30,000.00
Children's Home of Bradford	4,000.00
Children's Home of Easton	15,000.00
Children's Home of York	12,000.00
Children's Home of Bethlehem and Allentown Bethlehem	7,500.00
Children's Home of Harrisburg	19,000.00
Children's Home of Reading	2,000.00
Children's Home of Johnstown	5,500.00
Colored Children's Bureau Philadelphia	18,000.00
Curtis Home for Girls Pittsburgh	6,600.00
Erie Infant's Home and Hospital	2,000.00
Florence Crittenton Home Erie	1,525.00
Florence Crittenton Home Philadelphia	3,700.00
Florence Crittenton Home Williamsport	1,200.00
Friend's Home for Children Secane	4,000.00
Friendship House Scranton	24,000.00
Home for Aged Philadelphia	11,000.00
Home for Aged Infirm Women Easton	8,000.00
Home of Industry for Discharged Prisoners Philadelphia	6,000.00
Home for Veterans of GAR and Wives Philadelphia	17,000.00
Home for Widows and Single Women Lebanon	2,000.00
Home for Widows and Single Women Reading	15,000.00
Industrial Home for Crippled Children Pittsburgh	27,000.00
Ladies GAR Home Swissvale	28,000.00
Meadville Children's Aid Society and Home for Aged	8,800.00
Nazarene Home for Aged Philadelphia	8,000.00
Northern Home for Children Philadelphia	26,000.00
Northern Tier Home Harrison Valley	4,000.00
Pennsylvania Jr Republic Association Grove City	30,000.00
Pennsylvania Memorial Home Brookville	14,000.00
Pennsylvania Association for the Blind Harrisburg	48,000.00
Pennsylvania Society for the Advancement of the Deaf Philadelphia	23,000.00
Pennsylvania Society to Protect Children from Cruelty Philadelphia	30,000.00
Pennsylvania Working Home for the Blind Philadelphia	30,000.00
Pittsburgh Home for Babies	16,600.00
Pittsburgh and Allegheny Home for the Friendless Pittsburgh	5,000.00
Sara A Reed Home Erie	12,000.00
Seamen's Church Institute Philadelphia	22,000.00
St Joseph's Children's & Maternity Hospital Scranton	32,000.00
Tabor Home for Children Doylestown	15,700.00
Termon Avenue Home for Children Pittsburgh	8,500.00
Tilden Home for Aged Couples Philadelphia	8,000.00
United Charities Home for Children Hazleton	4,500.00
Union Home for Old Ladies Philadelphia	9,000.00
Westmoreland County Children's Aid Society Greensburg	14,000.00
Williamsport Home	14,000.00
York County Blind Center York	2,250.00
Zoar Home for Mothers Babies and Convalescents Allison Park	1,800.00
Total	750,000.00

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows:

YEAS—182

Adam,	Gaffney,	Lutty,	Rigby,
Agnew,	Garlock,	Mahan,	Rosen,
Anderson, M. S.,	Gelfand,	Markley,	Rovansek,
Anderson, S. A.,	George,	Maxwell,	Royer,
Ashton,	Gibb,	McCann,	Rudisill,
Banker,	Gibson,	McCormack,	Sarraf,
Barnatovich,	Goldstein,	McGee,	Schuster,
Bazin,	Gramlich,	McInroy,	Sherman,
Bell,	Guss,	McKeever,	Sigman,
Boles,	Guthrie,	McWherter,	Smith, C. C.
Bonner,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.
Boory,	Hass,	Metz,	Snider,
Bower,	Haudenshield,	Mihm,	Stank,
Branca,	Heavey,	Mikula,	Stebbins,
Breisch,	Helm,	Miller,	Steckel,
Brennan, A. P.,	Henzel,	Mills,	Stevenson,
Brenninger,	Hewitt,	Moody,	Stone,
Breth,	Hocker,	Moran,	Stoner,
Brown,	Holt,	Moscrip,	Strausser,
Bucchin,	Horst,	Muldowney,	Swartz,
Bullen,	Houk,	Mullen,	Taylor,
Capano,	Isaacs,	Munley,	Thomas,
Cianfrani,	Johnson,	Murphy,	Thompson,
Cioffi,	Jones, G. E.,	Murray, H. P.,	Toll,
Cochran,	Jones, T. H. W.	Murray, J. J.,	Toomey,
Comer,	Jump,	Murray, P. G.,	Varner,
Cooper,	Kamyk,	Musto,	Wall,
Curwood,	Kehler,	Naugle,	Wallace,
Davis,	Keller,	Needham,	Walsh,
Donahue,	Kent,	Ogilvie,	Wargo,
Donaldson,	Kline,	Olsen,	Weidner,
Dougherty,	Knecht,	O'Neil,	Welsh,
Ehrgood,	Kolankiewicz	Pacchioli,	Wescott,
Eilberg,	Kooker,	Parry,	Wheeler,
Erb,	Kornick,	Pashley,	Whitenight,
Eshleman,	Kromer,	Paulhamus,	Willaredt,
Ewing,	Lafore,	Petrosky,	Williams,
Farabaugh,	Leiby,	Polaski,	Wilt,
Filo,	Leisey,	Polen,	Wood,
Fineman,	Leonard,	Pomeroy,	Worley,
Flint,	Leven,	Price,	Yetter,
Floyd,	Light,	Pursley,	Yetzer,
Flynn,	Limper,	Readinger,	Ziegler,
Frank,	Lippincott,	Reibman,	Andrews, Speaker
Frascella,	Lopresti,	Reidenbach,	
Frost,	Lovett,	Renwick,	

NAYS—0

NOT VOTING—25

Amarando,	Greenwood,	Monroe,	Tompkins,
Auker,	Jenkins,	Pettigrew,	Varallo,
Blair,	Kratz,	Rubin,	Vaughan,
Brennan, J. J.,	Lawyer,	Scarcelli,	Verona,
Connelly,	Magee,	Stephens,	Waterhouse,
Down,	McLaughlin,	Stroup,	Young,
Foster,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1928, Printer's No. 1425, and
House Bill No. 2008, Printer's No. 1428,

were passed over at the request of the SPEAKER pro tempore

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection

House Bill No. 217, Printer's No. 345,
House Bill No. 231, Printer's No. 1318
House Bill No. 776, Printer's No. 1300, and
House Bill No. 885, Printer's No. 1396,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 904 as follows:

An Act amending the act of April 11, 1899 (P. L. 37) entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth" making compliance with certain provisions evidence of innocence in prosecutions for receiving stolen goods

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of April 11, 1899 (P. L. 37) entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth" is amended to read

Section 2 Every owner of such junk shops and second had stores shall provide and constantly keep a book in which shall be fairly written down in the English language at the time of every purchase of any such material a description of all articles so purchased the name and residence of the person from whom such purchase was made and the day and hour of such purchase and such books shall at all times be open to the inspection of any and every member of the police and detective forces of such city Compliance with the provisions of this section shall be evidence of the innocence of a junk shop keeper or second hand dealer of any crime of receiving stolen goods notwithstanding the fact that the articles may in fact be stolen Nothing contained in this section shall be interpreted as limiting or interfering with the title to or right of possession of the lawful owners of the articles

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McCORMACK. Mr. Speaker, I would like to have the sponsor to explain this bill.

Mr. TOLL. Mr. Speaker, on behalf of one of the sponsors of this bill, I will undertake to explain it.

This is a bill which will provide similar responsibility on the part of the people in the waste business, otherwise known as the junk business, to that of the pawn brokers of Pennsylvania. If a pawn broker today takes in merchandise and properly records it and pays money properly and takes a receipt, he is given the protection of any business man who handles a transaction in a normal course of business.

He is therefore presumed to be innocent unless it is shown that there is some violation or that the merchandise has been stolen.

However, this particular position does not apply to the junk yards. All they ask is that the same conditions which are in the pawn brokers law, now be applied to them, so that if they make the proper entries and record the transaction in their record they should be afforded the same protection as pawn brokers are afforded.

Mr. McCORMACK. Mr. Speaker, may I ask a question of the gentleman from Philadelphia?

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Toll, permit himself to be interrogated?

Mr. TOLL. I shall, Mr. Speaker.

Mr. McCORMACK. This particular act here is an amendment to the junk shop act, is that correct?

Mr. TOLL. That is right, Mr. Speaker.

Mr. McCORMACK. And the act itself has nothing to do with the pawn shops, is that correct?

Mr. TOLL. No, the pawn shops, Mr. Speaker, are governed under another Act of 1937 and it is the intention of the sponsor of this bill to insert the same provisions in this act which are in the pawn shop Act.

Mr. McCORMACK. This particular amendment, Mr. Speaker, provides that if there is compliance with the present act it shall be evidence of innocence of the particular persons, is that correct?

Mr. TOLL. Exactly, Mr. Speaker. That is exactly the same provision of the pawn brokers Act.

Mr. McCORMACK. Is it a fact, Mr. Speaker, that without this amendment the fact that the person complied with the provisions of the present act is evidence that can be used to prove that he is not guilty of receiving stolen goods?

Mr. TOLL. Well, the difficulty he is under is that one who receives stolen goods and does not have the protection of an act similar to pawn brokers, can immediately be arrested and he has the burden of showing that the goods were not stolen by him, that he did not know that they were stolen and he is really under a cloud of suspicion. Pawn brokers are better protected by the Act of 1937, and waste dealers will also enjoy the same protection if this act is amended.

Mr. McCORMACK. Mr. Speaker, I think that for the purpose of this discussion we should leave out anything pertaining to pawn brokers because this particular act has nothing to do with pawn brokers. It is quite irrelevant what the provision of the law with respect to pawn brokers is.

In other words, under the present law if a person has in his possession goods that have been recently stolen, the jury can infer, can it not, that the person who has possession has knowledge of the theft?

Mr. TOLL. I would say that is right, Mr. Speaker.

Mr. McCORMACK. Whether or not this act is passed, the person who has possession can still be arrested and it will be a jury question whether or not the person did have knowledge, is that correct?

Mr. TOLL. That is correct, Mr. Speaker. But the bill will give them greater protection.

Mr. McCORMACK. I do not think there is any necessity for this law. If it is intended to change the substitutive law of evidence, I do not think the language in this amendment would do that.

Mr. TOLL. Mr. Speaker, if that is a question of debate, I merely want to point out that under the pawn brokers law this particular language has already been approved. There are cases in which this language has met with favorable interpretation. That is the reason the waste dealers want this particular language put into their act.

Mr. McCORMACK. Mr. Speaker, the gentleman mentioned that under the present law a junk shop owner, even though he complies with the present law, can be arrested for having in his possession goods that have been stolen, is that correct?

Mr. TOLL. That is correct, Mr. Speaker.

Mr. McCORMACK. This amendment will not affect that, will it?

Mr. TOLL. The police of Phiadelphia, where the largest number of waste dealers are located and where the Pawn Brokers' original Act was sponsored, have not arrested pawn brokers where they show a purchase in the ordinary course of business. This will also apply to waste dealers if they show a purchase in the ordinary course of business.

Mr. McCORMACK. Mr. Speaker, there is nothing in this amendment that would permit or allow the police or authorize them to not arrest a junk shop owner who has in his possession stolen goods, even where he complies with the Act, is that right?

Mr. TOLL. The gentleman is right. They could ignore it, but they don't, when they see the provisions in the bill they usually leave them alone as long as the records are in proper order.

The SPEAKER pro tempore. The Chair was informed that this bill was uncontroversial. If there is any controversy or opposition to it, the Chair will entertain a motion to place the bill on the postponed calendar.

The Chair does not want to take a vote on the bill if there is controversy on it, or any opposition to it.

Mr. McCORMACK. Well, I am not going to vote against the bill, Mr. Speaker, but I just wanted to get clear in my mind what this amendment purports to do. That was the reason for the question, and that is the only reason. I would not say, as far as I am concerned, that it is controversial.

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair wanted to make the position of the Chair clear on voting on the bill.

Mr. McCORMACK. Mr. Speaker, I just wanted to get clear in my own mind what this amendment purports to do.

On the question recurring,

Shall the bill pass finally?

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—181

Adam,	Gaffney,	Lovett,	Renwick,
Agnew,	Garlock,	Lutty,	Rigby,
Anderson, S. A.,	Gelfand,	Mahan,	Rosen,
Anderson, M. S.,	George,	Markley,	Rovansek,
Ashton,	Gibb,	Maxwell,	Royer,
Banker,	Gibson,	McCann,	Rudisill,
Barnatovich,	Goldstein,	McGee,	Sarraf,
Bazin,	Gramlich,	McInroy,	Schuster,
Bell,	Guss,	McKeever,	Sherman,
Boies,	Guthrie,	McWherter,	Sigman,
Bonner,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Boory,	Hass,	Metz,	Smith, Wm. B.,
Bower,	Haudenshield,	Mihm,	Snider,
Branca,	Heavey,	Mikula,	Stank,
Breisch,	Helm,	Miller,	Stebbins,
Brennan, A. P.,	Henzel,	Mills,	Steckel,
Brenninger,	Hewitt,	Moody,	Stevenson,
Breth,	Hocker,	Moran,	Stone,
Brown,	Holt,	Moscrip,	Stoner,
Bucchin,	Horst,	Muldowney,	Strausser,
Bullen,	Houk,	Mullen,	Swartz,
Capano,	Isaacs,	Munley,	Taylor,
Cianfrani,	Johnson,	Murphy,	Thomas,
Cioffi,	Jones, G. E.,	Murray, H. P.,	Thompson,
Cochran,	Jones, T. H. W.,	Murray, J. J.,	Toll,
Comer,	Jump,	Murray, P. G.,	Toomey,
Cooper,	Kamyk,	Musto,	Varner,
Curwood,	Kehler,	Naugle,	Wall,
Davis,	Keller,	Needham,	Wallace,
Donahue,	Kent,	Ogilvie,	Walsh,
Donaldson,	Kline,	Olsen,	Wargo,
Dougherty,	Knecht,	O'Neil,	Weidner,
Ehrgood,	Kolankiewicz,	Pacchioli,	Welsh,
Eilberg,	Kooker,	Parry,	Wescott,
Erb,	Kornick,	Pashley,	Wheeler,
Eshleman,	Kromer,	Paulhamus,	Whitenight,
Ewing,	Lafore,	Petrosky,	Willaredt,
Farabaugh,	Leiby,	Polaski,	Williams,
Filo,	Leisey,	Polen,	Wilt,
Fineman,	Leonard,	Pomeroy,	Wood,
Flint,	Leven,	Price,	Worley,
Floyd,	Light,	Pursley,	Yetzer,
Flynn,	Limper,	Readinger,	Yetter,
Frank,	Lippincott,	Reibman,	Ziegler,
Frascella,	Lopresti,	Reidenbach,	Andrews,
Frost,			Speaker

NAYS—1

McCormack,

NOT VOTING—25

Amarando,	Greenwood,	Monroe,	Tompkins,
Auker,	Jenkins,	Pettigrew,	Varallo,
Blair,	Kratz,	Rubin,	Vaughan,
Brennan, J. J.,	Lawyer,	Scarcelli,	Verona,
Connelly,	Magee,	Stephens,	Waterhouse,
Down,	McLaughlin,	Stroup,	Young,
Foster,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

The SPEAKER pro tempore. Without objection, all bills on third reading on pages 5 and 6 will be passed over. The Chair hears none.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1924 as follows:

An Act to amend the act approved the thirty-first day of August one thousand nine hundred fifty-five (P. L.) (Act No. 131) entitled "An act permitting and regulating wrestling and boxing contests and exhibitions requiring licenses and permits conferring powers and imposing duties upon the State Athletic Commission providing for the granting suspension and revocation of licenses and permits issued by the Commission preserving the rights of existing licenses and permittees prescribing penalties fines forfeitures and misdemeanors requiring bonds and insurance creating a Medical Advisory Board providing for rules and regulations and making appropriations" by regulating the use of a fictitious or assumed name by any participant in any amateur boxing contest or exhibition

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the thirty-first day of August one thousand nine hundred fifty-five (P. L.) (Act No. 131) entitled "An act permitting and regulating wrestling and boxing contests and exhibitions requiring licenses and permits conferring powers and imposing duties upon the State Athletic Commission providing for the granting suspension and revocation of licenses and permits issued by the Commission preserving the rights of existing licensees and permittees prescribing penalties fines forfeitures and misdemeanors requiring bonds and insurance creating a Medical Advisory Board providing for rules and regulations and making appropriations" is hereby amended by adding immediately following section two hundred three a new section to read as follows

Section 203.1 Fictitious Names No person shall participate in any amateur boxing contest or exhibition under a fictitious or assumed name unless such fictitious or assumed name has first been registered with the Commission

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—182

Adam,	Gaffney,	Lutty,	Rigby,
Agnew,	Garlock,	Mahan,	Rosen,
Anderson, M. S.,	Gelfand,	Markley,	Rovansek,
Anderson, S. A.,	George,	Maxwell,	Royer,
Ashton,	Gibb,	McCann,	Rudisill,
Banker,	Gibson,	McCormack,	Sarraf,
Barnatovich,	Goldstein,	McGee,	Schuster,
Bazin,	Gramlich,	McInroy,	Sherman,
Bell,	Guss,	McKeever,	Sigman,
Boies,	Guthrie,	McWherter,	Smith, C. C.,
Bonner,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Boory,	Hass,	Metz,	Snider,
Bower,	Haudenshield,	Mihm,	Stank,
Branca,	Heavey,	Mikula,	Stebbins,
Breisch,	Helm,	Miller,	Steckel,
Brennan, A. P.,	Henzel,	Mills,	Stevenson,
Brenninger,	Hewitt,	Moody,	Stone,
Breth,	Hocker,	Moran,	Stoner,
Brown,	Holt,	Moscrip,	Strausser,
Bucchin,	Horst,	Muldowney,	Swartz,
Bullen,	Houk,	Mullen,	Taylor,
Capano,	Isaacs,	Munley,	Thomas,
Cianfrani,	Johnson,	Murphy,	Thompson,
Cioffi,	Jones, G. E.,	Murray, H. P.,	Toll,
Cochran,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Comer,	Jump,	Murray, P. G.,	Varner,
Cooper,	Kamyk,	Musto,	Wall,
Curwood,	Kehler,	Naugle,	Wallace,
Davis,	Keller,	Needham,	Walsh,
Donahue,	Kent,	Ogilvie,	Wargo,
Donaldson,	Kline,	Olsen,	Weidner,
Dougherty,	Knecht,	O'Neil,	Welsh,
Ehrgood,	Kolankiewicz,	Pacchioli,	Wescott,
Eilberg,	Kooker,	Parry,	Wheeler,
Erb,	Kornick,	Pashley,	Whitenight,
Eshleman,	Kromer,	Paulhamus,	Willaredt,
Ewing,	Lafore,	Petrosky,	Williams,
Farabaugh,	Leiby,	Polaski,	Wilt,
Filo,	Leisey,	Polen,	Wood,
Fineman,	Leonard,	Pomeroy,	Worley,
Flint,	Leven,	Price,	Yetter,
Floyd,	Light,	Pursley,	Yetzer,
Flynn,	Limper,	Readinger,	Ziegler,
Frank,	Lippincott,	Reibman,	Andrews,
Frascella,	Lopresti,	Reidenbach,	Speaker
Frost,	Lovett,	Renwick,	

NAYS—0

NOT VOTING—25

Amarando,	Greenwood,	Monroe,	Tompkins,
Auker,	Jenkins,	Pettigrew,	Varallo,
Blair,	Kratz,	Rubin,	Vaughan,
Brennan, J. J.,	Lawyer,	Scarcelli,	Verona,
Connelly,	Magee,	Stephens,	Waterhouse,
Down,	McLaughlin,	Stroup,	Young,
Foster,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

The SPEAKER pro tempore. Without objection, all the remaining bills on third reading on page 7 and all bills on page 8 with the exception of Senate Bill No. 321 will be passed over. The Chair hears none.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 321, as follows:

An Act amending the act of May 2 1929 (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authoriizng the board of commissioners to make appropriations to county firemen's associations for the conducting of fire prevention education

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 2 1929 (P. L. 1278) known as "The General County Law" is amended by adding after section 452 a new section to read

Section 453 Appropriations to County Firemen's Associations (a) The board of commissioners may appropriate a sum not to exceed two thousand dollars ($2,000) annually to county firemen's associations to assist in paying the expenses incurred in conducting programs on fire prevention education When a firemen's association is composed of residents of more than one county the boards of commissioners of the respective counties may jointly appropriate a sum not exceeding two thousand dollars ($2,000) in such proportions as they shall agree

(b) A firemen's association shall not be entitled to the appropriation authorized by this act unless the following conditions have first been complied with

It shall have been organized for at least one year incorporated by the proper authority and have an active membership of one hundred or more persons such of whom shall have paid into the treasury of the association a yearly membership fee of at least one dollar ($1.00) for its support it shall have adopted a constitution and code of by-laws and elected proper officers to conduct its business it shall hold at least four public meetings yearly at which papers shall be read or discussions held on fire prevention and it shall have a committee to disseminate literature and exhibits to schools and public places on fire prevention and fire protection

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—182

Adam,	Gaffney,	Lutty,	Rigby,
Agnew,	Garlock,	Mahan,	Rosen,
Anderson, M. S.,	Gelfand,	Markley,	Rovansek,
Anderson, S. A.,	George,	Maxwell,	Royer,
Ashton,	Gibb,	McCann,	Rudisill,
Banker,	Gibson,	McCormack,	Sarraf,
Barnatovich,	Goldstein,	McGee,	Schuster,
Bazin,	Gramlich,	McInroy,	Sherman,
Bell,	Guss,	McKeever,	Sigman,
Boies,	Guthrie,	McWherter,	Smith, C. C.,
Bonner,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Boory,	Hass,	Metz,	Snider,
Bower,	Haudenshield,	Mihm,	Stank,
Branca,	Heavey,	Mikula,	Stebbins,
Breisch,	Helm,	Miller,	Steckel,
Brennan, A. P.,	Henzel,	Mills,	Stevenson,
Brennan, J. J.,	Hewitt,	Moody,	Stone,
Breth,	Hocker,	Moran,	Stoner,
Brown,	Holt,	Moscrip,	Strausser,
Bucchin,	Horst,	Muldowney,	Swartz,
Bullen,	Houk,	Mullen,	Taylor,
Capano,	Isaacs,	Munley,	Thomas,
Cianfrani,	Johnson,	Murphy,	Thompson,
Cioffi,	Jones, G. E.,	Murray, H. P.,	Toll,
Cochran,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Comer,	Jump,	Murray, P. G.,	Varner,
Cooper,	Kamyk,	Musto,	Wall,
Curwood,	Kehler,	Naugle,	Wallace,
Davis,	Keller,	Needham,	Walsh,
Donahue,	Kent,	Ogilvie,	Wargo,
Donaldson,	Kline,	Olsen,	Weidner,
Dougherty,	Kubacki,	O'Neil,	Welsh,
Ehrgood,	Kolankiewicz,	Pacchioli,	Wescott,
Eilberg,	Kooker,	Parry,	Wheeler,
Erb,	Kornick,	Pashley,	Whitenight,
Eshleman,	Kromer,	Paulhamus,	Willaredt,
Ewing,	Lafore,	Petrosky,	Williams,
Farabaugh,	Leiby,	Polaski,	Wilt,
Filo,	Leisey,	Polen,	Wood,
Fineman,	Leonard,	Pomeroy,	Worley,
Flint,	Leven,	Price,	Yetter,
Floyd,	Light,	Pursley,	Yetzer,
Flynn,	Limper,	Readinger,	Ziegler,

Frank,	Lippincott,	Reibman,	Andrews,
Frascella,	Lopresti,	Reidenbach,	Speaker
Frost,	Lovett,	Renwick,	

NAYS—0

NOT VOTING—25

Amarando,	Greenwood,	Monroe,	Tompkins,
Auker,	Jenkins,	Pettigrew,	Varallo,
Blair,	Kratz,	Rubin,	Vaughan,
Brenninger,	Lawyer,	Scarcelli,	Verona,
Connelly,	Magee,	Stephens,	Waterhouse,
Down,	McLaughlin,	Stroup,	Young,
Foster,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILLS PASSED OVER

There being no objection

Senate Bill No. 484, Printer's No. 245
Senate Bill No. 524, Printer's No. 339
Senate Bill No. 543, Printer's No. 231 and
Senate Bill No. 608, Printer's No. 268

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 655, as follows:

An Act amending the act of December 27 1951 (P. L. 1742) entitled as amended "An act to provide revenue by imposing a State tax relating to certain documents and transactions prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations sheriffs recorders of deeds and the Department of Revenue saving certain State and local taxes and authorizing amendments extensions and supplement to the ordinances and resolutions relating thereto and providing penalties" exempting from the tax certain trustee and correctional deeds certain straw transactions and certain transfers to the United States the Commonwealth of Pennsylvania or their agencies instrumentalities or political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of December 27 1951 (P. L. 1742) known as "The Realty Transfer Tax Act" reenacted and amended June 1 1955 (Act No. 38) is amended to read

Section 2 The following words when used in this act shall have meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned or conducted by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency including but not limited to banking institutions

"Department" The Department of Revenue of this Commonwealth

"Document" Any deed instrument or writing whereby any lands tenements or hereditaments within this Commonwealth or any interest therein shall be granted bargained sold or otherwise conveyed to the grantee purchaser or any other person but does not include wills mortgages transfers between husband and wife transfers between parent and child or the spouse of such a child or between parent and trustee for the benefit of a child or the spouse of such child by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises correctional deeds without consideration transfers to the United States the Commonwealth of Pennsylvania or to any of their instrumentalities agencies or political subdivisions by gift dedication or deed of confirmation in connection with condemnation proceedings and leases

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Transaction" The making executing delivering accepting or presenting for recording of a document

"Value" In the case of any document granting bargaining selling or otherwise conveying any land tenement or hereditament or interest therein the amount of the actual consideration therefor including liens or other encumbrances thereon and ground rents or a commensurate part of the liens or other encumbrances thereon and ground rents where such liens or other encumbrances and ground rents also encumber or are charged against other lands tenements or hereditaments Provided That where such document shall set forth a small or nominal consideration the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale or in the case of a gift or any other document without consideration from the actual monetary worth of the property granted bargained sold or otherwise conveyed which in either event shall not be less than the amount of the highest assessment of such lands tenements or hereditaments for local tax purposes

Section 2 This act shall take effect immediately.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—182

Adam,	Gaffney,	Lutty,	Rigby,
Agnew,	Garlock,	Mahan,	Rosen,
Anderson, M. S.,	Gelfand,	Markley,	Rovansek,
Anderson, S. A.,	George,	Maxwell,	Royer,
Ashton,	Gibb,	McCann,	Rudisill,
Banker,	Gibson,	McCormack,	Sarraf,
Barnatovich,	Goldstein,	McGee,	Schuster,
Bazin,	Gramlich,	McInroy,	Sherman,
Beil,	Guss,	McKeever,	Sigman,
Boles,	Guthrie,	McWherter,	Smith, C. C.,
Bonner,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Boory,	Hass,	Metz,	Snider,
Bower,	Haudenshield,	Mihm,	Stank,
Branca,	Heavey,	Mikula,	Stebbins,
Breisch,	Helm,	Miller,	Steckel,
Brennan, A. P.,	Henzel,	Mills,	Stevenson,
Brenninger,	Hewitt,	Moody,	Stone,
Breth,	Hocker,	Moran,	Stoner,
Brown,	Holt,	Moscrip,	Strausser,
Bucchin,	Horst,	Muldowney,	Swartz,
Bullen,	Houk,	Mullen,	Taylor,
Capano,	Isaacs,	Munley,	Thomas,
Cianfrani,	Johnson,	Murphy,	Thompson,
Cioffi,	Jones, G. E.,	Murray, H. P.,	Toll,
Cochran,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Comer,	Jump,	Murray, P. G.,	Varner,
Cooper,	Kamyk,	Musto,	Wall,
Curwood,	Kehler,	Naugle,	Wallace,
Davis,	Keller,	Needham,	Walsh,
Donahue,	Kent,	Ogilvie,	Wargo,
Donaldson,	Kline,	Olsen,	Weidner,
Dougherty,	Knecht,	O'Neil,	Welsh,
Ehrgood,	Kolankiewicz,	Pacchioli,	Wescott,
Eilberg,	Kooker,	Parry,	Wheeler,
Erb,	Kornick,	Pashley,	Whitenight,
Eshleman,	Kromer,	Paulhamus,	Willaredt,
Ewing,	Lafore,	Petrosky,	Williams,
Farabaugh,	Leiby,	Polaski,	Wilt,

Filo,	Leisey,	Polen,	Wood,
Fineman,	Leonard,	Pomeroy,	Worley,
Flint,	Leven,	Price,	Yetter,
Floyd,	Light,	Pursley,	Yetzer,
Flynn,	Limper,	Readinger,	Ziegler,
Frank,	Lippincott,	Reibman,	Andrews,
Frascella,	Lopresti,	Reidenbach,	Speaker
Frost,	Lovett,	Renwick,	

NAYS—0

NOT VOTING—25

Amarando,	Greenwood,	Monroe,	Tompkins,
Auker,	Jenkins,	Pettigrew,	Varallo,
Blair,	Kratz,	Rubin,	Vaughan,
Brennan, J. J.,	Lawyer,	Scarcelli,	Verona,
Connelly,	Magee,	Stephens,	Waterhouse,
Down,	McLaughlin,	Stroup,	Young,
Foster,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 877, as follows:

An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended "An act relating to assessment for taxation in counties of the fourth fifth sixth seventh and eighth classes designating the subjects property and persons subject to and exempt from taxation for county borough town township school except in cities and county institution district purposes and providing for and regulating the assessment and valuation thereof for such purposes creating in each such county a board for the assessment and revision of taxes definng the powers and dutes of such boards providing for the acceptance of this act by cities regulating the office of ward borough town or township assessors abolishing the office of assistant triennial assessor in townships of the first class providing for the appointment of a chief assessor assistant assessors and other employes providing for their compensation payable by such counties prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits imposing duties on taxables making improvements on land and grantees of land prescribing penalties and eliminating the triennial assessment" imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 602 act of May 21, 1943 (P. L. 571) known as "The Fourth to Eighth Class County Assessment Law" amended July 17, 1953 (P. L. 464) is amended to read

Section 602 Valuation of Persons and Property It shall be the duty of the chief assessor to assess rate and value all subjects and objects of local taxation whether for county township town school (except in cities) county institution district poor or borough purposes according to the actual value thereof and in the case of subjects and objects of local taxation other than real property at such rates and prices for which the same would separately bona fide sell After there has been established and completed for the entire county the permanent system of records consisting of tax maps property record cards and property owner's index as required by section three hundred six of the act herein amended real property shall be assessed at a value based upon an established predetermined ratio of which proper notice shall be given not exceeding seventy-five per centum (75%) of its actual value or the price for which the same would separately bona fide sell In arriving at such value the price at which any property may actually have been sold shall be considered but shall not be controlling Instead such selling price estimated or actual shall be subject to revision by increase or decrease to accomplish equalization with other similar property within the county After the completion of the permanent system of records for the county when assessing real property the chief assessor shall also take into consideration the value of such property as indicated by the use of the permanent sytem of records cost charts and land values applied on the basis of zones and districts as well as the general adherence to the established predetermined ratio

After any county has established and completed for the entire county the permanent system of records consisting of tax maps property record cards and property owner's index as required by section three hundred six of the act herein amended and has made its first county assessment of real property under that system and at values based upon an established predetermined ratio as required by this section each political subdivision which hereafter for the first time levies its real estate taxes on that first assessment or valuation shall for that first year reduce its tax rate if necessary for the purpose of having the total amount of taxes levied for that year against the real properties contained in the duplicate for the preceding year equal the same total amount it levied on such properties the preceding year plus their proportionate share of the amount necessary to pay the cost of having installed the permanent record system notwithstanding the increased valuation of such properties under the new assessment system for the Purpose of determining the total amount of taxes to be levied for said first year the amount to be levied on newly constructed houses or on increased valuations based on new improvements made to existing houses need not be considered The tax rate shall be fixed for that year at a figure (with a tolerance of 1/10 of a mill) which will accomplish this purpose With the approval of the court of common pleas upon good cause shown any such political subdivision may increase the tax rate herein prescribed notwithstanding the provisions of this paragraph

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—182

Adam,	Gaffney,	Lovett,	Renwick,
Agnew,	Garlock,	Lutty,	Rigby,
Anderson, M. S.,	Gelfand,	Mahan,	Rosen,
Anderson, S. A.,	George,	Markley,	Rovansek,
Ashton,	Gibb,	Maxwell,	Royer,
Banker,	Gibson,	McCann,	Rudisill,
Barnatovich,	Goldstein,	McCormack,	Sarraf,
Bazin,	Gramlich,	McGee,	Schuster,
Bell,	Guss,	McInroy,	Sherman,
Boles,	Guthrie,	McKeever,	Sigman,
Bonner,	Hamilton, R. K.,	McWherter,	Smith, C. C.,
Boory,	Hass,	Meholchick,	Smith, Wm. B.,
Bower,	Haudenshield,	Metz,	Snider,
Branca,	Heavey,	Mihm,	Stank,
Breisch,	Helm,	Mikula,	Stebbins,
Brennan, A. P.,	Henzel,	Miller,	Steckel,
Brenninger,	Hewitt,	Mills,	Stevenson,
Breth,	Hocker,	Moody,	Stone,
Brown,	Holt,	Moran,	Stoner,
Bucchin,	Horst,	Moscrip,	Strausser,
Bullen,	Houk,	Muldowney,	Swartz,
Capano,	Isaacs,	Mullen,	Taylor,
Cianfrani,	Johnson,	Munley,	Thomas,
Cioffi,	Jones, G. E.,	Murphy,	Thompson,
Cochran,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Comer,	Jump,	Murray, J. J.,	Toomey,
Cooper,	Kamyk,	Murray, P. G.,	Varner,
Curwood,	Kehler,	Musto,	Wall,
Davis,	Keller,	Naugle,	Wallace,

Donahue,	Kent,	Needham,	Walsh,
Donaldson,	Kline,	Ogilvie,	Wargo,
Dougherty,	Knecht,	Olsen,	Weidner,
Ehrgood,	Kolankiewicz,	O'Neil,	Welsh,
Eilberg,	Kooker,	Pacchioli,	Wescott,
Erb,	Kornick,	Parry,	Wheeler,
Eshleman,	Kromer,	Pashley,	Whitenight,
Ewing,	Lafore,	Paulhamus,	Willaredt,
Farabaugh,	Leiby,	Petrosky,	Williams,
Filo,	Leisey,	Polaski,	Wilt,
Fineman,	Leonard,	Polen,	Wood,
Flint,	Leven,	Pomeroy,	Worley,
Floyd,	Light,	Price,	Yetter,
Flynn,	Limper,	Pursley,	Yetzer,
Frank,	Lippincott,	Readinger,	Ziegler,
Frascella,	Lopresti,	Reibman,	Andrews,
Frost,		Reidenbach,	Speaker

NAYS—0

NOT VOTING—25

Amarando,	Greenwood,	Monroe,	Tompkins,
Auker,	Jenkins,	Pettigrew,	Varallo,
Blair,	Kratz,	Rubin,	Vaughan,
Brennan, J. J.,	Lawyer,	Scarcelli,	Verona,
Connelly,	Magee,	Stephens,	Waterhouse,
Down,	McLaughlin,	Stroup,	Young,
Foster,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 929, as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 601 subsection (e) of section 602 and section 603 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" are amended to read

Section 601 Forfeiture of Property Illegally Possessed or Used No property rights shall exist in any liquor alcohol or malt or brewed beverage illegally manufactured or possessed or in any still equipment material utensil vehicle boat vessel animals or aircraft used in the illegal manufacture or illegal transportation of liquor alcohol or malt or brewed beverages and the same [shall] may be demed contraband and [shall be forfeited to the Commonwealth] proceedings for its forfeiture to the Commonwealth may at the discretion of the board be instituted in the manner hereinafter provided No such property when in the custody of the law shall be seized or taken therefrom on any writ or replevin or like process

Section 602 Forfeiture Proceedings * * *

(e) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (1) that he is the owner of said property (2) that he lawfully acquired the same and (3) that it was not unlawfully used or possessed

In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel container animal or aircraft was lawfully acquired possessed and used then the court may order the same returned or delivered to the claimant but if it appears that the property was unlawfully possessed or used the court [shall] may in its discretion order it destroyed delivered to a hospital or turned over to the board as hereinafter provided

Section 603 Disposition of Forfeited Property If upon petition as hereinbefore provided and hearing before the court of quarter sessions it appears that any liquor alcohol or malt or brewed beverage was so illgeally possessed or property so used in the illegal manufacture or transportation of liquor alcohol or malt or brewed beverage such liquor alcohol malt or brewed beverage or property [shall] may in the discretion of the court be adjudged forfeited and condemned and in such case shall be disposed of as follows

(a) Upon conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all [such] condemned liquor alcohol or malt or brewed beverage and property seized or obtained from such defendants except that the court may order the liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order and any vehicle container boat vessel animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(b) In any case in which the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or no claimant appears for same or appearing is unable to sustain claim thereof the court shall order all [such] condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels containers animals and aircraft) publicly destroyed by the sheriff except that the court may order the liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(c) In the case of any vehicle boat vessel container animal or aircraft seized under the provisions of this act and condemned the court shall order the same to be delivered to the board for its use or for sale or disposition by the board in its discretion Notice of such sale shall be given in such manner as the board may prescribe The proceeds of such sale shall be paid into the State Stores Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—182

Adam,	Gaffney,	Lovett,	Renwick,
Agnew,	Garlock,	Lutty,	Rigby,
Anderson, M. S.,	Gelfand,	Mahan,	Rosen,
Anderson, S. A.,	George,	Markley,	Rovansek,
Ashton,	Gibb,	Maxwell,	Royer,
Banker,	Gibson,	McCann,	Rudisill,
Barnatovich,	Goldstein,	McCormack,	Sarraf,
Bazin,	Gramlich,	McGee,	Schuster,
Bell,	Guss,	McInroy,	Sherman,
Boles,	Guthrie,	McKeever,	Sigman,
Bonner,	Hamilton, R. K.,	McWherter,	Smith, C. O.,
Boory,	Hass,	Meholchick,	Smith, Wm. B.,
Bower,	Haudenshield,	Metz,	Snider,
Branca,	Heavey,	Mihm,	Stank,
Breisch,	Helm,	Mikula,	Stebbins,
Brennan, A. P.,	Henzel,	Miller,	Steckel,
Brenninger,	Hewitt,	Mills,	Stevenson,
Breth,	Hocker,	Moody,	Stone,

Brown,	Holt,	Moran,	Stoner,
Bucchin,	Horst,	Moscrip,	Strausser,
Bullen,	Houk,	Muldowney,	Swartz,
Capano,	Isaacs,	Mullen,	Taylor,
Cianfrani,	Johnson,	Munley,	Thomas,
Cioffi,	Jones, G. E.,	Murphy,	Thompson,
Cochran,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Comer,	Jump,	Murray, J. J.,	Toomey,
Cooper,	Kamyk,	Murray, P. G.,	Varner,
Curwood,	Kehler,	Musto,	Wall,
Davis,	Keller,	Naugle,	Wallace,
Donahue,	Kent,	Needham,	Walsh,
Donaldson,	Kline,	Ogilvie,	Wargo,
Dougherty,	Knecht,	Olsen,	Weidner,
Ehrgood,	Kolankiewicz,	O'Neil,	Welsh,
Eilberg,	Kooker,	Pacchioli,	Wescott,
Erb,	Kornick,	Parry,	Wheeler,
Eshleman,	Kromer,	Pashley,	Whitenight,
Ewing,	Lafore,	Paulhamus,	Willaredt,
Farabaugh,	Leiby,	Petrosky,	Williams,
Filo,	Leisey,	Polaski,	Wilt,
Fineman,	Leonard,	Polen,	Wood,
Flint,	Leven,	Pomeroy,	Worley,
Floyd,	Light,	Price,	Yetter,
Flynn,	Limper,	Pursley,	Yetzer,
Frank,	Lippincott,	Readinger,	Ziegler,
Frascella,	Lopresti,	Reibman,	Andrews,
Frost,		Reidenbach,	Speaker

NAYS—0

NOT VOTING—25

Amarando,	Greenwood,	Monroe,	Tompkins,
Auker,	Jenkins,	Pettigrew,	Varallo,
Blair,	Kratz,	Rubin,	Vaughan,
Brennan, J. J.,	Lawyer,	Scarcelli,	Verona,
Connelly,	Magee,	Stephens,	Waterhouse,
Down,	McLaughlin,	Stroup,	Young,
Foster,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 1397, 1398 and 1804

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1397, Printer's No. 1410, entitled "An Act amending the act of June 21, 1939 (P. L. 566) entitled 'An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties' changing provisions relating to liability of employers and benefits and persons entitled thereto changing certain rules of evidence and regulating practice and procedure authorizing commutation of certain awards providing for certain subrogation rights and the fixing of certain fees prescribing penalties making an appropriation and generally clarifying and changing the provisions of the act."

GEORGE M. LEADER.

February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1398, Printer's No. 1411, entitled: "An Act amending the act of June 2, 1915 (P. L. 736), entitled, as amended "Workmen's Compensation Act of 1915," changing provisions relating to liability of employers and benefits and persons entitled thereto; changing certain rules of evidence and regulating practice and procedure; authorizing commutation of certain awards; providing for certain subrogation rights and the fixing of certain fees; prescribing penalties; making an appropriation and generally clarifying and changing the provisions of the act."

GEORGE M. LEADER.

February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1804, Printer's No. 1241, entitled "An Act authorizing photostating photographing microphotographing microfilming or other mechanical processing of court records on file ten years or more making such copies and copies thereof admissible in evidence and providing for the disposition destruction or transfer of custody of certain originals."

GEORGE M. LEADER.

ANNOUNCEMENT

Mr. READINGER. I would like to announce that we are going to have a consent session tomorrow afternoon at three o'clock.

The Members will be notified by letter when they are to be back but I don't think there is much doubt that we will be back here next Monday at one o'clock.

ADJOURNMENT

Mr. KLINE. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 29, 1956 at 3:00 p. m.

The motion was agreed to, and (at 12:02 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., WEDNESDAY, FEBRUARY 29, 1956. No. 145.

SENATE

WEDNESDAY, February 29, 1956.

The Senate met at 2:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

Almighty God, to Whom all hearts are open, all desires known and from Whom no secrets are hidden, we come to Thee today and we pray that Thy Spirit will guide us in our deliberations and work here, that we may work out those things which are problems to us and to the people of our Commonwealth in Thy way and in Thy Name.

We pray that Thou wilt be with those of our colleagues who are sick. Lay Thy healing hand upon them. Restore them speedily to health and strength again.

Forgive us our sins when the temptations of life come to us. May we always realize that Thou are at our right hand, and all we need to do is to reach out in faith and touch Thee and Thou wilt guide us right. We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. PECHAN and Mr. HALUSKA, further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBERS OF THE UNION COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 29, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Union County Board of Assistance:

Mrs. Lois Kalp (Dem.), R. D. 2, Lewisburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Frances G. Faint, Lewisburg, whose term expired.

Louis H. Harris (Rep.), 408 Market Street, Lewisburg, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Lester A. Snook (Dem.), New Berlin, to serve until December 31, 1958. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE FULTON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 29, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Fulton County Board of Assistance:

Mrs. Edna Swope (Dem.), R. D. 1, McConnellsburg, to serve until December 31, 1957, and until her successor is duly appointed and qualified, vice Leroy Wiser, McConnellsburg, resigned.

Mrs. Ethel Decker (Dem.), Star Route South, McConnellsburg, to serve until December 31, 1958. (Reappointment)

Wesley W. Mellott (Dem.), McConnellsburg, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Howard L. Sipes (Dem.), Harrisonville, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 688, PRINTER'S No. 353

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 688, Printer's No. 353, entitled "An Act amending the act of May 26, 1949 (P. L.

1828) entitled 'An act concerning the investment powers and duties of guardians committees trustees and other fiduciaries except personal representatives and prescribing the nature and kind of investments which may be made and retained by such fiduciaries' by making further provision respecting the qualification of common stock for investment where there is a predecessor or constituent corporation and by changing the requirements of an interest bearing deposit."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL
No. 696, PRINTER'S No. 448

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 696, Printer's No. 448, entitled "An Act relating to the administration and distribution of incompetents' estates (except in Philadelphia County) both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a guardian in certain cases the appointment bond removal and discharge of guardians of such estates their powers duties and liabilities the rights of persons dealing with such guardians and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning the determination of incompetency and the powers duties and liabilities of foreign guardians and also generally dealing with the jurisdiction powers and procedure of the orphans' court and the common pleas court relating to incompetents' estates."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL
No. 698, PRINTER'S No. 349

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 698, Printer's No. 349, entitled "An Act amending the act of May 15, 1933 (P. L. 624) entitled as amended 'An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers and employes' mutual banking associations defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and employes' mutual banking associations and of the officers directors trustees shareholders attorneys and other employes of all such corporations employes' mutual banking associations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts' further providing for authorized investments of savings banks."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL
No. 830, PRINTER'S No. 436

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 830, Printer's No. 436, entitled "An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended 'An act relating to assessment for taxation in counties of the fourth fifth sixth seventh and eighth classes designating the subjects property and persons subject to and exempt from taxation for county borough town township school except in cities and county institution district purposes and providing for and regulating the assessment and valuation thereof for such purposes creating in each such county a board for the assessment and revision of taxes defining the powers and duties of such boards providing for the acceptance of this act by cities regulating the office of ward borough town and township assessors abolishing the office of assistant triennial assessor in townships of the first class providing for the appointment of a chief assessor assistant assessors and other employes providing for their compensation payable by such counties prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits imposing duties on taxables making improvements on land and grantees of land prescribing penalties and eliminating the triennial assessment' requiring notice of certain changes in property valuations be given to political subdivisions in which the properties are located."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL
No. 831, PRINTER'S No. 437

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 831, Printer's No. 437, entitled "An Act amending the act of June 26, 1931 (P. L. 1379) entitled 'An act creating in counties of the third class a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners providing for their salaries payable by the county abolishing existing boards defining the powers and duties of such board regulating the assessment of persons property and occupations for county borough town townships school and poor purposes authorizing the appointment of subordinate assessors and solicitor engineers and clerks providing for their compensation payable by such counties abolishing the office of ward borough and township assessors so far as the making of assessments and valuations for taxation is concerned and providing for the acceptance of this act by cities' requiring notice of certain changes in property valuations be given to political subdivisions in which the propertes are located."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL
No. 832, PRINTER'S No. 438

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 832, Printer's No. 438, entitled "An Act amending the act of May 22, 1933 (P. L. 853) entitled 'An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws' requiring notice of

certain changes in property valuations be given to political subdivisions in which the properties are located."

GEORGE M. LEADER.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 904, entitled:

An Act amending the act of April 11, 1899 (P. L. 37) entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth" making compliance with certain provisions evidence of innocence in prosecutions for receiving stolen goods

Which was committed to the Committee on Judiciary General.

House Bill No. 1854, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes

Which was committed to the Committee on Appropriations.

House Bill No. 1924, entitled:

An Act to amend the act approved the thirty-first day of August one thousand nine hundred fifty-five (P. L.) (Act No. 131) entitled "An act permitting and regulating wrestling and boxing contests and exhibitions . . ." by regulating the use of a fictitious or assumed name by any participant in any amateur boxing contest or exhibition

Which was committed to the Committee on Labor and Industry.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 660

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 660, entitled:

An Act amending the act of May 16, 1923 (P. L. 207), entitled "Municipal Claim and Tax Lien Law" further regulating the sale of real property for the non-payment of tax and municipal claims; and providing for the discharge of all liens. mortgages, ground rents, estates and claims against such property by such sale, subject to the right of redemption.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1160

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1160, entitled:

An Act amending the act of June 16, 1836 (P. L. 715), entitled "An act relating to Reference and Arbitration," authorizing courts to reduce amounts to be repaid by appellants.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1197

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1197, entitled:

An Act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece; prescribing forms therefor and fixing the fees thereof.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1530

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1530, entitled:

An Act amending the act of June 23, 1931 (P. L. 932), entitled "Third Class City Law," increasing the amount of tax which may be levied and collected for general revenue purposes.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1914

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1914, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey, one acre and eighteen square perches more or less, of land, situate in Buckingham Township, Bucks County.

SENATE BILL No. 655 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 655, entitled:

An Act amending "The Realty Transfer Tax Act" of December 27 1951 (P. L. 1742) * * *" exempting from the tax certain trustee and correctional deeds certain straw transactions and certain transfers to the United States the Commonwealth or their agencies instrumentalities or political subdivisions

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

HOUSE CONCURS IN SENATE BILL No. 321

He also returned to the Senate, Senate Bill No. 321, entitled:

An Act amending 'The General County Law" * * * authorizing the board of commissioners to make appropriations to county firemen's associations for the conducting of fire prevention education

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 877

He also returned to the Senate, Senate Bill No. 877, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law" * * * imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act

with the information that the House has passed the same without amendments.

BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 321, entitled:

An Act amending the act of May 2, 1929, (P. L. 1278), entitled "General County Law," authorizing the board of commissioners to make appropriatons to county firemen's associations for the conducting of fire prevention education.

Senate Bill No. 797, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206), entitled "First Class Township Code," requiring entrance of bond in appeals from board or adjustment rulings affecting zoning regulations.

Senate Bill No. 877, entitled:

An Act amending the act of May 21, 1943 (P. L. 571), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

GENERAL COMMUNICATION

The Chair cleared his table and laid before the Senate the following communication which was read by the Clerk:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Harrisburg

O.R. 301
February 28, 1956

Honorable G. Harold Watkins
Secretary
Senate of Pennsylvania
Harrisburg, Pennsylvania

My Dear Senator:

Reference is made to the Resolution adopted by the Senate on February 21st pertaining to the construction of a limited access highway connecting Conchester Road and U. S. Route 13 in Delaware County.

Please be advised that construction plans are being prepared by private Consultants and are expected to be completed by May 1, 1956. The project is included on this year's Federal-aid Urban Program and is tentatively scheduled to be advertised and placed under contract some time during the year.

Sincerely yours,

(s) JOSEPH J. LAWLER
Joseph J. Lawler
Secretary of Highways

STUDENTS FROM ASPINWALL HIGH SCHOOL AND HERSHEY HIGH SCHOOL PRESENTED TO SENATE

Mr. FLEMING. Mr. President and Members of the Senate, I would like to draw the attention of the Senate to the fact that there are a group of thirty students from Aspinwall High School here, under the direction of Mr. and Mrs. Stanley Fleming, of the Aspinwall High School faculty. This is, indeed, a very happy occasion for me since this is the first time in eighteen years' service in Harrisburg that I have ever had a group from my home town here.

I would also like to say that this Group is accompanied by thirty students from Hershey High School. These are exchange students. The Aspinwall High School group is at Hershey this week and the Hershey High School group will be at the Aspinwall High School next week. The Hershey students are here under the direction of Mr. William H. Shirk and Mrs. Robert Shaeffer, of Hershey.

The PRESIDENT. We are, indeed, honored by having the two groups with us, one group from Aspinwall and the other from Hershey. We hope you enjoy your visit here with us today.

BILL INTRODUCED AND REFERRED

Messrs. BLASS and DENT read in place and presented to the Chair Senate Bill No. 1009, entitled:

An Act amending the act of July 28, 1953 (Appropriation Acts, page 16 Act No. 20-A), entitled "An act making an appropriation to the Department of Forests and Waters for the protection and stabilization of Presque Isle Peninsula and Erie Harbor at Erie," authorizing the use of funds for improvement and development purposes.

Which was committed to the Committee on Forests and Waters, Game and Fish.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, I call from the table the Executive Nominations which were reported from committee on February 27 and February 28, 1956, for the purpose of consideration at this time.

The nominations were read as follows:

MEMBERS OF SNYDER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 21, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Snyder County Board of Assistance:

Mrs. Sara E. Bolig, (Dem.), 7 West Pine Street, Selinsgrove to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Clarence M. Bailey (Rep.) Beavertown, to serve until December 31, 1958. (Reappointment)

Mrs. Kathleen M. Kline (Dem.), McClure, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBER OF THE PENNSYLVANIA FISH COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate Maynard Bogart, R. D. 2, Danville, Montour County, for appointment as a member of the Pennsylvania Fish Commission, until the second Tuesday of January 1964, and until his successor is appointed, to fill a vacancy.

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 31, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for apopintment as members of County Boards of Assistance:

PHILADELPHIA COUNTY

Frank C. Forderer, Jr. (Dem.), 2729 North Front Street, Philadelphia, to serve until December 31 1956, and until his successor is duly appointed and qualified, vice Miss Gertrude A. Golden, Philadelphia, whose term expired.

POTTER COUNTY

Mrs. Katharine P. Dorfeld (Rep.), 203 Allegheny Avenue, Coudersport, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Rev. Clair Statham (Rep.), Harrison Valley, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Mollie Stephens White (Dem.), 7 Fifth Street, Coudersport, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 30, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of County Boards of Assistance:

ALLEGHENY COUNTY

Jacob Mathos (Dem.), 251 Bellwood Road, R. D. 1, Homestead, Allegheny County, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Alice McMillen Carnegie, whose term expired.

McKEAN COUNTY

Walter R. Peoria (Rep.), 23 East Main Street, Bradford, McKean County, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice George M. Fleming, Port Allegany, resigned.

GEORGE M. LEADER.

MEMBERS OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Farview State Hospital, for the term of four years and until their successors are appointed and qualified:

Andrew F. Kelly, Gouldsboro, Wayne County, vice F. Carroll Krautter, Newfoundland, resigned.

Harlan James Crellin, Milford, Pike County, vice Dr. Park M. Horton, New Milford resigned.

GEORGE M. LEADER.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 23, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William A. Kelmickis, 116 Erwin Street, Duquesne, Allegheny County, for appointment as Alderman in and for the First Ward of the City of Duquesne, Allegheny County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Morris P. Seeds, Exton, Chester County, for appointment as Justice of the Peace in and for the Township of West Whiteland, Chester County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Ruth Tustin, R. D. 1, Pine Bank, Greene County, for appointment as Justice of the Peace in and for the Township of Gilmore, Greene County, to serve until the first Monday of January 1958, vice Charles P. Meighen, resigned.

GEORGE M. LEADER.

MEMBERS OF THE BEAVER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persnos for appointment as members of the Beaver County Board of Assistance:

Elmer C. Straub (Dem.), 608 Seventh Avenue, Beaver Falls, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Mrs. Goldie M. Wehr, Rochester, whose term expired.

Dominic DelTurco (Dem.), 470 Hopewell Avenue, Aliquippa, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Thomas H. Mansell, Aliquippa, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE ALLEGHENY COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of the Allegheny County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified.

Stanton C. Crawford (Rep.), Dean of the Faculties, University of Pittsburgh, Pittsburgh 13.

Norman O. Kegel (Dem.), 4018 Shoreham Street, Pittsburgh.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael F. Young, 2384 Academy Street, Aliquippa, Beaver County, for appointment as Justice of the Peace in and for the Borough of Aliquippa, Beaver County, to serve until the first Monday of January 1958, vice John Babich, resigned.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Karl E. Feigles, 78 North Main Street, Hughesville, Lycoming County, for reapopintment as Justice of the Peace in and for the Borough of Hughesville, Lycoming County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

MEMBER OF THE WAYNE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Louis A. Carey (Dem.), R. D. 1, Lakewood, Wayne County, for appointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Mrs. Edna B. Smith, South Sterling, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE FAYETTE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Fayette County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Ralph B. Worthington (Dem.), 259 Nassau Street, Uniontown, vice Charles Kuhn, Fayette City, whose term expired.

Clarence E. Hess (Rep.), Republic, vice Jack M. Collins, South Connellsville, resigned.

GEORGE M. LEADER.

MEMBERS OF THE LANCASTER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Lancaster County Board of Assistance:

Mrs. Bertha Brossman Eaby (Dem.), 207 East Main Street, Ephrata, to serve until December 31, 1957, and until her successor is duly appointed and qualified, vice Mrs. Irene R. Weidman, Ephrata, whose term expired.

Mrs. Joanne Ferguson Hensel (Dem.), 16 West State Street, Quarryville, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice A. H. Burkholder, Quarryville, whose term expired.

Mrs. Jeanne M. Carroll (Dem.), 1020 Woods Avenue, Lancaster, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Dr. V. W. Dippell, Lancaster, whose term expired.

Mrs. Margaret A. Krimmel (Dem.), 427 West Vine Street, Lancaster, to serve until December 31, 1956, and until her successor is duly appointed and qualified, vice Mrs. Josephine S. Roye, Columbia, resigned.

Mrs. Maude Frantz Draper (Rep.), 232 East Orange Street, Lancaster, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE MONTOUR COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Montour County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Mrs. Jean Kelley (Dem.), Washingtonville, vice Cyrus K. Shultz, Danville, whose term expired.

Mrs. Elizabeth J. Stamm (Dem.), R. D. 2, Danville. (Reappointment)

Mrs. Isabel B. Snyder (Rep), 215 Grand Street, Danville. (Reappointment)

GEORGE M. LEADER.

MEMBER OF THE FOREST COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Pearly W. Kifer (Dem.), Marienville, Forest County, for appointment as a member of the Forest County Board of Assistance, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Francis W. McClellan, Marienville, resigned.

GEORGE M. LEADER.

EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. MALLERY,

That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations read by the Clerk.

Which was agreed to.

Whereupon

A motion was made by Mr. WOLFE and Mr. MALLERY,

That the Senate do advise and consent to the nominations just read.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 841, Printer's No. 532, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

THIRD READING CALENDAR

BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 188, Printer's No. 370, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 244, as follows:

An Act amending the act of June 28, 1951 (P. L. 638) entitled "An act relating to the jurisdiction powers and duties of registers of wills and regulating proceedings before them and the costs thereof the effects of their acts and appeals therefrom" providing for the fixing of costs where there are separate orphans' courts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 209 act of June 28, 1951 (P. L. 638) known as the "Register of Wills Act of 1951" is amended to read

Section 209 Bill of Costs (a) The court may establish a bill of costs to be charged for the services of the register not otherwise provided by law

(b) In counties wherein separate orphans' courts are now or may be established the said courts shall establish a bill of costs to be chargeable to parties and to estates for the probate of wills and testaments and granting letters testamentary and of administration and for all services of the register of wills of such county in the transaction of the business of his office

Section 2 This act shall take effect July 1 1956

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 245, as follows:

An Act amending the act of August 21, 1953 (P. L. 1309) entitled "An act prescribing the fees to be received by registers of wills in counties of the fourth fifth sixth seventh and eighth class" eliminating counties of the fourth class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and the first paragraph of section 1 act of August 21 1953 (P. L. 1309) entitled "An act prescribing the fees to be received by registers of wills in counties of the fourth fifth sixth seventh and eighth class" are amended to read

An Act

Prescribing the fees to be received by registers of wills in counties of the [fourth] fifth sixth seventh and eighth class

Section 1 The following fees shall be received by registers of wills in counties of the [fourth] fifth sixth seventh and eighth class

* * *

Section 2 This act shall take effect July 1 1956

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	**Stevenson,**
Berger,	Harney,	**McPherson, Jr.,**	**Stiefel,**
Blass,	Hays,	Miller,	**Taylor,**
Camiel,	Kessler,	Mullin,	**Van Sant,**
Chapman,	Kopriver, Jr.	Pechan,	**Wade,**
Dent,	Lane,	Peelor,	**Wagner,**
Diehm,	Madigan,	Propert,	**Watkins,**
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	**Schmidt,**	**Whalley,**
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	**McGinnis,**	**Silvert,**	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 246, as follows:

An Act amending the act of August 21, 1953 (P. L. 1306) entitled "An act prescribing the fees to be received by the clerks of orphans' courts of counties of the fourth fifth sixth seventh and eighth class" eliminating counties of the fourth class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and the first paragraph of section 1 act of August 21, 1953 (P. L. 1306) entitled "An act prescribing the fees to be received by the clerks of orphans' courts of counties of the fourth fifth sixth seventh and eighth class" are amended to read

An Act

Prescribing the fees to be received by the clerks of orphans' courts of counties of the [fourth] fifth sixth seventh and eighth class

Section 1 The following fees shall be received by the clerks of orphans' courts in counties of the [fourth] fifth sixth seventh and eighth class

* * *

Section 2 This act shall take effect July 1, 1956

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	**McMenamin,**	**Stevenson,**
Berger,	Harney,	McPherson, Jr.,	**Stiefel,**
Blass,	Hays,	Miller,	**Taylor,**
Camiel,	Kessler,	**Mullin,**	**Van Sant,**
Chapman,	Kopriver, Jr.,	Pechan,	**Wade,**
Dent,	Lane,	Peelor,	**Wagner,**
Diehm,	**Madigan,**	Propert,	**Watkins,**
DiSilvestro,	**Mahany,**	**Ruth,**	**Weiner,**
Donolow,	**Mallery,**	**Schmidt,**	**Whalley,**
Flack,	McCreesh,	**Scott,**	Wolfe,
Fleming,	**McGinnis,**	**Silvert,**	**Yosko,**

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 247, as follows:

An Act amending the act of August 10, 1951 (P. L. 1163) entitled as amended "An Act relating to the orphans' court conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates conferring concurrent jurisdiction over the administration and distribution of incompetents' estates and the determination of title to real estate in certain cases providing for the organization of orphans' courts the procedure therein the powers and duties of the judges thereof and appeals therefrom" providing for the fixing of costs where there are separate orphans' courts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 503 act of August 10, 1951 (P. L. 1163) known as the "Orphans' Court Act of 1951" is amended to read

Section 503 Bill of Costs (a) Each orphans' court may establish a bill of costs to be charged for the services of thet clerk not otherwise provided for by law

(b) Each separate orphans' court may establish a bill of costs to be charged to the parties and the estates before them for settlement for the services of the clerk in the transaction of the business of such court

Section 2 This act shall take effect July 1, 1956.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 258, as follows:

An Act amending the act of May 11, 1921 (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for thte enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" providing for free license tags for guide dogs for the blind

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 11, 1921 (P. L. 522) known as the "Dog Law of 1921" is amended by adding after section 18 a new section to read

Section 18.1 The provisions of this act relating to the payment of fees and other charges shall not apply to any blind person owning a guide dog License tags for guide dogs for the blind shall be issued without charge

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 471, as follows:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" deleting certain routes and adding a new route in Erie County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following routes established by the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" and its amendments are hereby deleted as indicated

[Route 25103 Beginning at a point on Route 25011 near Fay School thence northerly in Franklin Township to a point on Route 25013 near Silverthorn School in Erie County a distance of about 2.1 miles]

[Route 25121 Beginning at a point on Route 25102 about one mile southwest of Route 25010 thence in a northerly direction through Elk Creek Township to a point on Route 25010 at Murphys Corners in Erie County a distance of about 1.1 miles]

Section 2 The act is amended by adding the following new route

Route Beginning at a point on Route 25027 about one-half mile south of Route 25026 thence easterly in Mill Creek Township to a point on Route 258 in Erie County a distance of about 2.1 miles

Section 3 The highway established as a State highway under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the final enactment of this act when the same shall become effective and shall be taken over not later than the first day of January 1957

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Madigan,	Pechan,	Wade,
Dent,	Kopriver, Jr.,	Peelor,	Wagner,
Diehm,	Lane,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,

Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 587, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire five tracts of land in the Borough of West Chester Chester County for use of West Chester State Teachers' College and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is authorized to purchase in the name of the Commonwealth of Pennsylvania for use of West Chester State Teachers' College any or all of the following described five tracts of land in the Borough of West Chester County of Chester and Commonwealth of Pennsylvania bounded and described as follows

Tract No 1 Beginning on the east side of New Street 348 feet 6 inches southwardly from the southeast corner of New and Sharpless Streets thence along the east side of New Street northwardly 75 feet to land now or late of Jacob Juricks thence by the same north 64¼ degrees east 223 feet 5½ inches to land now or late of Albert P Hall thence along Hall land south 25 degrees east 75 feet to land now or late of George Fitzsimmons thence by the same south 64¼ degrees west 225 feet and ½ of an inch to the place of beginning Containing 16,880 square feet more or less of land Having thereon erected a brick dwelling No 623 South New Street

Tract No 2 Beginning at a point in a line of land now or late of the Bradford estate 166 feet south of the southern line of Sharpless Street and in the center of Darlington Street extended with right of way of 10 feet over said extension thence southward along the line of the Bradford estate 182 feet 6 inches to a corner of land now or late of Jacob Voltz thence westward along the line of Jacob Voltz's land 236 feet 10½ inches to other land of Jacob Voltz thence northwardly along land of Jacob Voltz and others 182 feet 6 inches to the southern line of a 16 feet wide alley to be used in common with others thence eastwardly along the southern line of the alley 236 feet 3½ inches to the place of beginning Containing 43,234½ square feet more or less of land

Tract No 3 Beginning at a point in the east line of New Street a corner of land now or late of Dr Jacob Price thence by said land and land now or late of Albert P Hall north 66 degrees 29 minutes east 464.25 feet to a corner of land now or late of the Chester County Agriculture Society thence by the society's land south 22 degrees 59 minutes east 67.59 feet thence by other land now or late of George Fitzsimmons south 59 degrees 45 minutes west 471.35 feet to the east line of New Street thence north 21 degrees 29 minutes west 123 feet to the place of beginning Containing 1 acre and 752.82 square feet more or less of land

For title to tracts no 1 2 and 3 into the estate of Christine Voltz deceased present owner see Chester County Deed Book "U-10" Volume 242 page 61 Deed Book "V-12" Volume 293 page 530 Deed Book "C-13" Volume 300 page 522 and Deed Book "U-13" Volume 317 page 203 and Will of Jacob Voltz deceased who died March 25, 1926 recorded in the office of the Register of Wills of Chester County

Tract No 4 Beginning at an iron pin set in the south street line of Sharpless Street at a corner of land now or late of Elizabeth M Barter thence extending along the south street line of Sharpless Street south 67 degrees 40 minutes west 177.70 feet to an iron pin set at the intersection of the continuation of the center line of Darlington Street thence extending along the line of the continuation of the center line of Darlington Street south 21 degrees 30 minutes east 175.02 feet to an iron pin thence along other land now or late of Sophia E Voltz north 67 degrees 40 minutes east 180.25 feet to an iron pin a corner of land of Elizabeth M Barter thence extending along the Barter land north 22 degrees 20 minutes west 175 feet to the place of beginning Containing 31,320 square feet more or less of land

For title into Bible Presbyterian Church present owner see Chester County Deed Book "L" Volume 22 page 495

Tract No 5 Beginning in the line of land now or late of Elva F Hanley thence south along the east side of South High Street 90 feet to a point thence eastwardly by land now or late of Pearl W Lindemuth and Betty Lindemuth Wright about 150 feet to the west side of a public alley thence northwardly along the west side of the alley 90 feet to a corner of land now or late of Elva F Hanley thence westwardly by the Hanley land 150 feet to the east side of South High Street the place of beginning Containing 13,428 square feet more or less of land

For title into Frederick S Wood present owner see Chester County Deed Book "O" Volume 25 page 65

Section 2 None of the tracts of land shall be acquired until title thereto has been approved by the Department of Justice

Section 3 The sum of twenty-five thousand dollars ($25,000) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price and incidental expenses included the completion of abstracts of title

Section 4 This act shall take effect immediately

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 700, as follows:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of

the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" deleting a route in Chester County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following route established by the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is hereby deleted

[Route 15100 Beginning at a point the intersection of Route 147 with the northern boundary line of West Chester Borough thence northeasterly along said boundary line and passing through West Goshen Township to a point on Route 202 about .5 of a mile southwest of Fernhill Station in Chester County a distance of about .8 of a mile]

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 701, as follows:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" adding a new route in Chester County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" to which new routes were added August 19, 1953 (P. L. 1177) is amended by adding thereto the following new route

Chester County

Route Beginning at a point on the West Chester Pike Legislative Route 133 approximately 0.6 of a mile east of the West Chester Borough West Goshen Township Line thence southeasterly to the West Chester By-Pass Route 775 in West Goshen Township a distance of about 0.55 of a mile

Section 2 The highway established as a State highway under the provisions of this act may be taken over for construction and maintenance any time after this act takes effect and shall be taken over not later than January 1, 1956

Section 3 This act shall take effect immediately

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 702, as follows:

An Act amending the act of June 22 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" adding a new route in Chester County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 22 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" to which new routes were added August 19 1953 (P. L. 1177) is amended by adding thereto the following new route

Chester County

Route Beginning at a point on Market Street at the Borough Line of West Chester and West Goshen Township thence easterly on Market Street to the intersection of Market Street with the West Chester Pike Legislative Route 133 in West Goshen Township a distance of about 1864 feet

Section 2 The highways established as State highways under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the final enactment of this act when the same shall become effective and shall be taken over not later than January 1, 1956.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 703, as follows:

An Act amending the act of June 1 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" adding a new route in Chester County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of June 1 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" is amended by adding thereto the following new route

West Chester Borough

Route Beginning at a point on Legislative Route 135 at the intersection of High and Market Streets thence easterly on Market Street to the West Chester Borough Line Chester County a distance of about 3120 feet.

Section 2 This act shall take effect January 1, 1956.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 704, as follows:

An Act returning to the local authorities a route in West Goshen Chester County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following route in West Goshen Township Chester County taken over as a State highway under the provisions of the act of May 16 1929 (P. L. 1780 Act No. 584) entitled "An act providing for the taking over as State highways by the State of certain State-aid highways and township reward roads and requiring the maintenance and reconstruction thereof by the Department of Highways" is hereby turned over to the local authorities and shall no longer be a State highway

Application 7326 Beginning at the intersection of Application 7326 and Legislative Route 133 at the West Chester Borough line thence in a northwesterly direction to an intersection with Legislative Route 202 about 0.2 of a mile north of the West Chester Borough line in West Goshen Township Chester County a distance of about 0.59 of a mile.

And said bill having been read at length the third time and agreed to,

On the question,

Shall be the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determinded in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 740, as follows:

An Act amending the act of June 22, 1931 (P. L. 594)

entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and imprivement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" adding a new route in Indiana County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is amended by adding thereto the following new route

Indiana County

Route Beginning at a point on Rural Route 32002 about 0.6 mile north of the village of Tunnelton thence in an easterly direction over Township Road#312 to connect with the road leading to the Administration Buildings of the Conemaugh Reservoir thence northerly over Township Road #312 to a point of intersection with Township Road #437 thence northeasterly over Township Road #437 to a point of intersection with Rural Route 32015 at Station 18± State Highway Enumeration in Conemaugh Indiana County a distance of about 3.25 miles

Section 2 The highway established as a State highway under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the final enactment of this act when the same shall become effective and shall be taken over not later than the first day of January 1956

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 809, as follows:

An Act amending the act of May 18, 1945 (P. L. 809) entitled "An act removing certain roads or sections of road from the State highway system and providing for their future maintenance and construction" removing an additional road from the State highway system

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 18, 1945 (P. L. 809) entitled "An act removing certain roads or sections of road from the State highway system and providing for their future maintenance and construction" is amended by adding certain additional roads to be removed from the State highway system as follows

Section 1 The following described roads which were added to the State highway system under the provisions of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (Pamphlet Laws 409) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads" or under the provisions of section 217 of the act approved the first day of June one thousand nine hundred forty-five (Pamphlet Laws 1242) known as the "State Highway Law" and which have been numbered by the Secretary of Highways as indicated are hereby removed from the said system

* * *

Lancaster County

The section of road identified in the records of the Department of Highways as Route 36148 Spur E extending from a point on Route 129 northeasterly over Ridge Road to the Mt Joy Township line in the borough of Elizabethtown Lancaster County a distance of about 0.26 of a mile

Section 2 On or after the effective date of this act the roads herein described shall be maintained constructed and reconstructed by the authorities of the township borough incorporated town or city in which they are located

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 810, as follows:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the

maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing a route in Lancaster County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Route 36148 act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" added June 25, 1937 (P. L. 2143) is amended to read

Route 36148 Beginning at a point on [the] Route 129 about one-half mile southeast [line] of Elizabethtown Borough thence in a [northeasterly] southeasterly direction through Mt Joy Township and West Donegal Township to a point on Route [36004] 129 about 0.5 of a mile northwest of [Milton Grove] Florin in Lancaster County a distance of about [3.8] 3.2 miles

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeaby to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro.	Mahany,	Ruth,	Weiner,
Donclow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 817, Printer's No. 514, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 826, Printer's No. 335, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 865, as follows:

An Act to amend the act approved the twenty-ninth day of July one thousand nine hundred fifty-three (P. L. 1050) entitled "An act providing for the acquisition construction improvement operation and maintenance of tunnels for certain highway purposes within the Commonwealth authorizing the issuance of tunnel revenue bonds free from taxation and payable solely from tunnel earnings to pay the cost of such tunnels and improvements thereof providing for the collection of tunnel tolls for the payment of such bonds and for the cost of maintenance operation and repair of the tunnels constituting such bonds legal investments in certain instances prescribing conditions upon which such tunnels shall become free tunnels conferring powers and imposing duties on the Pennsylvania Tunnel Commission created hereby providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation" by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenues of the commission including tolls or from such funds as may be available to the commission for such purpose providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (d) of section two of the act approved the twenty-ninth day of July one thousand nine hundred fifty-three (P. L. 1050) entitled "An act providing for the acquisition construction improvement operation and maintenance of tunnels for certain highway purposes within the Commonwealth authorizing the issuance of tunnel revenue bonds free from taxation and payable solely from tunnel earnings to pay the cost of such tunnels and improvements thereof providing for the collection of tunnel tolls for the payment of such bonds and for the cost of maintenance operation and repair of the tunnels constituting such bonds legal investments in certain instances prescribing conditions upon which such tunnels shall become free tunnels conferring powers and imposing duties on the Pennsylvania Tunnel Commission created hereby providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation is hereby amended to read as follows

Section 2 Definitions As used in this act the following words and terms shall have the following meanings

* * *

(d) The term "cost of tunnel" as applied to a tunnel to be constructed shall embrace the cost of construction the cost of all land property rights easements and franchises acquired which are deemed necessary for such construction financing charges interest during construction cost of traffic estimates and of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and the construction of the tunnel and the placing of the tunnel in operation Payment of any notes or other obligations hereinafter authorized to be issued to provide for preliminary or interim financing of any tunnel shall be considered payment of the cost of the tunnel provided such notes or other obligations were issued for such purpose

* * *

Section 2 Section three point one of said act as added by the act approved the twenty-first day of October one thousand nine hundred fifty-five (P. L.) (Act No. 199) is hereby amended to read as follows

Section 3.1 Assistance by Department of Highways (a) The commission is hereby authorized to enter into agreements with the Department of Highways of the Commonwealth for traffic surveys preparation of plans and specifications supervision of construction and other engineering services and other preliminary expenses neces-

sary in connection therewith and the obligation or obligations of the commission under the terms of such agreements shall be considered and deemed to be a part of the cost of the tunnel or tunnels to which such agreement relates and shall be reimbursed to the Department of Highways out of the proceeds of tunnel revenue bonds notes or other obligations authorized by this act

(b) Whenever lands or interest in lands are required by the commission for promoting its proper purposes the Department of Highways with the approval of the Governor shall have power and authority to acquire such lands or interests therein by purchase or condemnation in the name of the Commonwealth The procedure for acquiring such lands or interests in lands and for the payment of the resultant damages by the department for the taking by condemnation shall be in accordance with the provisions of the State Highway Law in such case made and provided The power hereby conferred upon the department shall not limit or restrict the power of the commission itself to acquire lands or interests in lands as otherwise provided in this act

(c) For the purpose of aiding the commission in the accomplishment of its purposes the Department of Highways of the Commonwealth shall have power and authority with or without consideration upon such terms as may be determined by the departments to be appropriate to grant convey transfer or assign to the commission and the commission shall have power and authority to so acquire from the department the right to use for any proper purpose of the commission any lands easements or rights in land and any buildings or improvements thereon heretofore or hereafter constructed made or acquired by the department whether by purchase condemnation or otherwise Any and all such grants conveyances transfers or assignments heretofore made by the department to the commission are hereby ratified approved and confirmed Any amounts paid or payable by the commission to the department for any such grant conveyance transfer or assignments shall be considered and deemed to be a part of the cost of the tunnel or tunnels in respect of which acquired and shall be reimbursed to the department out of the proceeds of tunnel revenue bonds notes or other obligations authorized by this act

Section 3 Sections seven eight and thirteen of said act are hereby amended to read as follows

Section 7 Construction of Tunnels The commission is hereby authorized and empowered to construct whenever it shall deem such construction expedient any tunnel or tunnels as herein defined within the Commonwealth The cost of such construction shall be paid solely by means of or with the proceeds of tunnel revenue bonds notes or other obligations hereinafter authorized The commission is hereby authorized to purchase within this Commonwealth solely from funds provided under the authority of this act such lands structures rights of way franchises easements and other interests in lands including lands under water and riparian rights of any person copartnership association railroad or other corporation or municipality or political subdivision deemed necessary for the construction of any such tunnel upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof and to take thereto in the name of the Commonwealth

Section 8 Tunnel Revenue Bonds Preliminary or Interim Fnancing Refunding Bonds (a) The commission is hereby authorized to provide by resolution at one time or from time to time for the issuance of Tunnel Revenue Bonds of the commission for the purpose of paying the cost as hereinabove defined of any one or more such tunnels which resolution shall recite an estimate of each issue of such cost The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment Such bonds shall bear interest at not more than six per centum per annum payable semiannually shall mature at such time or times not more than [thirty] forty years from their date or dates as may be determined by the commission and may be made redeemable before maturity at the option of the commission at such price and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds The principal and interest of such bonds may be made payable in any lawful medium The commission shall determine the form of the bonds including the interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth Bonds issued by the commission shall be signed by or bear the facsimile signature of the chairman of the commission [under the] and the seal of the commission or a facsimile thereof shall be affixed thereto and attested by the secretary of the commission and the coupons attached thereto shall bear the facsimile signature of the chairman of the commission All bonds issued under this act shall contain a statement on their face that the Commonwealth shall not be obligated to pay the same or the interest thereon except from the revenues of such tunnels In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery All such bonds shall be and shall have and are hereby declared to have all the qualities and incidents of negotiabe instruments under the negotiable instruments law of the Commonwealth Such bonds and the income thereof shall be exempt from all taxation within the Commonwealth Provisions may be made for the registration of any of the bonds in the name of the owner as to principal alone and also as to both principal and interest The commission may sell such bonds in such manner and for such price as it may determine to be appropriate for the accomplishment of the purpose of this act taking into consideration the financial responsibility of the purchaser the terms and conditions of the purchase and especially the availability of the proceeds of the bonds when required for payment of the cost of the tunnels Such bonds shall be sold for not less than a price which computed in relation to the absolute maturity of the bonds in accordance with standard tables of bond values will show a net return of not over six per centum per annum to the purchaser upon the amount paid therefor The proceeds of such bonds shall be used solely for the payment of the cost of the tunnels and shall be checked out by the chairman of the commission under such restrictions if any as such commission may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the tunnel or tunnels additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the trust indenture hereinafter mentioned shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same tunnel or tunnels If the proceeds of bonds issued for any tunnel or tunnels shall exceed the cost thereof the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of said bonds Prior to the preparation of definitive bonds the commission may under like restrictions issue temporary bonds with or without coupons exchangeable for definite bonds upon the issuance of the latter Such revenue bonds may be issued without any other proceedings or the happenings of any other conditions or things than those proceedings conditions and things which are specified and required by this act

Such bonds are hereby made securities in which all State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may here-

after be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law

(b) The commission is hereby authorized to borrow money from time to time at an interest rate not exceeding six per cetnum per annum to provide for preliminary or interim financing of any one or more such tunnels up to but not exceeding the estimated total cost of such tunnel or tunnels and to evidence such borrowing by the issuance of notes or other obligations of the commission payable solely from revenues of the commission including tolls or from such funds as may be available to the commission for such purpose The commission is authorized in its discretion to pledge as collateral for such notes or other obligations tunnel revenue bonds issued under the provisions of this act to provide for the investment of the proceeds of such notes or other obligations pending their application to the cost of such tunnel or tunnels in direct obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America or the Commonwealth and to pledge the same as collateral for such notes or other obligations of the commission and to renew any such notes or other obligations from time to time The payment or retirement of such notes or other obligations shall be considered to be payment of the cost of such tunnel or tunnels All such notes or other obligations shall be executed by the same persons in the same manner and with the same effect as provided herein for the execution of tunnel revenue bonds All such notes or other obligations shall contain a statement on their face that the Commonwealth is not obligated to pay the same or interest thereon except from revenues of the commission including tolls or from such funds as may be available to the commission for that purpose

All State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business may properly and legally invest any funds including capital belonging to them or within their control in such notes or other obligations or loan any such funds and accept as evidence of the same such notes or other obligations

All such notes or other obligations shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth Such notes and other obligations and the income therefrom shall be exempt from all taxation within the Commonwealth

(c) The commission is hereby authorized to provide by resolution for the issuance of tunnel revenue refunding bonds of the commission for the purpose of refunding any tunnel revenue bonds notes or other obligations issued under the provisions of this act and then outstanding The issuance of such tunnel revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the commission in respect to the same shall be governed by the provisions of this act in so far as the same may be applicable

Section 13 Cessation of Tolls When the particular bonds including all refunding bonds issued for any tunnel or tunnels and the interest thereon shall have been paid or a sufficient amount shall have been provided for their payment and shall continue to be held for that purpose the commission shall cease to charge tolls for the use of such tunnel or tunnels and thereafter such tunnel or tunnels shall be free and be a part of the State Highway System of Pennsylvania

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreebly to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 876, as follows:

An Act amending the act of June 23 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further regulating the hours of service of firemen

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2103 act of June 23 1931 (P. L. 932) known as "The Third Class City Code" reenacted and amended June 28 1951 (P. L. 662) and amended July 17, 1951 (P. L. 1008) is amended to read

Section 2103 Platoon System Hours of Service Vacation Sick Leave The director of the department having charge of the fire bureau in each city shall divide the officers and members of companies of the uniformed fire force in the employ of such cities and any other firemen and drivers regularly employed and paid by the city excepting the chief engineer and assistant chiefs and those employed subject to call into two bodies or platoons to perform service during such hours as the director shall fix except as herein otherwise provided The hours of day service shall not exceed ten commencing at eight o'clock in the morning the hours of night service shall not exceed fourteen commencing at six o'clock in the afternoon and the hours of day service shall not exceed fifty hours in any one calendar week and the hours of night service shall not exceed seventy hours in any one calendar week unless the hours of day and night service shall be equalized in which case neither the hours of day or night service shall exceed [sixty] fifty-six in any one calendar week Provided That for the duration of any war in which the United States is engaged and six months thereafter the hours of service may exceed the number hereinbefore provided as the maximum number of hours of service and in such cases council shall provide for the payment of extra compensation for any hours of service at the same rate as paid for regular service in excess of such maximum hours of service The employes of such fire forces shall be allowed to have at least twenty-four consecutive hours of rest in every calendar week to have an annual vacation of not less than fourteen working days and shall be entitled to [fourteen] days sick leave annually without diminution of the salary or compensation fixed by ordinance In cases of riot serious conflagration times of war public celebrations or other such emergency the chief engineer of the bureau of fire

or the assistant chief deputy or chief officr in charge at any fire shall have the power to assign all the members of the fire force to continuous duty or to continue any member thereof on duty if necessary No member of any of said shifts bodies or platoons shall be required to perform continuous day service or continuous night service for a longer consecutive period than two weeks nor be kept on duty continuously longer than ten hours in the day shifts bodies or platoons or fourteen hours in the night shifts bodies or platoons excepting as may be necessary to equalize the hours of duty and service and also excepting in cases of emergency as above provided

Section 2 This act shall take effect January 1 1956

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye',, the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 904, as follows:

An Act amending the act of June 22, 1931 (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appriating money in the Motor License Fund for the purposes of this act" adding new routes in the city of Titusville

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of June 22, 1931 (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" is amended by adding thereto the following new routes

Beginning at a point on the intersection of West Central Street and West Central Avenue thence easterly on Spring Street to Franklin Street thence continuing easterly on Diamond Street to an intersection with East Central Avenue a distance of about 0.5 of a mile

Beginning at a point on the intersertion of West Central Avenue and Perry Street thence south on Perry Street to an intersection with St Johns Street thence over St Johns Street easterly to an intersection with South Franklin Street a distance of about 0.34 of a mile

Beginning at a point on the intersection of South Franklin Street and Water Street thence easterly to South Brown Street thence northerly on South Brown Street to an intersection with East Central Avenue a distance of about 0.55 of a mile

Section 2 The streets established as State highways under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the approval of this act but shall be taken over not later than January 1, 1956.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant.
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner.
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley.
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko.

NAYS—0

A majority of all the Senators having voted "aye',, the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 934, as follows:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" adding a new route in Crawford County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is amended by adding a new route in Crawford County

Route . Beginning at the intersection of Route 271 and Route 20084 known as Page's Corners thence in an easterly direction through Bloomfield and Sparta Townships to a point on Route 20093 at Aldsdorf Corners in Crawford County a distance of about 2.10 miles

Section 2 The highways established as State highways under the provisions of this act may be taken over for the construction and maintenance at any time after this act takes effect and shall be taken over not later than July 1, 1956

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finallf?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye',, the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate House Bill No. 967, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in or near White Haven Foster Township Luzerne County for the use of the Department of Welfare in the treatment of mentally retarded children and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized to purchase in the name of the Commonwealth a certain tract of land from The Jefferson Medical College of Philadelphia a Pennsylvania corporation in or near White Haven Foster Township Luzerne County Pennsylvania with the improvements thereon formerly know as "White Haven Sanatorium" covering approximately 278 acres and including such personal property on said premises as shall be agreed upon by The Jefferson Medical College of Philadelphia and the Department of Welfare

Section 2 Said tract of land improvements and personal property when purchased shall be under the jurisdiction of the Department of Welfare and utilized in its treatment of mentally retarded children The deed of conveyance shall be deposited with the Secretary of Internal Affairs Said land shall not be acquired until the title thereto has been approved by the Department of Justice

Section 3 The sum of one hundred fifty-five thousand dollars ($155,000.00) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of the land buildings and personal property and expenses incidental thereto

Section 4 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin.	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefel,
Blass,	Harney,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 984, as follows:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" adding a new route in Delaware County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways con-

ferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is amended by adding the following new route

Delaware County

Route Beginning at a point on Route 180 near its intersection with Route 23095 thence in a general westerly direction in Chester Aston Bethel and Concord Townships to Route 180 near Route 23026 in Delaware County a distance of about 9.5 miles

Section 2 The highway established as a State highway under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the final enactment of this act when the same shall become effective and shall be taken over not later than the first day of January 1957

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 993, as follows:

An Act amending the act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" adding a new route in Armstrong County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 22, 1931 (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is amended by adding the following new route

Armstrong County

Route Beginning at a point on Route 705 approximately 1.21 miles south of the intersection with Route 203 thence in a northerly and easterly direction to the intersection with Township Road No 460 through Bethel Township Armstrong County a distance of about 1.47 miles

Section 2 The highway established as a State highway under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the final enactment of this act when the same shall become effective and shall be taken over not later than the first day of January 1957

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1666, as follows:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred eighteen thousand seven hundred seventy-six dollars ($118,776) or as much thereof as may be necessary is hereby specifically appropriated out of the Fish Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred fifty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of thirty-two thousand twenty-three dollars ($32,023) and to the credit of the Contingent Reserve Account the sum of eighty-six thousand seven hundred fifty-three dollars ($86,753)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin.	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1667, as follows:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of one million nine hundred eighty-three thousand two hundred eighty-seven dollars ($1,983,287) or as much thereof as may be necessary is hereby specifically appropriated out of the State Stores Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred fifty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State smployes receiving compensation from the State Stores Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of five hundred thirty-six thousand two hundred forty-two dollars ($536,242) and to the credit of the Contingent Reserve Account the sum of one million four hundred forty-seven thousand forty-five dollars ($1,447,045)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1668, as follows:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of forty-five thousand one hundred ninety-three dollars ($45,193) or as much thereof as may be necessary is hereby specifically appropriated out of the Manufacturing Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred fifty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of twelve thousand two hundred twenty-seven dollars ($12,227) and to the credit of the Contingent Reserve Account the sum of thirty-two thousand nine hundred sixty-six dollars ($32,966)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1669, as follows:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred thirty-six thousand three hundred eighty-nine dollars ($236,389) or as much thereof as may be necessary is hereby specifically appropriated out of the Game Fund to the State Employes Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred fifty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of sixty-two thousand eight hnudred eighty-two dollars ($62,882) and to the credit of the Contingent Reserve Account the sum of one hundred seventy-three thousand five hundred seven dollars ($173,507)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1670, as follows:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four million two hundred twenty-nine thousand seven hundred eighty-eight dollars ($4,229,788) or as much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred fifty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Eemloyes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

Section 2 Or the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of one million one hundred twenty-nine thousand five hundred forty-three dollars ($1,129,543) to the credit of the Contingent Reserve Account the sum of three million fifty thousand two hundred forty-five dollars ($3,050,245) and to the credit of the Pennsylvania State Police Retirement Account the sum of fifty thousand dollars ($50,000)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1671, as follows:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred two thousand two hundred ten dollars ($202,210) or as much thereof as may be necessary is hereby specifically appropriated out of the State Workmen's Insurance Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred fifty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of fifty-four thousand seven hundred thirty dollars ($54,730) and to the credit of the Contingent Reserve Account the sum of one hundred forty-seven thousand four hundred eighty dollars ($147,480)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Mullin,	Wade,
Dent,	Lane,	Peelor,	Wagner,

Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1672, as follows:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ninety-five thousand twenty-two dollars ($95,022) or as much thereof as may be necessary is hereby specifically appropriated out of the Banking Department Fund to the State Employes' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred fifty-five for payment from time to time into the State Employes' Retirement Fund to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of twenty-five thousand six hundred nineteen dollars ($25,619) and to the credit of the Contingent Reserve Account the sum of sixty-nine thousand four hundred three dollars ($69,403)

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McPherson, Jr.	Stevenson,
Berger,	Harney,	McMenamin,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1705, as follows:

An Act transferring money from the Banking Fund to the General Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three hundred thousand dollars ($300,000) is transferred from the Banking Fund to the General Fund

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McPherson, Jr.,	Stevenson,
Berger,	Harney,	McMenamin,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1732, as follows:

An Act lapsing unexpended and unencumbered balances of certain appropriations from the Motor License Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The unexpended and unencumbered balances of appropriations made from the Motor License Fund to the State Treasury by the General Assembly in the act of May 31 1945 (Appropriation Acts page 45 Act No 62-A) for the purpose of rebuilding county bridges in the act of May 29 1945 (P L 1102) to townships of the second class in the act of June 2 1947 (P L 393) to cities boroughs and townships of the first and second class and in the act of March 24 1949 (P L 315) to cities boroughs and townships of the first and second class which shall remain unexpended and unencumbered on the effective date of this act shall lapse on that date

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1792, Printer's No. 1412, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1908, as follows:

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The taxing bodies of the various counties cities boroughs towns townships and school districts may abate real estate taxes imposed by them for the tax year 1955 if the real property upon which the tax was imposed was destroyed by flood or where such property suffered damage in the amount of ten per centum or more of the assessed value thereof In the event that such tax has been paid the taxing bodies may refund such taxes or provide for giving credit for the amount paid against any future real estate taxes imposed upon the property subsequent to the tax year 1955

Section 2 No abatement refund or credit shall be allowed unless the property owner petitions the taxing body for the abatement refund or credit on or prior to September 1 1956

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1944, as follows:

An Act to amend the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 P. L. 28) entitled "An act relating to the civil defense of this State and its coordination with national defense providing for the establishment of a State Council of Civil Defense local and district councils of civil defense Mobile Support Units prescribing the powers duties and immunities thereof and of their personnel authorizing mutual aid compacts and providing penalties" by authorizing the State Council of Civil Defense to make rules and regulations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 P. L. 28) entitled "An act relating to the civil defense of this State and its coordination with national defense providing for the establishment of a State Council of Civil Defense local and district councils of civil defense Mobile Support Units prescribing the powers duties and immunities thereof and of their personnel authorizing mutual aid compacts and providing penalties" as last amended by the act approved the third day of September one thousand nine hundred fifty-five (P. L.) (Act No. 135) is hereby amended by adding at the end thereof a new subsection to read as follows

Section 4 Powers and Duties The Council shall have the following powers and duties

* * *

(n) To promulgate adopt and enforce such rules regulations and orders relating to the protection of life and property and to the maintenance of health and safety as may be deemed necessary to carry out the provisions of this act The State Council of Civil Defense shall cause such rules regulations and orders to be published and disseminated in the Commonwealth in such manner and to such extent as it shall deem necessary and advisable

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Miller,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Weiner,
Donolow,	Mallery,	Schmidt,	Whalley,
Flack,	McCreesh,	Scott,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

REPORTS FROM COMMITTEES

Mr. STEVENSON. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STEVENSON, from the Committee on Local

Government, reported as amended, Senate Bill No. 986, entitled:

An Act amending the act of July 20, 1953 (P. L. 550) entitled "An act providing for and regulating the annexation of parts of a second class township to boroughs cities and townships" fixing the time when annexation takes effect.

He also, from the Committee on Local Government, reported as committed, Senate Bill No. 987, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code," further regulating the payment by cities and boroughs for certain improvements and facilities in portions of the township annexed by them.

Mr. WOLFE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFE, from the Committee on Highways, reported as committed, Senate Bill No. 977, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242) entitled "State Highway Law," authorizing the department to provide for certain work on public utilities owned by municipality authorities.

INTERROGATION

Mr. YOSKO. Mr. President, I desire to interrogate the gentleman from Armstrong, Senator Pechan.

The PRESIDENT. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. YOSKO. Senator Pechan, I inquired yesterday on the possibilities of the length of the Session this week because of some activities that I have planned. I must either go through with what I have planned this week or I must postpone what I have planned, and I must do it within the next hour. I wonder if you could enlighten me, and the Members of the Senate, on what the schedule is as of right now. I understand we may be here until Saturday now, is that correct?

Mr. PECHAN. That is a likelihood; yes, Senator Yosko.

Mr. YOSKO. What is the planned procedure?

Mr. PECHAN. So far as I know, unless they change the signals on me, we plan to have the tax measures moved up to Third Reading, after having passed Second Reading, and then recommit them to the Committee on Finance. As I understand it and I think you probably know, some of our leaders on both sides of the aisle are sitting down and trying to work out some amendments. They plan to incorporate those amendments in committee tomorrow and, as I say, if the signals do not change, the bills should be brought up for Final Passage on Friday.

Some of the Members may want more time, I do not know. However, at the present time, the schedule is to bring those tax measures out, all five of them. They are House Bill No. 941, House Bill No. 1880, House Bill No. 1591, House Bill No. 2009 and House Bill No. 2010.

Mr. YOSKO. Are you going to bring them up for the final vote on Friday?

Mr. PECHAN. That is the present plan, yes.

Mr. YOSKO. Thank you very much.

RECESS

Mr. LANE. Mr. President, I move that the Senate do now take a recess for ten minutes, for the purpose of holding a Democratic Caucus.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in Resolution from the Senate as follows:

RECALLING SENATE BILL No. 646
FROM THE GOVERNOR

In the Senate, February 28, 1956.

Resolved (if the House of Representatives concur), That Senate Bill No. 646, Printer's No. 224, entitled "An act amending the act of June 21, 1939 (P. L. 566) entitled 'A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents' entitling certain unemployed persons to benefits and fixing minimum compensation payments", be recalled from the Governor for the purpose of amendment.

BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 660, entitled:

An Act amending the act of May 16, 1923 (P. L. 207), entitled "Municipal Claim and Tax Lien Law," further regulating the sale of real property for the non-payment of tax and municipal claims; and providing for the discharge of all liens, mortgages, ground rents, estates and claims against such property by such sale, subject to the right of redemption.

House Bill No. 844, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," authorizing use of warning figures, commonly known as "silent policemen" to be erected on highways and State highways by certain political subdivisions.

House Bill No. 970, entitled:

An Act amending the Act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," by changing requirements and penalties concerning lamps and illuminating devices.

House Bill No. 1160, entitled:

An Act amending the act of June 16, 1836 (P. L. 715), entitled "An act relating to Reference and Arbitration," authorizing courts to reduce amounts to be repaid by appellants.

House Bill No. 1197, entitled:

An Act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece, prescribing forms therefor and fixing the fees thereof.

House Bill No. 1530, entitled:

An Act amending the act of June 23, 1931 (P. L. 932), entitled "Third Class City Law," increasing the amount of tax which may be levied and collected for general revenue purposes.

House Bill No. 1630, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," regulating registration of antique motor vehicles.

House Bill No. 1786, entitled:

An Act providing for cooperation by the Commonwealth of Pennsylvania, in conjunction with the State of New Jersey, with the United States of America, in the improvement and maintenance of the Delaware River between Allegheny Avenue, Philadelphia, Pennsylvania, and Trenton Marine Terminal, Trenton, New Jersey, and making an appropriation.

House Bill No. 1914, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey, one acre and eighteen square perches more or less, of land, situate in Buckingham Township, Bucks County.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

SECOND READING CALENDAR

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 30, Printer's No. 536, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 39, entitled:

An Act amending the act of July eleven one thousand nine hundred and seventeen (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof . . . " further defining drugs coming within the scope of said act and changing the penalties for the illegal sale dispensing or giving away of drugs

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 324, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," revising the school health program changing the duties of the Department of Health and the Department of Public Instruction relating thereto imposing duties on the State Council of Education and changing the basis for reimbursement therefor.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. LANE offered the following amendment:

Amend Sec. 2 (Sec. 1401) page 4, line 16 by striking out "quired by the Secretary of Health".

It was agreed to.

The section was agreed to as amended.

The second, third and fourth sections and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 324, Printer's No. 542, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 415, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "Local Tax Enabling Law" requiring the filing of bonds for appeals to act as a supersedeas.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 647, entitled:

An Act amending the act of June 12, 1951 (P. L. 533) entitled "The Mental Health Act of 1951" fixing the date for liability of costs of patient care.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 873, Printer's No. 1400, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 941, entitled:

An Act amending the act of May sixteen one thousand nine hundred thirty-five (P. L. 208) entitled as amended "Corporate Net Income Tax Act" changing formula for determining gross receipts where entire business is not transacted in the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. PECHAN. Mr. President, I move that House Bill No. 941, the bill just read, be recommitted to the Committee on Finance.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

REQUEST THAT BILL GO OVER IN ORDER WITHDRAWN

Mr. LANE. Mr. President, I would like to revert to page 10 of today's Calendar, and withdraw my request that Senate Bill No. 30, Printer's No. 536, go over in its order.

I now call the bill up for consideration.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 30, entitled:

An Act amending the act of June 19, 1913 (P. L. 534) entitled "An act relating to appointment of deputy constables" defining the jurisdiction of deputy constables.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 972, Printer's No. 538, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 985, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code" further fixing qualifications of members of the board of health.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 988, entitled:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "The County Code" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 989, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "Second Class County Code" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1432, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051) entitled "Public Assistance Law" changing provisions relating to children eligible for assistance.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1591, entitled:

An Act amending the act of June 1, 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" postponing the manufacturing exemption with regard to capital stock tax and the franchise tax on domestic and foreign corporations joint-stock associations limited partnerships and companies and changing the gross receipts fraction in the franchise tax.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. PECHAN. Mr. President, I move that House Bill No. 1591, the bill just read, be recommitted to the Committee on Finance.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1618, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" prescribing powers and duties of the Department of Welfare with respect to juveniles.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1733, entitled:

An Act amending the act of September 29, 1951 (P. L. 1652) entitled "An act providing for the construction by The General State Authority of an addition of a medical and surgical hospital building to the Philadelphia State Hospital . . ." clarifying the word hospital.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1863, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" further regulating lighting equipment lights and devices and the use thereof and prescribing penalties

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Section 1, (Sec. 801), page 4, line 8, by striking out the following: "not"; Amend Section 1, (Sec. 801), page 4, line 8, by inserting after the word "apply" the following: "only"; Amend Section 1, (Sec. 801), page 4, line 8, by striking out the following: "manufactured prior to" and inserting in lieu thereof the following: "initially registered in this Commonwealth on or after"; Amend Section 1, (Sec. 801), page 4, line 18, by striking out the following: "not"; Amend Section 1, (Sec. 801), page 4, line 18, by inserting after the word "apply" the following: "only"; Amend Section 1, (Sec. 801), page 4, line 18 and 19, by striking out the following: "manufactured prior to" and inserting in lieu thereof the following: "initially registered in this Commonwealth on or after"; Amend Section 1, (Sec. 801), page 4, line 20, by striking out the following: "But" and inserting in lieu thereof the following: "all other".

They were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1880, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine" by requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax changing the gross receipts fraction applicable to foreign corporations and further providing for the computation and payment of the tax by domestic corporations joint-stock association limited partnerships and companies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. PECHAN. Mr. President, I move that House Bill No. 1880, the bill just read, be recommitted to the Committee on Finance, for the purpose of amendment.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale use storage or other consumption of certain tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. PECHAN. Mr. President, I move that House Bill No. 2009, the bill just read, be recommitted to the Committee on Finance, for the purpose of amendment.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 2010, entitled:

An Act imposing a tax on persons engaged in the business of operating hotels inns apartment hotels motels tourist homes restaurants cafes public eating places public drinking places clubs and catering establishments prescribing the manner of collecting the tax measured by gross receipts from sales of food drinks and lodgings imposing duties on and prescribing powers of the Department of Revenue and fixing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. PECHAN. Mr. President, I move that House Bill No. 2010, the bill just read, be recommitted to the Committee on Finance, for the purpose of amendment.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGE

SENATE BILL No. 929 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 929, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

BILL INTRODUCED AND REFERRED

Mr. STEVENSON. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STEVENSON read in place and presented to the Chair Senate Bill No. 1010, entitled:

An Act declaring and adopting the poem "Pennsylvania" by Gerall G. Dovenspike as the State poem.

Which was committed to the Committee on State Government.

REPORT FROM COMMITTEE

Mr. WADE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE, from the Committee on Insurance, reported as committed, House Bill No. 1873, entitled:

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws 789) entitled as amended "The Insurance Department Act of 1921," by changing provisions relating to certain legal proceedings.

BILLS ON FIRST READING

Mr. PECHAN. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 977, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242) entitled "State Highway Law" authorizing the department to provide for certain work on public utilities owned by municipality authorities

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 986, entitled:

An Act amending the act of July 20, 1953 (P. L. 550) entitled "An act providing for and regulating the annexation of parts of a second class township to boroughs cities and townships" fixing the time when annexation takes effect.

And said bill having been read at length the first time, Odered, To be laid aside for second reading

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 987, entitled:

An Act amending the Act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code," further regulating the payment by cities and boroughs for certain improvements and facilities in portions of the township annexed by them.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1873, entitled:

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws 789) entitled as amended "The Insurance Department Act of 1921," by changing provisions relating to certain legal proceedings.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENT BY MAJORITY WHIP

Mr. PECHAN. Mr. President, in view of the fact of the interest which has been shown regarding these tax measures, I have been asked by several Members of the Senate to make an announcement as to when copies of the bills, after they are reported from committee again, will be available for many of the people who are sitting here and who are interested in this legislation.

Mr. President, it is my judgment that it is physically impossible for them to be ready before sometime Friday morning. We are not going into Session until 3:00 o'clock and the bills will be amended; that is, that is what they are now planning. The bills will be amended in committee and then sent to the printer. They will, therefore, not be available before Friday morning.

PERMISSION TO ADDRESS SENATE

Mr. PECHAN asked and obtained unanimous consent to address the Senate.

Mr. PECHAN. Mr. President, today is the 29th of February. I have a brother who has a birthday today, so the Pechans, once every four years, help him to celebrate his birthday. He happened to be born on the 29th of February.

However, Mr. President, I think, over and above that, we in the Senate are rejoiced that one of our colleagues has returned after a long illness. I am happy to welcome, on behalf of the other Members of the Senate, Ted Watson, from Bucks County. I know that we are all happy that he is feeling better and is able to be about.

Then, too, today we heard by radio and the newspapers that another great American's health is improved to the extent that he was able to tell a waiting public that he will again sacrifice and run for the Presidency of the United States; namely, Dwight D. Eisenhower. I think the people in the North, in the South, in the East and in the West are all rejoicing that Ike's health is such that he will make the sacrifice and again run for four years.

MOTION TO ADJOURN

Mr. PECHAN. Mr. President, I move that the Senate do now adjourn until Thursday, March 1, 1956 at 3:00 o'clock, p. m.

Mr. LANE. Mr. President, I request that the gentleman temporarily withdraw his motion to adjourn.

Mr. PECHAN. Mr. President, if Senator Lane wants to endorse President Eisenhower, I will withdraw my motion.

Mr. LANE. Mr. President, I am sure that we all want to welcome Senator Watson back, but I wouldn't go any further.

MOTION TO ADJOURN WITHDRAWN

Mr. PECHAN. Mr. President, I withdraw my adjournment motion, temporarily.

PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President, on behalf of the Democratic Members of the Senate, we, too, are indeed glad that Ted Watson has regained his health and is back among us. All of us have a considerable affection for Ted. We have worked with him for a long time and we found him to be very, very fair in his dealings with us. I know, too, that his family is indeed happy that Ted can be back on the job because, when he is back in the Senate, I know he enjoys it. This is especially so when he is with the distinguished gentleman from Delaware County, whom I do not see on the floor today.

Mr. President, in regard to the announcement by the President of the United States that he has decided to be a candidate again, I would say that we, of the Democratic Party, are happy that he is healthy. We all respect him as a great General and Commander-in-Chief. However, I would say that Dwight Eisenhower has had the greatest honors that ever could be bestowed upon any man. I feel that he is making a grave mistake in acquiescing to the pressures of the Republican politicians in order to get him on the ballot and jeopardize his life.

In addition to that, Mr. President, he is running a great chance of going down into ignominious defeat. Regardless of how great a man might be or who he might be, once his name is placed upon the ballot, no one knows what is going to happen. I would say to the President of the United States that we are happy he is strong again. However, we are indeed sorry that he made the grave mistake of bowing to the professional politicians of the United States on the Republican side.

ADJOURNMENT

Mr. PECHAN. Mr. President, I move that the Senate do now adjourn until Thursday, March 1, 1956, at 3:00 o'clock, p.m., Eastern Standard Time.

Mr. HAYS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:48 o'clock, p.m., Eastern Standard Time, until Thursday, March 1, 1956, at 3:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, February 29, 1956

The House met at 3:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Tuesday, February 28, 1956 will be postponed until printed. The Chair hears none.

USE OF HALL OF HOUSE RESCINDED

Mr. READINGER. Mr. Speaker, yesterday the House passed a motion to allow the Elections Bureau to use the Hall of the House for drawing for position on the ballot tomorrow. As other arrangements have been made, I am now moving that that permission be rescinded.

The motion was agreed to.

BILLS INTRODUCED AND REFERRED

By Miss LEIBY. HOUSE BILL No. 2051.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," removing certain merger provisions and changing the procedure in the formation of union districts.

Referred to the Committee on Education.

By JOHN J. MURRAY. HOUSE BILL No. 2052.

An Act authorizing the appointment of a House committee for the purpose of making a study and investigation and legislative recommendations relating to the expenditure of school district funds in the repair or construction of school buildings or plants; conferring powers and imposing duties on the committee; and making an appropriation.

Referred to the Committee on Rules.

RESOLUTION INTRODUCED AND REFERRED

By JOHN J. MURRAY. RESOLUTION No. 160.

In the House of Representatives, February 28, 1956.

It is of vital importance to this House of Representatives to have full and complete knowledge of the type of expenditures and the manner of making expenditures by school districts for the construction or improvement of school buildings or other parts of school plants.

Large amounts of Commonwealth funds are utilized by school districts for construction payments or rentals of school buildings and educational equipment; therefore be it

Resolved, That the Joint State Government Commission be directed to study and investigate the expenditure of school district funds used for the repair, improvement or construction of school buildings or plants; and be it further

Resolved, That the Joint State Government Commission report to the next succeeding biennial session of the General Assembly its findings and recommendations, with drafts of any legislation which may be necessary to carry the recommendations into effect.

Referred to the Committee on Rules.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. MOSCRIP. Mr. Speaker, I move that House Bill No. 1319, Printer's No. 880 together with the communication from the Senate be taken from the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1319 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, December 22, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1319, Printer's No. 880, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

RECONSIDERATION OF VOTE

Mr. MOSCRIP. Mr. Speaker, I move that the vote by which this bill passed be reconsidered.

Mr. CHARLES C. SMITH. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Bradford, Mr. Moscrip vote on the final passage of this bill?

Mr. MOSCRIP. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Smith vote on the final passage of this bill?

Mr. CHARLES C. SMITH. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. MOSCRIP. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. MOSCRIP. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1 (Sec. 1197), page 2, line 9, by inserting after "method" "to any local or special existing laws".

Amend Sec. 1 (Sec. 1197), page 2, line 10, by striking out "thereby" and inserting in lieu thereof "by Article XI".

Amend Sec. 1 (Sec. 1197), page 2, lines 11 and 12, by striking out "other laws and shall not be regarded as in" in line 11, all of line 12 and inserting in lieu thereof "such local or special existing laws".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 844.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," authorizing the use of warning figures, commonly known as "silent policemen" to be erected on highways and State highways by certain political subdivisions.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 970.

An Act amending the Act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldlermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by changing requirements and penalties concerning lamps and illuminating devices.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1786.

An Act providing for cooperation by the Commonwealth of Pennsylvania in conjunction with the State of New Jersey with the United States of America in the improvement and maintenance of the Delaware River between Allgheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and making an appropriation.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

SENATE BILL No. 646 RECALLED FROM GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 28, 1956.

Resolved (if the House of Representatives concur), that Senate Bill No. 646, Printer's No. 224, entitled "An act amending the act of June 21, 1939 (P. L. 566) entitled 'A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents' entitling certain unemployed persons to benefits and fixing minimum compensation payments," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, February 27, 1956.

Resolved (if the Senate concur), that House Bill No. 1514, Printer's No. 600, entitled "An act amending the act of September 26, 1951 (P. L. 1518) entitled 'An act to provide for the registration and protection of trademarks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof and imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith' further defining the right to registration," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, February 28, 1956.

Resolved (if the Senate concur) that House Bill No. 407, Printer's No. 624, enittled "An act amending the act of August 10, 1951 (P. L. 1182) entitled 'An act relating to and defining chiropractic and the right to practice chiropractic requiring licensure conferring powers and imposing duties upon the State Board of Chiropractic Examiners and the Department of Public Instruction providing for the granting suspension and revocation of licenses issued by the board preserving the rights of existing licensees and giving them certain personal choice as to jurisdiction conferring jurisdiction upon the court of common pleas of Dauphin County and prescribing penalties' extending the period for application for limited examination clarifying certain provisions thereof establishing further standards of educational conferences and requiring board approval thereof providing for branch office certificates and prohibiting branch office practice without such certificate, be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1630

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1630.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," regulating registration of antique motor vehicles.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 856, entitled:

An Act amending the act of March 30, 1917 (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making cerain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," further regulating the refusal, cancellation, revocation and suspension of licenses, providing for rules and regulations, and eliminating repealed provisions.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicity read as follows:

HOUSE BILL No. 660.

An Act amending the act of May 16, 1923 (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," further regulating the sale of real property for the non-payment of tax and municipal claims; and providing for the discharge of all liens, mortgages, ground rents, estates and claims against such property by such sale subject to the right of redemption in cities of the first class

HOUSE BILL No. 844.

An Act amending the act of May 1 1929 (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the De-

partment of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing use of warning figures commonly known as "silent policemen" to be erected on highways and State highways by certain political subdivisions

HOUSE BILL No. 970.

An Act amending the Act of May 1 1929 (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justics of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by changing requirements and penalties concerning lamps and illuminating devices

HOUSE BILL No. 1160.

An Act amending the act of June 16, 1836 (P. L. 715) entitled "An act relating to Reference and Arbitration" providing for payment by the county of part of arbitrator's fees in certain cases

HOUSE BILL No. 1197.

An Act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece prescribing forms therefor and fixing the fees thereof

HOUSE BILL No. 1530.

An Act amending the act of June 23, 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" prescribing an additional amount of tax which may be levied and collected for general revenue purposes upon order of court

HOUSE BILL No. 1630.

An Act amending the act of May 1 1929 (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" regulating registration of antique motor vehicles

HOUSE BILL No. 1786.

An Act providing for cooperation by the Commonwealth of Pennsylvania in conjunction with the State of New Jersey with the United States of America in the improvement and maintenance of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and making an appropriation

HOUSE BILL No. 1914.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 344, 1002, 1025, 1340, 1406, 1795, 1857 and 1871.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 344, Printer's No. 77, entitled "An Act amending the act of June 10, 1897 (P. L. 139, No. 115) entitled 'An act to limit the period of time within which suits may be brought against sureties of constables' providing that suits on constables' bonds shall be brought within six years from time at which cause of action arose."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1002, Printer's No. 1383, entitled "An Act relating to conditional sales made prior to July 1, 1954."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1025, Printer's No. 754, entitled "An Act authorizing the owners of cemeteries with the approval of the court of quarter sessions to improve neglected cemeteries without the removal of the

dead therefrom in certain cases and conferring jurisdiction on courts of quarter sessions for such purposes."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1340, Printer's No. 932, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' further providing for payments to school districts on account of pupil transportation."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1406, Printer's No. 833, entitled "An Act amending the act of March 30, 1937 (P. L. 115) entitled 'An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrar inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties' increasing compensation of the chairman and other members of the registration commission."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1795, Printer's No. 1086, entitled "An act to further amend the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (P. L. 723) entitled 'An act regulating the investment of funds by administrative departments boards commissions and officers of the State Government' by increasing the investment powers of State administrative departments boards commissions or officers."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1857, Printer's No. 1289, entitled "An Act amending the act of May 2, 1925 (P. L. 448) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' authorizing refunds of fees fines and other moneys erroneously or unjustly collected."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1871, Printer's No. 1265, entitled "An Act amending the act of June 3, 1937 (P. L. 1225) entitled 'An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" regulating refund of fees fines or other moneys erroneously or unjustly collected and deposited and appropriating moneys from the Game Fund for the refund of fees fines or other moneys unjuestly collected."

GEORGE M. LEADER.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 797.

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" requiring entrance of bond in appeals from board of adjustment rulings affecting zoning regulations

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 321.

An Act amending the act of May 2, 1929 (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing the board of commissioners to make appropriations to county firemen's association for the conducting of fire prevention education

SENATE BILL No. 773.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registra-

tion of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates alderman justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting the operation of motor vehicles with certain types of mufflers or exhaust systems and changing penalties

SENATE BILL No. 797.

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" requiring entrance of bonds in appeals from board of adjustment rulings affecting zoning regulations

SENATE BILL No. 877.

An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended "An act relating to assessment for taxation in counties of the fourth fifth sixth seventh and eighth classes designating the subjects property and persons subject to and exempt from taxation for county borough town township school execpt in cities and county institutions district purposes and providing for and regulating the assessment and valuation thereof for such purposes creating in each such county a board for the assessment and revision of taxes defining the powers and duties of such boards providing for the acceptance of this act by cities regulating the office of ward borough town and township assessors abolishing the office of assistant triennial assessor in townships of the first class providing for the appointment of a chief assessor assistant assessors and other employes providing for their compensation payable by such counties prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits imposing duties on taxables making improvements on land and grantees of land prescribing penalties and eliminating the triennial assessment" imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 258.

An Act amending the act of May 11, 1921 (P. L. 522), entitled, as amended, "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town and township officers and employes, directing the payment of all moneys collected into the State Treasury, and providing penalties," providing for free license tags for guide dogs for the blind.

HOUSE BILL No. 1666.

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

HOUSE BILL No. 1667.

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

HOUSE BILL No. 1668.

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

HOUSE BILL No. 1669.

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

HOUSE BILL No. 1670.

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

HOUSE BILL No. 1671.

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement system with respect to State employes receiving compensation from the State Workmen's Insurance Fund

HOUSE BILL No. 1672.

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

HOUSE BILL No. 1705.

An Act transferring money from the Banking Fund to the General Fund

HOUSE BILL No. 1732.

An Act lapsing unexpended and unencumbered balances of certain appropriations from the Motor License Fund

HOUSE BILL No. 1908.

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions

With the information that the Senate has passed the same without amendment.

REPORTS FROM COMMITTEES

Mr. STANK from the Committee on Rules, reported as committed, House Bill No. 2043, entitled:

An Act amending "The General State Authority Act of 1949" * * * increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor and allocating the proceeds of the increased borrowing.

Mr. STANK from the Committee on Rules, reported as committed, House Bill No. 2044, entitled:

An Act amending the "Civil Service Act" * * * by decreasing the size of the grouping for purposes of furlough.

Mr. STANK from the Committee on Rules, reported as committed, Senate Resolution, Serial No. 151.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2043, enttiled:

An Act amending "The General State Authority Act of 1949" * * * increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor and allocating the proceeds of the increased borrowing.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2044, entitled:

An Act amending the "Civil Service Act" * * * by decreasing the size of the grouping for purposes of furlough.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL ON FIRST READING

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2049, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class * * *" further regulating payments to certain beneficiaries under the fund

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1801, entitled:

An Act to further amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government * * *" by defining the term "predecessor in title"

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1809, entitled:

An Act amending "The Third Class City Code" approved June 23, 1931 (P. L. 932) providing for the release of land subdivision improvement encumbrances in certain instances

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1810, entitled:

An Act amending the act of May 13, 1927 (P. L. 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' * * *" providing for the release of subdivision improvement encumbrances in certain instances

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1811, entitled:

An Act amending "The First Class Township Code" approved June 24, 1931 (P. L. 1206) providing for the release of land subdivision improvement encumbrances in certain instances

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1812, entitled:

An Act amending "The Borough Code" approved May 4, 1927 (P. L. 519) providing for the release of land subdivision improvement encumbrances in certain instances

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1813, entitled:

An Act amending "The Second Class Township Code" approved May 1, 1933 (P. L. 103) providing for the

release of land subdivision improvement encumbrances in certain instances

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1989, entitled:

An Act adopting an interpleader compact for the complete and expeditious adjudication of adverse claims to property in the hands of a stakeholder where one or more claimants are in different jurisdictions and entering into the compact with other states territories and possessions of the United States and the District of Columbia that adopt the compact and are acceptable to this Commonwealth for the purpose of the compact

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2023, entitled:

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employes mileage of members and payment of postage and expenses

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2046, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2050, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class * * *" further regulating the withdrawal of service increment contributions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 811, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" adding a new route in the Borough of Carnegie

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

BILLS PASSED OVER

The SPEAKER. Without objection, all other bills on Final Passage Recalled From The Governor, Final Passage and Bills on Third Reading will be passed over. The Chair hears none.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 244.

An Act amending the act of June 28, 1951 (P. L. 638) entitled "An act relating to the jurisdiction powers and duties of registers of wills and regulating proceedings before them and the cost thereof the effects of their acts and appeals therefrom" providing for the fixing of costs where there are separate orphans' courts

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 10 by striking out after the word "effect" the word "January" and inserting in lieu thereof the word "July."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. WATERHOUSE. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 245.

An Act amending the act of August 21, 1953 (P. L. 1309) entitled "An act prescribing the fees to be received by registers of wills in counties of the fourth fifth sixth seventh and eighth class" eliminating counties of the fourth class

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 9 by striking out after th eword "effect" the word "January" and inserting in lieu thereof the word "July."

On the question,
Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. WATERHOUSE. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 246.

An Act amending the act of August 21, 1953 (P. L. 1306) entitled "An act prescribing the fees to be received by the clerks of orphans' courts of counties of the fourth fifth sixth seventh ond eighth class" eliminating counties of the fourth class

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 10, by striking out after the word "effect" the word "January" and inserting in lieu thereof the word "July."

On the question,
Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. WATERHOUSE. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 247.

An Act amending the act of August 10 1951 (P. L. 1163) entitled as amended "An act relating to the orphans court conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates conferring concurrent juridiction over the administration and distribution of incompetents' estates and the determination of title to real estate in certain cases providing for the organization of orphans' courts the procedure therein the powers and duties of the judges thereof and appeals therefrom" providing for the fixing of costs where there are separate orphans' courts

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 10 by striking out after the word "effect" the word "January" and inserting in lieu thereof the word "July."

On the question,
Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. WATERHOUSE. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 876.

An Act amending the act of June 23, 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further regulating the hours of service of firemen

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments os follows:

Amend the title, page 1, line 4 by striking out after the word "service" the words "and sick leaves."

Amend Section 1, page 3, line 7 by striking out the bracket before and after the word 'fourteen" and by striking out the word "thirty."

On the question,
Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. WATERHOUSE. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1944.

An Act to amend the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 Pamphlet Laws 28) entitled "An act relating to the civil defense of this State and its coordination with national defense providing for the establishment of a State Council of Civil Defense local and district councils of civil defense Mobile Support Units prescribing the powers thorizing mutual aid compacts and providing penalties" duties and immunities thereof and of their personnel au-

by authorizing the State Council of Civil Defense to make rules and regulations.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 3, by striking out after the word "advisable" the following: "Such rules regulations and orders adopted by the State Council of Civil Defense shall have the same force as if they formed a part of this act"

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. WATERHOUSE. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING BILL No. 730 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 730, Printer's No. 1270, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

COMMUNICATION AND BILL LAID ON TABLE

Mr. WATERHOUSE. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 235.

An Act amending the act of June 21, 1939 (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by including tuberculosis within the meaning of the term occupational disease

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 235.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

ADJOURNMENT

Mr. WATERHOUSE. Mr. Speaker, I move that this House do now adjourn until Monday, March 5, 1956 at 1:00 p. m.

The motion was agreed to, and (at 4:30 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., THURSDAY, MARCH 1, 1956. No. 146.

SENATE

THURSDAY, March 1, 1956

The Senate met at 3:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

Almighty and most merciful God, our Heavenly Father, we come to Thee today and pray that Thy wisdom and spirit will guide us not only in our work here, but in our work through life, that we may always trust Thee and know that those who place their trust in Thee need never be ashamed.

As Thou didst guide the fathers through the generations into higher and better things, so Thou dost in our time, if we confide in Thee, Thou wilt help us to walk in the path which Thou dost lay out for us so that we may accomplish the work for which Thou hast sent us into the world. We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. SEYLER, futher reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. RUTH asked and obtained leave of absence for Mr. MILLER, for the balance of the week, due to injuries sustained in an accident.

LEAVES OF ABSENCE WITHDRAWN

Mr. SEYLER. Mr. President, I understand that a leave of absence was granted to me for the week. I wish to notify all and sundry that I am present and wish to have the leave of absence revoked.

The PRESIDENT. There being no objection, the leave of absence is withdrawn for the gentleman from York, Mr. Seyler.

Mr. WATSON. Mr. President, someone suggested that I tell the Chair that I am here.

The PRESIDENT. The gentleman from Bucks, Senator Watson, was also granted a leave of absence for the entire week, and since he is present, he requests that the leave of absence be withdrawn for the remainder of the week. There being no objection, the leave of absence is withdrawn.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 1, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael P. Adam, 4909 Kutztown Road, Temple, Berks County, for appointment as Justice of the Peace in and for the Borough of Temple, Berks County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

SHERIFF

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 29, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Otto Winkler, Jr., Greeley, Pike County, for appointment as Sheriff in and for the County of Pike, to serve until the first Monday of January 1958, vice Fred Kellogg, deceased.

GEORGE M. LEADER.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 1, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph Sharfsin, Esq., Rittenhouse Claridge, Eighteenth and Walnut Streets, Philadelphia, Philadelphia County, for appointment as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending

April 1, 1965, vice Hon. Thomas C. Egan, Philadelphia, whose term expired.

GEORGE M. LEADER.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WATSON, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor:

WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles J. Tetlow, Poplar Avenue, Parkland, Bucks County, for appointment as a Workmen's Compensation Referee, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Joseph A. Keating, Penndel, whose term expired.

GEORGE M. LEADER.

MEMBERS OF BOARD OF TRUSTEES OF CLARION STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 21, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Clarion State Teachers' College, to serve until the third Tuesday of January 1961, and until their successors shall have been appointed and qualified.

John H. Hughes, Brookville, Jefferson County, vice Maj. Raymond E. Brown, Brookville, whose term expired.

Keva H. L. Miller, 304 Orange Street, Oil City, Venango County, vice Samuel E. Breene, Esq., Oil City, whose term expired.

Alvin B. Coppolo, Esq., St. Marys, Elk County, vice Christian Feit, Smethport, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE STATE VETERANS' COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Veterans' Commission, to serve until the third Tuesday of January 1959, and until their successors shall have been appointed and qualified:

John F. Stay, 2008 Deveraux Avenue, Philadelphia 49, Philadelphia County, vice Joseph S. McCracken, Kingston, whose term expired.

Samuel R. DiFrancesco, Menoher Boulevard, Johnstown, Cambria County, to fill a vacancy.

Raymond J. Hogenmiller, P. O. Box 571, Smithton, Westmoreland County, vice Rev. Michael A. Hally, Mildred, whose term expired.

James E. Hart, 3730 Hunter Street, Philadelphia, Philadelphia County, to fill a vacancy.

Leon Sacks, 2428 North 54th Street, Philadelphia, Philadelphia County (Reappointment).

William B. Freeland, 201 Market Street, Halifax, Dauphin County, to fill a vacancy.

Marlan O. Walter, 400 Market Street, Millersburg, Dauphin County, to fill a vacancy.

GEORGE M. LEADER.

MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 24, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a member of the Pennsylvania Labor Relations Board:

John T. Haletsky, 121 Emerald Avenue, Pennside, Reading, Berks County, to serve for a term of six years to compute from June 2, 1955, and until his successor shall have been appointed and qualified, vice Wililam M. Leader, Philadelphia, removed from office.

GEORGE M. LEADER.

MEMBER OF THE INDUSTRIAL BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert Davis, 1305 East Johnson Street, Philadelphia, Philadelphia County, for appointment as a member of the Industrial Board, until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Elvin W. Overdorff, Johnstown, whose term expired.

GEORGE M. LEADER.

MEMBER AND CHAIRMAN OF THE BOARD OF ARBITRATION OF CLAIMS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 14, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. Alfred Wilner, Esq., 6104 Kentucky Avenue, Pittsburgh, Allegheny County, for appointment as a member and Chairman of the Board of Arbitration of Claims, to serve until July 21, 1961, and until his successor shall be duly appointed and qualified, vice Nathan Hyman, Esq., Wilkes-Barre, whose term expired.

GEORGE M. LEADER.

MEMBERS OF BOARD OF TRUSTEES OF EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 6, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Eastern Pennsylvania Psychiatric Institute:

Dr. George A. Bennett, Dean, Jefferson Medical College and Medical Center, 1025 Walnut Street, Philadelphia, Philadelphia County, to serve until May 13, 1957, and until his successor shall have been appointed and qualified, vice Dr. Hayward R. Hamrick, Philadelphia, resigned.

Dr. William W. Tomlinson, Vice-President, Temple University, Philadelphia 22, Philadelphia County, to serve until May 13, 1957, and until his successor shall have been appointed and qualified. (Reappointment)

Hon. James C. Crumlish, Common Pleas Court No. 7, 481 City Hall, Philadelphia, Philadelphia County, to serve until May 13, 1959, and until his successor shall have been appointed and qualified, vice Dr. Charles L. Brown, Philadelphia, resigned.

Dr. Harold A. Taggart, Acting Dean, Hahnemann Medical College, Philadelphia, Philadelphia County, to serve until May 13, 1958, and until his successor shall have been appointed and qualified, vice Charles A. Allen, Philadelphia, resigned.

Dr. Madison B. Brown, Executive Vice-President, Hahnemann Medical College, Philadelphia, Philadelphia County, to serve until May 13, 1957, and until his successor shall have been appointed and qualified, vice Hon. L. Stauffer Oliver, Philadelphia, resigned.

GEORGE M. LEADER.

PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, for quite a long time there has been a fraud perpetrated upon the citizens of Pennsylvania by many groups which obtain old charters and then, through this device, get a hold of liquor licenses and run one-man clubs. One of the mysteries of this entire situation is what happens to the profits derived from the lucrative sale of whisky and liquors.

Mr. President, the question is, do they apply the profits to the pursuit of the charitable purposes mentioned in the charter? This bill will take care of the situation. It provides that once a month, club licensees should file a report with the Liquor Control Board, stating how much whisky was sold, what the profit was which was derived from the sale of the whisky and how the profits were applied to the pursuit of the charitable purposes embodied in the charter.

Mr. President, I am accordingly, presenting to the Chair the following bill.

BILL INTRODUCED AND REFERRED

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1011, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," requiring club licensees to file monthly returns showing purchases and sales of liquor and malt or brewed beverages and certain expenditures.

Which was committed to the Committee on Law and Order.

PETITIONS AND REMONSTRANCES

Mr. MAHANY. Mr. President, I was astonished when I picked up this morning's Pittsburgh Post-Gazette newspaper and saw a headline on page 1 which said, "Lobbies Push 3% Sales Tax Exemptions." In the article, it gave an account of a meeting which was held in my office yesterday afternoon. It said that attending that meeting were Senator Kessler, Senator James S. Berger, Senator Rowland B. Mahany and Senator M. Harvey Taylor, Senate President pro tempore, all Republicans, and Democratic Senators John H. Dent and Joseph M. Barr, the Party's State Chairman. The article reads as follows:

"Lobbyists who hurried into the meeting from time to time included William A. Reiter, representing the Associated Railroads of Pennsylvania; Harry P. Davis, representing Sun Oil Company; Frank Sinon, representative of several industries, and Robertson C. Cameron, a legislative spokesman for Pennsylvania Motor Truck Association.

"Also in on the conference, presumably to advise the amendment writers in making revenue estimates, were David Kurtzman, of the Pennsylvania Economy League, and Joseph C. Snyder, head of the sales tax division in the Department of Revenue.

"Western Union messengers ran frequently to the meeting suite with batches of telegrams pleading exclusion."

Mr. President, I do not mind newspapers printing what actually goes on in my office or in any other place in the Capitol, but I do object to false statements being made about what goes on in my office. At the meeting which was held yesterday, we had a bipartisan group there. That part of the account is true. We had Democrats and Republicans sitting around a desk, trying their very best to agree on something which would bail us out of the present financial chaos which the State now faces. All of us realize that unless something is done, schools might very well close in this Commonwealth; hospitals might be forced to certainly curtail their services unless they get their State appropriations soon. In fact, the whole wheels of government might grind to a halt unless we can get together on some type of a tax program.

Mr. President, I feel that the newspapers have not helped us very much in our dilemma. It seems that every time we have a tax program come over from the House, the editorial writers of the newspapers decide that it is a bad program and we should not pass it. They also get their top flight cartoonists to show pictures of Leader on a chicken coop or something else and try to becloud the issue of what we are facing. Of course, we, as Republicans, like to see Leader on a chicken coop; it gives us a little fun. However, this is serious business when newspaper editors say to us, "Do not vote for that terrible tax program," and then the next time you pick up the newspaper, they have another editorial which says, "Chaos in Harrisburg." If there is any chaos down here, I think it comes pretty much, perhaps, by misrepresentation in the newspapers, and perhaps a difference between what the editor would like to have us do and what somebody else would like to have us do.

Mr. President, I want to say this about this meeting. I understand this particular story was not just in the Pittsburgh Post-Gazette, but it also was carried in other newspapers. This Pittsburgh Post-Gazette is also read up in my town. The people there, I suppose, are wondering what is happening to me down here, in that when I get into a discussion as serious as this is, relative to the tax program, that I would just be there interviewing lobbyits who might come into the meeting. I want to say, for the benefit of Mr. Matthews and any other newspaper writer who was down there, that I did not see any lobbyists in my office. I did not see Mr. Reiter, Mr. Davis, Mr. Cameron nor any other of these people. They were not there in my office. If they were seen going

into some other room which is located down on that suite, they may have been in some other room discussing problems that they might have with other Members of the Senate or with themselves. Certainly, however, they were not in our meeting.

We had at that meeting Mr. Snyder, who we feel is an expert on sales taxes. He was giving us his ideas, gained from his experience in heading the Sales Tax Department. We also had Doctor Kurtzman, who is a recognized authority on financial affairs and statistics. He has been called in by the Governor; he has been called in by Democrats and he has been called in by Republicans. I feel that Doctor Kurtzman is fair and impartial. He tries his best to give us correct figures, whether we are Republicans or whether we are Democrats. He is retained by the Pennsylvania Economy League and I do not believe that you can accuse him of being a lobbyist.

Mr. President, most of the lobbying, if there has been lobbying in relation to this sales tax or proposed tax program, has been done by the newspaper profession. I have been approached by representatives of the press to ask me if I was really sure that they would be out of the sales tax; that their machinery, their printer's ink and their newspaper would not be taxed. However, outside of that, there have not been any lobbyists who asked me to do anything about this sales tax other than try to work out a good sound tax program. We always look down our noses at lobbyists and the newspapers try to make out that lobbyists are some evil things down here, who are trying to keep us from doing a good job. Most of these lobbyists are representatives of different types of industry in our State. One, perhaps, represents the oil industry; another represents the railroads; somebody else represents the churches; somebody else represents the Grange; another fellow might represent the people who are interested in steel or oil or whatnot. We have a lot of these representatives here. They try to call our attention to the effect that certain legislation, which we are considering, might have upon their particular industry and, perhaps, upon the whole economy of the State of Pennsylvania. The newspapers should certainly be glad that we give, at least, some ear to these people. I do not believe any of us want to put industry out of the State of Pennsylvania. We know, and I believe that they know, that they have to bear a certain burden of this taxation in this State. However, we are always careful that we do not put an overburden on them to the point where they might be forced out of our State.

Mr. President, I have also read newspaper editorials which say that we should not drive industry out of the State. There were a whole lot of newspaper editorials written when we were considering the manufacturers' excise tax, telling us not to pass that tax because it might very well drive industry out of our State. The newspapers should certainly be the last ones to object to representatives of industry giving us the benefit of their views.

I might also say to the newspapers that they, also have a lobbyist here. He is a very powerful one, in my estimation, and a very good one. At any time he wants to, he may come to my office, as he has done in the past, and advise me as to how newspapers feel on any legislation that we have pending. He would have been welcome yesterday if he had wanted to come. If he would have wanted to come in, I would have been happy to see him. I am also interested in the newspapers and I think he has a perfect right to come and tell us how the newspapers feel about any legislation pending before us. However, when the newspapers deliberately misrepresent the facts and try to make out that we are closeted down in some smoke-filled room, we will say, with a lot of people who are not there to do the public any good, I think the newspapers then do a disservice to us; I think they do a disservice to themselves; and I think, generally speaking, they do a disservice to the Commonwealth. By putting those kind of things in the newspapers, I believe is doing a great deal to tear down what we call constitutional government.

Mr. President, the only way that this Senate or the House of Representatives or any other lawmaking body in the State of Pennsylvania can be successful is to try to at least obtain the public's approval of their work and their faith in what they are trying to do. If the newspapers tear down the people's confidence in their elected representatives, I would say that they were going a long way to promote, what you might say a communistic system in America. As I say, the only way that we have of protecting democracy is to see to it that the public certainly has confidence in their elected representatives.

I also ask, Mr. President, that if the newspaper reporters find they were wrong, as I am telling them that they were wrong about this particular matter, they will use the same space on the same first page of their newspaper to retract what they have said today.

PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President and Members of the Senate, you have all heard the remarks of the Majority Leader relative to a report in a public newspaper pertaining to something that is supposed to have happened yesterday afternoon during the course of our deliberations on the tax problem.

I suppose most of you have been in this Senate over the years and have heard me criticize, without any apologies, certain members of the lobbyist profession when I thought they were exerting undue influence on the course of action in this body. However, when I did criticize, I tried to do it objectively and honestly. I would not be true to myself or to the Senate of Pennsylvania or to Senator Mahany and my Republican colleagues if I did not join Mr. Mahany today in condemning this type of news reporting.

Mr. President, all of us have a great deal at stake. Maybe for the moment it might be helpful to whatever purpose a newspaper may be trying to serve, to pay little or no attention to the background details of news stories and news reports. All of us have been tied up for a period of fourteen months in what we believe to be a major fight over principles of taxation, representing, to the best of our abilities, the respective thinking of our political parties as our parties see their duty to the general public.

Offtimes during this fourteen month period many of

us have felt aggrieved at the representation of our efforts as they appeared in the public press. However, the incident which happened yesterday, or which is supposed to have happened, goes deeper than a mere news story. It creates in the minds of the peoples of this Commonwealth an impression that, if left uncorrected, might lead to more serious things in the future.

I attended that conference yesterday afternoon. We worked for a period of five or six hours on the grave subject of the budget. In talking about the budget, and I do not think it is any secret, we talked about the methods of financing the budget. None of us came out of there with any idea that we were all happy or that we were seeing eye to eye on all details. I want to say here and now that at no time did anyone enter our room of conference nor did anyone other than the members of that conference committee, and the two experts whom we invited in, talk to me or to any of the men in the conference room to my knowledge about our deliberations. Certainly no one paraded in and out of there who did not belong there at that moment.

Mr. President, I have probably criticized Bill Reiter and Harry Davis to the point, at times, that maybe some of my listeners might have gained the impression that I was personally antagonistic to these men. If so, I would probably get up today and add to my condemnations of their actions if I felt that the main point here would be to gain political advantage. Would it not help my cause, as the fighter or the leader of the fight against a sales tax, if I were to stand here and say, "Mr. Mahany did not tell the truth. These men did come in and out." That would further add to the impression that someone was dictating to this Senate other than the Senators themselves on the type of revenue that we will have and on the budget figures which we will have to adopt.

Mr. President, neither Bill Reiter, Harry Davis nor the other gentlemen named were in that office yesterday. I might say, too, that for the past fourteen months, contrary to another misrepresentation that has been allowed to grow in this Commonwealth, all has not been chaotic down here. In the matter of legislating there are many, many times when it appears that we are not doing anything, but we do work many hours. Ofttimes, late at night, when others have left and gone home or whereever they wanted to go, Members of this Senate have burned the midnight oil, trying to find a solution.

When you have a point of controversy as bitterly contested as this, the only democratic way to fight it out is to take and listen to all of the arguments on both sides and come up, if you can, with some kind of a compromise which suits the purposes for which we are meeting at best.

I am sure that, Mr. President, although you have heard me criticize Senator Kessler and, in turn, have been criticized myself, it does not mean that we are not just as honest, each of us, in our approach to the problem but that we differ. In being normal human beings, we devote all the energy we can to try to sell our point of view. However, what we are faced with is something more serious. We are faced with a situation where a great many of those who are critics are critics of everything if, in effect, it affects their own personal pocketbooks.

Mr. President, I have claimed over this period of fourteen months that a great many of the opponents of the Leader tax plans were only proponents of another tax plan because they felt that to confuse the issue might end in a situation where they would be exempt from everything. You cannot exempt everybody from taxation in a situation which requires the sum of moneys that are required to meet the mandated obligations of this Commonwealth. When any one group decides that by some method which they can use to their own advantage, and find themselves outside the law of taxation at the expense of all of the others who do not have that medium of expression which creates public opinion in their behalf, then you have lost the benefits of this great type of government which we parade so loudly before the rest of the world as the greatest form of government on the face of the earth.

Newspapers, as I have often said, have a very necessary place in a democracy and the freedom of the press is one of the greatest freedoms accorded to the people of this great Nation of ours. There is a difference, however, between the freedom of the press to print news and the freedom of the press to express that news in such a fashion that it is editorialized to their own benefit or to the benefit of somone or some party or some interest which they espouse. This Nation will remain strong and grow stronger so long as journalism does not pervert itself to be a prostitute for those who would hire it for their own benefits. Newspapers go into every home in this great State and in this Nation. When they destroy the trust of the people in the elected officials, they are in turn destroying themselves.

The weakness of the so-called Nazi type of government, or the government as we know it to be called communism or that of Fascism or any of the isms which have appeared in our lifetime, has been that they have selected one small group to destroy and then, as they gradually destroyed one group after another, they ended up supreme. The newspapers in these governments were first perverted to the use of those who headed that type of government and then when the power of the government became supreme, they destroyed the newspapers, too. The greatest of all examples was the Peronistic exclusion of that great South American newspaper and the exiling of its owners and editors.

Now to you in the newspaper fraternity, allow me to say this; that measured all-in-all and one-by-one, the Membership of this Senate represents just about what we Americans stand for. We are not all good but, by the same token, we are not all bad. There is nothing yet written or unwritten that places you, in the so-called fourth estate, so far above us in morals and in business ethics and in everyday behavoir that you cannot be criticized when you do something so blatantly wrong. When you are in error, you are just as much entitled to receive the barbs of criticism as those of us in public life.

Speaking for the Membership of this Senate, Mr. President, I take the privilege of saying to you that we do not mind criticism when that criticism is truthful and constructive. We do mind criticism when that criticism is inspired by a desire to hurt and harm and, particularly, to destroy the reputations of men in public life.

Some of us on this floor have devoted the major part of our lifetime to public service. Maybe it has not all been good service but we are elected, if you please, by the people in our Districts and regardless of what we

may say about each other, in the final analysis, the majority of the peoples in our districts send us here to represent them. How many of you would still be in your positions after all these years if the readers of your papers were allowed to vote on your tenure in office?

Mr. President, I am leading up to what I want to give to you today as a message. We are in what we hope will be the final and crucial period of this Senate and General Assembly Session. Any unfair or misrepresentative news that you send out, just for the sake of having a story or beating a scoop, may upset the delicate balance which we are trying to maintain. We know that after we have done it, you will ride the chariot in the direction you see to be the best for your own purposes. However, for the good of the people of Pennsylvania, allow us to deliberate without gumshoeing us all over the place for a few days. Allow us to try to work out a solution without being prompted into saying something that you have already written for your papers and sent out over the wire. We are only normal and human and some of us are weaker than others, but do not put words in our mouths and do not write something which we will feel compelled to live up to.

All I can say to you is that both political parties represented on this Senate floor are making an honest effort to raise sufficient moneys, from whatever sources we can to meet the needs of the Commonwealth of Pennsylvania. If we hurt some people, we hope that they, too, will realize that we are taxpayers the same as they. None of the Members of this Senate will be exempted from any of the taxes that we pass. We, too, will have to pay the taxes. Whether the sum reached is sufficient or insufficient, I can only say that it will be the best we can get from an honest effort to arrive at a solution to our problem. Please treat us in the same manner that we would like to treat you.

Mr. STIEFEL. Mr. President, at the end of the Civil War, when President Lincoln was shown the railroad map of the United States, he observed that all the railroads in the United States at that time were running from East to West, but not from the North to the South. He said that maybe if the railroads had connected the North and the South, there would have been no Civil War. The reason why I mention this is that even today, like in 1874, there is a distrust existing between the rural sections of Pennsylvania and the metropolitan areas. In many instances, when there is legislation pertaining to the city of Philadelphia or pertaining to the city of Pittsburgh, there is always some kind of distrust.

Mr. President, once upon a time this Body was graced with the presence of a western Senator and, like Cato in the Senate of Rome, he would get up and thunder about an unholy alliance between Pittsburgh and Philadelphia to the exclusion of the rest of Pennsylvania.

There are now three bills pertaining to the welfare of the city of Philadelphia lingering in committees of the Senate. One of them is House Bill No. 1925, dealing with an Alcoholic Court in the magisterial system of Philadelphia. That bill has been lingering in the Committee on Judiciary General and awaiting action by Senator McPherson. I am authorized to make a statement, on behalf of the Chief Magistrate of Philadelphia, Joseph Hersch, that action is of the most urgent need now in Philadelphia. I would like to appeal to the Vice-Chairman of the Committee on Judiciary General, to call a meeting of the committee and decide once and for all whether House Bill No. 1925 has a chance or does not have a chance.

Then, Mr. President, there is House Bill No. 1769. I have nothing but the fondest regard and respect for the Senator from Cumberland, Senator Wade. We have traffic problems in Philadelphia and there is a bill that came from the House, House Bill No. 1769, which is the best formula for handling the traffic court in Philadelphia. Somehow, Senator Wade was displeased with that bill and he invited additional bills. Now, to use slang, the entire situation is "bollixed" up. I desire again to appeal to Senator Wade, if possible, to take action this week to decide the fate of House Bill No. 1769.

Finally, Mr. President, there is in the Committee on Appropriations a bill pertaining to the Delaware Channel. The Federal Government allocated $6,000,000 for the deepening of the Delaware Channel. However, unless immediate action is taken on the bill in the Committee on Appropriations, this amount of money may be forfeited.

Therefore, Mr. President, I am now appealing on behalf of the people of Philadelphia. We are not a separate part of the great Commonwealth of Pennsylvania; we are just part and parcel of it. I hope that action will be taken on these three bills so that we may further forge the progress of Philadelphia.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WATSON asked and obtained unanimous consent for immediate consideration of the nominations reported at today's Session.

EXECUTIVE SESSION

A motion was made by Mr. WATSON and Mr. WATKINS, That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

The nominations were read as follows:

WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, December 28, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles J. Tetlow, Poplar Avenue, Parkland, Bucks County, for appointment as a Workmen's Compensation Referee, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Joseph A. Keating, Penndel, whose term expired.

GEORGE M. LEADER.

MEMBERS OF BOARD OF TRUSTEES OF CLARION STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 21, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the

Board of Trustees of Clarion State Teachers' College, to serve until the third Tuesday of January 1961, and until their successors shall have been appointed and qualified:

John H. Hughes, Brookville, Jefferson County, vice Maj. Raymond E. Brown, Brookville, whose term expired.
Keva H. L. Miller, 304 Orange Street, Oil City, Venango County, vice Samuel E. Breene, Esq., Oil City, whose term expired.
Alvin B. Coppolo, Esq., St. Marys, Elk County, vice Christian Feit, Smethport, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE STATE VETERANS' COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 16, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Veterans' Commission, to serve until the third Tuesday of January 1959, and until their successors shall have been appointed and qualified:

John F. Stay, 2008 Deveraux Avenue, Philadelphia 49, Philadelphia County, vice Joseph S. McCracken, Kingston, whose term expired.
Samuel R. DiFrancesco, Menoher Boulevard, Johnstown, Cambria County, to fill a vacancy.
Raymond J. Hogenmiller, P. O. Box 571, Smithton, Westmoreland County, vice Rev. Michael A. Hally, Mildred, whose term expired.
James E. Hart, 3730 Hunter Street, Philadelphia, Philadelphia County, to fill a vacancy.
Leon Sacks, 2428 North 54th Street, Philadelphia, Philadelphia County (Reappointment)
William B. Freeland, 201 Market Street, Halifax, Dauphin County, to fill a vacancy.
Marlan O. Walter, 400 Market Street, Millersburg, Dauphin County, to fill a vacancy.

GEORGE M. LEADER.

MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 24, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a member of the Pennsylvania Labor Relations Board:

John T. Haletsky, 121 Emerald Avenue, Pennside, Reading, Berks County, to serve for a term of six years to compute from June 2, 1955, and until his successor shall have been appointed and qualified, vice William M. Leader, Philadelphia, removed from office.

GEORGE M. LEADER.

MEMBER OF THE INDUSTRIAL BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert Davis, 1305 East Johnson Street, Philadelphia, Philadelphia County, for appointment as a member of the Industrial Board, until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Elvin W. Overdorff, Johnstown, whose term expired.

GEORGE M. LEADER.

MEMBER AND CHAIRMAN OF THE BOARD OF ARBITRATION OF CLAIMS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 14, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. Alfred Wilner, Esq., 6104 Kentucky Avenue, Pittsburgh, Allegheny County, for appointment as a member and Chairman of the Board of Arbitration of Claims, to serve until July 21, 1961, and until his successor shall be duly appointed and qualified, vice Nathan Hyman, Esq., Wilkes-Barre, whose term expired.

GEORGE M. LEADER.

MEMBERS OF BOARD OF TRUSTEES OF EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 6, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Eastern Pennsylvania Psychiatric Institute:

Dr. George A. Bennett, Dean, Jefferson Medical College and Medical Center, 1025 Walnut Street, Philadelphia, Philadelphia County, to serve until May 13, 1957, and until his successor shall have been appointed and qualified, vice Dr. Hayward R. Hamrick, Philadelphia, resigned.

Dr. William W. Tomlinson, Vice-President, Temple University, Philadelphia 22, Philadelphia County, to serve until May 13, 1957, and until his successor shall have been appointed and qualified. (Reappointment)

Hon. James C. Crumlish, Common Pleas Court No. 7, 481 City Hall, Philadelphia, Philadelphia County, to serve until May 13, 1959, and until his successor shall have been appointed and qualified, vice Dr. Charles L. Brown, Philadelphia, resigned.

Dr. Harold A. Taggart, Acting Dean, Hahnemann Medical College, Philadelphia, Philadelphia County, to serve until May 13, 1958, and until his successor shall have been appointed and qualified, vice Charles A. Allen, Philadelphia, resigned.

Dr. Madison B. Brown, Executive Vice-President, Hahnemann Medical College, Philadelphia, Philadelphia County, to serve until May 13, 1957, and until his successor shall have been appointed and qualified, vice Hon. L. Stauffer Oliver, Philadelphia, resigned.

GEORGE M. LEADER

A motion was made by Mr. WATSON and Mr. WATKINS,

That the Senate do advice and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming.	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. WATSON. Mr. President, I move that the Executive Session do now rise.

Mr. WATKINS. Mr. President, I second the motion.

The motion was agreed to.

CALENDAR

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on concurrence in House amendments, go over in their order:

Senate Bill No. 655, Printer's No. 498;

Senate Bill No. 841, Printer's No. 532; and

Senate Bill No. 929, Printer's No. 535.

The PRESIDENT. Is there objection? The Chair hears none.

THIRD READING CALENDAR

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 30, Printer's No. 536, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 39, as follows:

An Act amending the act of July eleven one thousand nine hundred and seventeen (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicians dentists veterinarians pharmacists druggists and registered nurses for certain causes and by providing for the enforcement of this act and penalties" further defining drugs coming within the scope of said act and changing the penalties for the illegal sale dispensing or giving away of drugs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of July eleven one thousand nine hundred and seventeen (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicians dentists veterinarians pharmacists druggists and registered nurses for certain causes and by providing for the enforcement of this act and penalties" amended December 13, 1955 (Act No. 253) is amended to read

Section 1 Be it enacted &c That except as limited in section two of this act the word "drug" as used in this act shall be construed to include (a) opium or (b) coca leaves or (c) marihuana (d) any compound or derivative of opium coca leaves of marihuana or (e) any substance or preparation containing opium coca leaves or marihuana or (f) any substance or preparation containing any compounds or derivative of opium coca leaves or marihuana and any substance identified chemically as 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester or any salt or derivative thereof by whatever trade name designated or any preparation containing such substance or its salts or derivatives or any substance or preparation containing any drug found by the United States Secretary of the Treasury after due notice and opportunity for public hearing to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine and proclaimed by the President to have been so found by the Secretary

Section 2 Section 2 of the act amended April 20, 1921 (P. L. 152) is amended to read

Section 2 The word "drug" shall not be construed to include (1) preparations and remedies and compounds which do not contain more than two grains of opium or more than one-fourth of a grain of morphine [or more than one-eighth of a grain of heroin] or more than one grain of codeine or any salt or derivative of any of them in one fluid ounce if the same is liquid or if a solid or semi-solid in one avoirdupois ounce (2) liniments ointments or other preparations prepared and dispensed in good faith for external use only providing such liniments ointments and preparations do not contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for cocaine or eucaine or their salts (3) decocanized coca leaves or preparations made therefrom or other preparations of coca leaves which do not contain cocaine

Provided however that no preparations remedies or compounds containing any opium or coca leaves or any compounds or derivative thereof in any quantity whatsoever may be sold dispensed distributed or given away to or for the use of any known habitual user of drugs or any child of twelve years of age or under except in pursuance of a prescription of a duly licensed physician or dentist

Section 3 Section 12 of the act amended June nineteen one thousand nine hundred and fifty-three (P. L. 290) is amended to read

Section 12 (a) Any person who possesses [sells dispenses or gives away] any drugs in violation of the provisions of this act shall be guilty of a felony and upon conviction thereof shall be sentenced as follows for a first offense to pay a fine not exceeding two thousand dollars ($2000) and to undergo imprisonment of not less than two (2) years and not exceeding five (5) years for a second offense or if in case of a first conviction of violation of any provisions of this act the offender shall previously have been convicted of any violation of the laws of the United States or of any other state territory or district relating to drugs to pay a fine not exceeding five thousand dollars ($5000) and to undergo imprisonment of not less than five (5) years and not exceeding ten (10) years and for a third or subsequent offense or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state territory or district relating to drugs to pay a fine not exceeding

seven thousand five hundred dollars ($7500) and to undergo an imprisonment of not less than ten (10) years and not exceeding thirty (30) years

(a 1) Any person who sells dispenses or gives away any drugs in violation of the provisions of this act shall be guilty of a felony and upon conviction thereof shall be sentenced as follows for a first offense to pay a fine not exceeding five thousand dollars ($5000) and to undergo imprisonment of not less than five (5) years and not exceeding ten (10) years for a second offense or if in case of a first conviction of violation of any provisions of this act the offender shall previously have been convicted of any violation of the laws of the United States or of any other state territory or district relating to drugs to pay a fine not exceeding ten thousand dollars ($10,000) and to undergo imprisonment of not less than ten (10) years and not exceeding twenty (20) years and for a third or subsequent offense or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state territory or district relating to drugs to pay a fine not exceeding fifteen thousand dollars ($15,000) and to undergo an imprisonment for life

(a 2) Except in the case of conviction for a first offense for violation of the provisions of this subsection the imposition or execution of sentence shall not be suspended and probation or parole shall not be granted until the minimum imprisonment herein provided for the offense shall have been served

(b) Any person who shall violate or fail to comply with any of the other provisions of this act except as provided in the last paragraph of section eight shall be guilty of a felony and upon conviction shall be sentenced to pay a fine not exceeding two thousand dollars or to undergo an imprisonment not exceeding five years or both at the discretion of the court

(c) If the violation is by a corporation copartnership or association the officers and directors of such corporation or the members of such copartnership or association the agents and employes with guilty knowledge of the fact shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Hays,	McPherson, Jr.,	Stevenson,
Blass,	Harney,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 188, entitled:

An Act relating to the practice of Ophthalmic Dispensing providing for the licensure and registration of Dispensing Opticians authorizing the issuance of certificates to registered qualified Ophthalmic Dispensers creating a State Board of Examiners for Dispensing Opticians to determine the respective qualifications of applicants and defining specific powers and duties thereof providing for penalties for violations of the provisions thereof and providing for appeals to Court.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

BILLS OVER IN ORDER TEMPORARILY

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 188, printer's No. 370, on final passage, go over in its order, temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 415, as follows:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" requiring the filing of bonds for appeals to act as a supersedeas

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 3 act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class chool districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" amended May 9, 1949 (P. L. 898) is amended to read

Section 3 Appeals by Taxpayers No tax levied by any political subdivisions to which this act applies shall in any event go into effect until thirty days from the time of the adoption of the ordinance or resolution levying the tax Within said thirty days taxpayers representing

25% or more of the total valuation of real estate in the political subdivision as assessed for taxation purposes or taxpayers of the political subdivision not less than 25 in number aggrieved by the ordinance or resolution shall have the right to appeal therefrom to the court of quarter sessions of the county upon giving bond with sufficient security in the amount of [five hundred dollars ($500)] one thousand dollars ($1,000) approved by the court to prosecute the appeal with effect and for the payment of costs The petition shall set forth the objections to the tax and the facts in support of such objections and shall be accompanied by the affidavit of at least five of the petitioners that the averments of the petition are true and the petition is not filed for the purpose of delay

No such appeal shall act as a supersedeas unless specifically allowed by the court to which the appeal is taken or a judge thereof and a bond be entered by the appellant in double the amount of the revenue anticipated to be collected by the tax the bond to be approved by the court and the condition thereof to be that appellant will pay the amount of the portion of the revenue anticipated to be collected by the tax from the appellants in the event of dismissal of the appeal in no event shall any bond be less than one thousand dollars ($1,000)

Immediately upon the filing of any such petition the petitioners shall serve a copy of the petition and any rule granted by the court upon the president chairman secretary or clerk of the legislative body levying the tax

The court shall fix a day for a hearing not less than 15 days nor more than 30 days after the filing of the petition Notice of the time of such hearing shall be given to all interested parties as the court shall direct The court shall promptly hear and dispose of the appeal

It shall be the duty of the court to declare the ordinance and the tax imposed thereby to be valid unless it concludes that the ordinance is unlawful or finds that the tax imposed is excessive or unreasonable but the court shall not interfere with the reasonable discretion of the legislative body in selecting the subjects or fixing the rates of the tax The court may declare invalid all or any portion of the ordinance or of the tax imposed or may reduce the rates of tax

Any party to the proceeding shall have the right to appeal from the decision of the court of quarter sessions to the Supreme or Superior Court as in other cases but such appeal shall be taken within 30 days from the time the decree of the court was entered and not thereafter Any two or more parties may join in such appeal

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 647, as follows:

An Act amending the act June 12, 1951 (P. L. 533) entitled "An act relating to mental health including mental illness mental defect epilepsy and inebriety and amending revising consolidating and changing the laws relating thereto" fixing the date for liability of costs of patient care

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 701 act of June 12, 1951 (P. L. 533) known as "The Mental Health Act of 1951" amended January 14, 1952 (P. L. 2053) are amended to read

Section 701 Liability for Costs of Care of Patients

(a) Except as otherwise specifically provided in this act liability for all costs of care of any patient in any State institution is hereby imposed in the following order against

(1) The patient's real and personal property

(2) The persons liable for the patient's support

(3) The Commonwealth or in the case of an inebriate the county or institution district in which he resides

(b) Liability for costs of care of patients committed upon order of the court to any institution or to any institution district or to the Department of Public Welfare of cities of the first class for placement in any institution shall be imposed from the date of the court order as provided in paragraph (a)

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 817, as follows:

An Act relating to the lien and operation of mortgages and their accompanying bonds and imposing duties on recorder of deeds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No mortgages or defeasible deed in the nature of a mortgage hereinafter referred to in this act as "mortgage" given to secure a debt shall be a lien on any real property after fifty years from the date of execution threeof unless the mortgagee or his successor in interest extends the lien thereof prior to the expiration of the fifty year period by filing with the recorder of deeds of the county or counties wherein the property is situated and the mortgage is recorded an affidavit set-

ting forth the names and addresses of the then holders or holder of the mortgage the names of the then record owner or owners of the real property subject to the lien of the mortgage as ascertained from the records of the county or counties in which the mortgage is recorded and a statement of the precise amount secured by the mortgage which remains unpaid The filing of the affidavit as herein provided shall extend the lien for five years Additional affidavits may be filed for the purpose of extending the lien for additional five year periods

Section 2 No judgment entered on a bond or warrant accompanying a mortgage shall be enforceable after the lien of the mortgage has expired under the provisions of this act unless judgment is entered on a bond or warrant accompanying a mortgage within five years prior to the expiration of the lien of the mortgage

Section 3 No action may be maintained on a bond or warrant accompanying a mortgage after the lien of the mortgage has expired under the provisions of this act unless action has been commenced within five years prior to the expiration of the lien of the mortgage

Section 4 The recorder of deeds of the several counties of this Commonwealth shall index in the mortgagor index under the name or names of the original mortgagor as well as the name or names of the then record owner of the real property all affidavits filed pursuant to the provisions of this act extending the lien of mortgages and shall make a notation of the filing of the affidavit in the margin of the original record of the mortgage

Section 5 This act shall not in any way change or be applicable to the lien operation and effect of any mortgages or accompanying bonds executed prior to the effective date of this act

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 826, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to edit illustrate and publish its new report on the Frontier Forts of Pennsylvania providing for the distribution and sale thereof and making an appropriation

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. STIEFEL. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Sec. 2, page 4, line 4 by striking out "three" and inserting in lieu thereof: "two"; Amend Sec. 3, page 4, lines 11 to 15 by striking out "To make this information generally accessible to local" in line 11, all of lines 12, 13 and 14, and "vania" in line 15; Amend Sec. 3, page 4, line 15, by striking out "remaining"; Amend Sec. 4, page 4, line 19, page 5, line 1, by striking out "twenty" in line 19 on page 4, and "thousand dollars ($20,000)" in line 1 on page 5, and inserting in lieu thereof: "fifteen thousand dollars ($15,000)".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 826, Printer's No. 335, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 985, as follows:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further fixing qualifications of members of the board of health

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2302 act of June 23, 1931 (P. L. 932) known as "The Third Class City Code" reenacted and amended June 28, 1951 (P. L. 662) is amended to read

Section 2302 Qualifications Term Removal The members of the board of health shall be residents of the city [and at] except in the case of physicians who shall have their main office in the city At least two shall be reputable physicians of not less than two years' experience in the practice of their profession Upon the creation of the board council shall designate for one appointee a term of one year for another a term of two years and so on up to five thereafter one member of the board shall be appointed annually to serve for a term of five years from the first Monday of April succeeding his appointment Council may remove members of the board for official misconduct or neglect of duty All vacancies shall be filled for the unexpired term

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,

Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 988, as follows:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 1947 act of August 9, 1955 (P. L. 323) known as "The County Code," is amended to read

Section 1947 Prevention and Control of Floods (a) The board of commissioners may borrow appropriate and expend money and may acquire by purchase or dedication real property or any interest therein for the purpose of cleansing regulating improving and controlling rivers streams and other bodies of water and storm water drainage systems lying within the boundaries of the county either in whole or in part for the prevention and control of floods They may make contracts and expenditures for the cleasing maintaining regulation improvement and control of such waters and drainage systems and for the prevention and control of floods by storage or retaining reservoirs or otherwise in parts of such waters beyond the limits of the county or of the Commonwealth when in their judgment such expenditures may be necessary and for the benefit of the county

* * *

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 989, as follows:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 2147 act of July 28, 1953 (P. L. 723) known as the "Second Class County Code" is amended to read

Section 2147 Prevention and Control of Floods (a) The board of commissioners may borrow appropriate and expend money and may acquire by purchase or dedication real property or any interest therein for the purpose of cleansing regulating improving and controlling rivers streams and other bodies of water and storm water drainage systems lying within the boundaries of the county either in whole or in part for the prevention and control of floods They may make contracts and expenditures for the cleasing maintaining regulation improvement and control of such waters and drainage systems and for the prevention and control of floods by storage or retaining reservoirs or otherwise in parts of such waters beyond the limits of the county or of the Commonwealth when in their judgment such expenditures may be necessary and for the benefit of the county

* * *

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Silvert,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1432, as follows:

An Act amending the act of June 24 1937 (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Boards Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension

Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" changing provisions relating to children eligible for assistance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (c.2) of section 9 act of June 24 1937 (P. L. 2051) known as the "Public Assistance Law" amended August 22 1953 (P. L. 1361) is amended to read

Section 9 Eligibility for Assistance Any person residing within this Commonwealth shall hereafter be entitled to receive public assistance as provided by law without regard to the period of time he or she has resided therein and the Department of Public Assistance shall grant assistance without regard to the period of time any person seeking public assistance and otherwise entitled thereto shall have resided within this State Provided however, That if the applicant for public assistance has resided in Pennsylvania for less than one year immediately preceding the date of making application for assistance such person shall only be entitled to receive public assistance if he or she was last a resident of a state which by law regulation or reciprocal agreement with Pennsylvania grants public assistance to a person who has resided therein for less than one year A child less than one year of age is considered as deriving residence from either (1) a parent or (2) other relative with whom he is living as provided in this section Except as hereinafter specifically otherwise provided in the case of pensions for the blind all persons of the following classes except those who hereafter advocate and actively participate by an actively participate by an overt act or acts in a movement proposing a change in the form of government of the United States by means not provided for in the Constitution of the United States shall be eligible to receive assistance in accordance with rules regulations and standards established by the Department of Public Assistance with the approval of the State Board of Assistance as to eligibility for assistance and as to its nature and extent Absence in the service of the Commonwealth or of the United States shall not be deemed to interrupt residence in the Commonwealth if a domicile has not been acquired outside the Commonwealth

* * *

(c.2) Any children who at the time they are receiving assistance are at the direction of the court removed from the home of their natural parents any other blood relatives including halfblood adoptive parents or those acting in loco parentis and placed in foster homes or children's homes maintained by a county institution district or for a period not exceeding three months for the purpose of adjustment and time allowance for the county institution district to obtain suitable foster homes in a receiving center for children which is not maintained by the State or by a county institution district but which is subject to the jurisdiction of the Department of Welfare

* * *

Section 2 This act shall take effect immediately

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.,	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming	McGinnis,	Sayler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return the said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 1618, Printer's No. 1446, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1733, as follows:

An Act amending the act of September 29, 1951 (P. L. 1652) entitled "An act providing for the construction by The General State Authority of an addition of a medical and surgical hospital building to the Philadelphia State Hospital on lands heretofore or about to be conveyed to it by the Mercy-Douglass Hospital and authorizing the Department of Property and Supplies to sublease said lands and building to the Mercy-Douglass Hospital" clarifying the word hospital

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and section 1 act of September 29, 1951 (P. L. 1652) entitled "An act providing for the construction by The General State Authority of an addition of a medical and surgical hospital building to the Philadelphia State Hospital on lands heretofore or about to be conveyed to it by the Mercy-Douglass Hospital and authorizing the Department of Property and Supplies to sublease said lands and building to the Mercy-Douglass Hospital" are amended to read

An Act providing for the construction by The General State Authority of an addition of a mental medical and surgical hospital building to the Philadelphia State Hospital on lands heretofore or about to be conveyed to it by the Mercy-Douglass Hospital and authorizing the Department of Property and Supplies to sublease said lands and buildings to the Mercy-Douglass Hospital

Section 1 An addition to Philadelphia State Hospital of a mental medical and surgical hospital building is hereby authorized to be constructed by The General State Authority on those certain lands heretofore or about to be conveyed to it by Mercy-Douglass Hospital a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and presently operating as a medical and surgical hospital in the City and County of Philadelphia which lands are bounded and described as follows

All those certain tracts of land situate in the Fortieth Ward of the City of Philadelphia County of Philadelphia and State of Pennsylvania more fully bounded and described as follows to wit

Beginning at a point being the most southwestern corner of Fiftieth Street and Woodland Avenue thence along the western line of Fiftieth Street south forty degrees thirty-two minutes thirty seconds east two hundred and thirty-six feet to a point thence the following courses and distances south forty-nine degrees twenty-seven minutes thirty seconds west ninety-eight feet to a point thence north forty degrees thirty-two minutes thirty seconds west one hundred eleven feet to a point thence south forty-nine degrees twenty-seven minutes thirty seconds west thirty and five-tenths feet to a point thence south forty degrees thirty-two minutes thirty seconds east fifteen feet to a point thence south forty-nine degrees

twenty-seven minutes thirty seconds west one hundred forty-three feet to a point thence north forty degrees thirty-two minutes thirty seconds west fifteen feet to a point thence south forty-nine degrees twenty-seven minutes thirty seconds west thirty and five-tenths feet to a point thence south forty degrees thirty-two minutes thirty seconds east one hundred eleven feet to a point thence north forty-nine degrees twenty-seven minutes thirty seconds east forty-seven feet to a point thence south forty degrees thirty-two minutes thirty seconds east fifty feet to a point thence south forty-nine degrees twenty-seven minues thirty seconds west one hundred forty-five feet to a point along the eastern line of Fifty-first Street as projected thence along the aforesaid line of Fifty-first Street as projected north forty degrees thirty-two minutes thirty seconds west two hundred eighty-six feet to its intersection with the southern line of Woodland Avenue and thence along Woodland Avenue north forty-nine degrees twenty-seven minutes thirty seconds east four hundred feet to a point the place of beginning

Containing 1.862 acres more or less and upon erection construction and completion said hospital building shall be constituted an addition to the Philadelphia State Hospital

Section 2 This act shall take effect immediately.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 1792, Printer's No. 1412, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1863, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating lighting equipment lights and devices and the use thereof and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsections (a) (d) and (e) and the penalty clause of section 801 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended June 29, 1937 (P. L. 2329) and subsections (d) and (e) amended August 24, 1951 (P. L. 1368) are amended and subsection (d.1) is added to read

Section 801 Required Lighting Equipment

(a) When Lights Must Be Displayed Every vehicle upon a highway within this Commonwealth during the period from [one 1)] one-half (½) hour after sunset to [one (1)] one-half (½) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highways at a distance of five hundred (500) feet ahead shall be equipped with lighted lamps and illuminating devices as in this section respectively required for different classes of vehicles

* * *

(d) Rear Lamps and Illumination of Rear Registration Plate Every motor vehicle and every trailer or semi-trailer attached to a motor vehicle and every vehicle which is being drawn at the end of a combination of vehicles shall carry at the rear at least [one lamp] two lamps of a type which at the time of [its] their use is approved by the secretary and which [exhibits] exhibit a red light plainly visible under normal atmospheric conditions from a distance of five hundred (500) feet to the rear of such vehicle [Either such rear lamp] Such rear lamps or a separate lamp shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty (50) feet to the rear of such vehicle When the rear number plate is illuminated by an electric lamp other than the required rear [lamp said two (2)] lamps the three (3) lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted provided however the requirement of at least two (2) red rear lamps on such vehicles shall apply only to vehicles initially registered in this Commonwealth on or after the first day of July one thousand nine hundred fifty-six

(d.1) Stop Lamps Every motor vehicle and every trailer or semi-trailer attached to a motor vehicle and every vehicle which is being drawn at the end of a combination of vehicles shall carry at the rear at least two (2) stop lamps one on each side of the rear of the vehicle of a type which at the time of their use are approved by the Secretary of Revenue provided however the requirement of at least two (2) stop lamps on such vehicles shall apply only to vehicles initially registered in this Commonwealth on or after the first day of July one thousand nine hundred fifty-six all other such vehicles shall carry at the rear at least one (1) stop lamp

(e) Reflectors and Reflective Materials Every motor bus motor omnibus commercial motor vehicle trailer or semi-trailer when operated on a highway may display reflective materials and shall display at each side of the rear a red reflector meeting the following requirements

Whenever a red reflector is so used or whenever reflec-

tors are used as hereinafter provided it or they shall be mounted upon the vehicle at a height not to exceed sixty (60) inches and not less than twenty-four (24) inches above the ground upon which the vehicle stands and every such reflector shall be of a type which at the time of its use is approved by the secretary and shall be so designed and maintained as to be visible at night from all distances within five hundred (500) feet to fifty (50) feet from such vehicle when directly in front of or opposite to a motor vehicle displaying lawfully lighted head lamps as provided in this act

Within the limitations of this subsection the secretary may adopt standard specifications governing the use and display of reflective materials on the vehicles designated herein and it shall be unlawful for any person to use or display any reflective materials as provided herein in violation of the standard specifications so adopted

* * *

Penalty Any person violating any of the provisions of subsections (a) (b) (c) (d) (d.1) or (e) of this section 801 shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days Any person violating any of the provisions of subsections (f) (g) (h) or (i) of this section 801 shall upon summary conviction before a magistrate be sentenced to pay a fine of two ($2) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than one (1) day

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stevenson,
Blass,	Hays,	Miller,	Stiefel,
Camiel,	Kessler,	Mullin,	Taylor,
Chapman,	Kopriver, Jr.	Pechan,	Van Sant,
Dent,	Lane,	Peelor,	Wade,
Diehm,	Madigan,	Propert,	Wagner,
DiSilvestro,	Mahany,	Ruth,	Watkins,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

RECONSIDERATION OF SENATE BILL No. 415

Mr. McMENAMIN. Mr. President, with reference to Senate Bill No. 415, Printer's No. 512, on page 3 of today's Calendar, and which just passed finally, I believe there is a printer's error in this bill which needs correction.

Therefore, Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 415, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "Local Tax Enabling Law" requiring the filing of bonds for appeals to act as a supersedeas

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. McMENAMIN. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. McMENAMIN. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. McMENAMIN. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. McMENAMIN. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 3), page 4, lines 1 to 7, by striking out all of said lines and inserting in lieu thereof: "be entered by the appellant in double the amount of the portion of the revenue anticipated to be collected by the tax from the appellant, the bond to be approved by the court and the condition thereof to be that appellant will pay such amount in the event of dismissal of the appeal. In no event shall any bond be less than one thousand dollars ($1000)."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. McMENAMIN. Mr. President, I ask unanimous consent that Senate Bill No. 415, Printer's No. 512, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

SECOND READING CALENDAR

BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 324, Printer's No. 546; and

House Bill No. 873, Printer's No. 1400.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 972, entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "The Third Class City Code" by further regulating forests and watersheds.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 977, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242) entitled "State Highway Law," authorizing the department to provide for certain work on public utilities owned by municipality authorities.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 986, entitled:

An Act amending the act of July 20, 1953 (P. L. 550) entitled "An act providing for and regulating the annexation of parts of a second class township to boroughs cities and townships" fixing the time when annexation takes effect.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 987, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second class Township Code" further regulating the payment by cities and boroughs for certain improvements and facilities in portions of the township annexed by them.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1873, entitled:

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended "The Insurance Department Act of 1921" by changing provisions relating to certain legal proceedings.

The first and second sections were read and agreed to.

The third section was read.

On the question,

Will the Senate agree to the section?

Mr. FLEMING offered the following amendment:

Amend Section 3 (Section 503), page 8, line 16, by inserting after "thereof": "to the extent that such policyholders are liable to such assessment."

It was agreed to.

The section was agreed to as amended.

The fourth, fifth and sixth sections and title were read and agreed to.

And said bill having been read at length the second time, and agreed to as amended.

Ordered, To be transcribed for a third reading.

SENATE BILL No. 188 CALLED UP

Mr. PECHAN. Mr. President, I call up from page 2 of today's Calendar, Senate Bill No. 188, Printer's No. 370, which was passed over temporarily, on final passage.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 188, as follows:

An Act relating to the practice of Ophthalmic Dispensing providing for the licensure and registration of Dispensing Opticians authorizing the issuance of certificates to registered qualified Ophthalmic Dispensers creating a State Board of Examiners for Dispensing Opticians to determine the respective qualifications of applicants and defining specific powers and duties thereof providing for penalties for violations of the provisions thereof and providing for appeals to Court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This Act shall be known and may be cited as "Opticians Law"

Section 2 Definition of Terms

Ophthalmic Dispenser

An Ophthalmic Dispenser is one who is engaged in the practice of ophthalmic dispensing within the meaning of the provisions of this Act and shall be defined as a person who is skilled in the art of preparing and dispensing lenses spectacles eye-glasses and appurtenances thereto to the intended wearers thereof on written prescriptions from physicians or optometrists duly licensed to practice their profession and in accordance with such prescriptions interprets measures adapts fits and adjusts such lenses spectacles eyeglasses and appurtenances thereto to the human face for the aid or correction of visual or ocular anomalies of the human eyes The services and appliances relating to ophthalmic dispensing shall be dispensed furnished or supplied to the intended wearer or user thereof only upon prescription issued by a physician or optometrist but duplications replacements reproductions or repetitions may be supplied without prescription and such Act shall likewise be constructed to constitute the practice of ophthalmic dispensing the same as if performed on the basis of an original written prescription No person shall sell dispense supply or offer ophthalmic lenses spectacles or eyeglasses to intended wearers or users thereof without prescriptions properly authorized by phyicians or optometrists duly licensed to practice their professions in the Commonwealth of Pennsylvania or any other state or Commonwealth provided however nothing in this Act shall be construed to apply to the sale of toy glasses or goggles consisting of plano-white plano colored lenses magnifiers loupes binoculars or ordinary colored glasses or the sale of ready-made glasses or spectacles with simple magnifications only when sold as merchandise at established place of business

The word "Board" as used in this Act means the State Board of Examiners for Ophthalmic Dispensers

Section 3 General Powers of the State Board of Examiners for Ophthalmic Dispensers

There is hereby created a State Board of Examiners for Ophthalmic Dispensers (hereinafter called the "Board") which shall be composed of five members who shall be appointed by the Governor all of whom shall be Ophthalmic Dispensers The five Ophthalmic Dispensers shall have been engaged in the practice of ophthalmic dispensing in the Commonwealth of Pennsylvania for not less than five years all of whom shall be residents of the Commonwealth of Pennsylvania and also shall be persons of recognized ability and honor and who may be appointed by the Governor from a list consisting of Ophthalmic Dispensers as above qualified to be furnished by the Pennsylvania Opticians Association within thirty days after any vacancy occurs in the membership of said Board Subsequent to the enactment of this Act as law said submitted list shall consist of properly qualified licensed ophthalmic dispensers The Board members shall be appointed for terms of one two three four and five years respectively

Each appointee within thirty days after receipt of his commission shall take subscribe and file in the office of the Secretary of the Commonwealth the oath or affirmation prescribed by law

A vacancy resulting from any cause other than the expiration of a term shall be filled for the unexpired term by an appointment of an Ophthalmic Dispenser by the Governor in the same manner as an original appointment is to be made

Each member of the Board shall receive the sum of $15.00 a day for each regular examination conducted by the Board and each member of the Board shall also be compensated for actual expenses incurred in the discharge of his official duties

The Governor may remove any member for cause upon notice and opportunity to be heard

Section 4 General Powers of the Board

(a) The Board shall have the following powers pertaining to the qualifications and examinations of Ophthalmic Dispensers

1 To provide for to regulate and to issue a license as an Ophthalmic Dispenser to any person who pays a fee as provided in Section 6 of this Act and who submits evidence under oath to the Board

That he is at least 21 years of age a citizen of the United States of good moral character not addicted to the use of intoxicating liquors or narcotic drugs and is a graduate of a four-year high school or its equivalent approved by the Department of Public Instruction who has not knowingly been and is not now a member of any organization that advocates the overthrow of the Government of the United States or this Commonwealth by force or violence or unconstitutional means and who has not knowingly been and is not now a member of the Communist party or advocates the political tenets thereof and who has obtained the required education in an approved school of opticianry or who has worked or been in the employ of and under the personal supervision of a licensed Ophthalmic Dispenser optometrist or physician for a period of not less than three years provided however that the said applicant shall have successfully passed the examination herein provided

2 To investigate determine the acceptability and to approve or disapprove institutions of learning of this Commonwealth and all other states and countries for the education of students desiring to be licensed to practice as despensing opticians and to revoke approvals where such institutions of learning no longer are deemed proper

3 The subject matter of all examinations shall be confined to such knowledge as is essential to practice as an Ophthalmic Dispenser and shall show proficiency in the following subjects

1 Theory of ophthalmic lenses surface grinding
2. Prescription and interpretation
3 Applied ophthalmic optics
4 Edge grinding
5 Measurement of face
6 Furnishing fitting and adjusting glasses and frames to the face

(b) The Board shall have the following additional powers which shall apply to Ophthalmic Dispensers

1 To prescribe the subject material manner time and place of examination and the filing of applications for examinations and registrations and to supervise and provide for the conduct of the examinations to make written reports of such examinations which reports shall be filed with the Department of Public Instruction and to certify to the Department of Public Instruction such applicants as successfully passed such examinations

(c) The Board shall be required to grade the examinations returned by candidates and shall keep them for at least one year if said applicant obtained a grade of less than seventy-five per centum (75%) Any unsuccessful candidate may upon written request to the Board see his graded paper

(d) To accept and endorse as valid in this Commonwealth licenses to practice as an Ophthalmic Dispenser issued by other states and countries upon the payment of such fees as prescribed according to law for applicants in this Commonwealth provided that the standards of such other state and country are in the opinion of the Board equal to the standards of this Commonwealth provided further that such other state or country shall recognize and endorse as valid in such state or country licenses issued by this Commonwealth

(e) To investigate and conduct hearings and to discipline and prosecute those guilty of illegal practices

(f) To suspend and revoke by majority action of the entire Board the license or registration of any licensee who has been convicted of a crime or misdemeanor involving moral turpitude fraudulent or unlawful practices or convicted of practices of misleading representations unethical conduct false misleading or deceptive advertising as respects the skill of the operator the quality of materials used or methods practiced or of habitual intemperance or who is addicted to the use of narcotic drugs or is insane or adjudged mentally incompetent and to reinstate licenses and registrations in any case where a majority of the entire Board shall determine the same to be just and proper and providing furthermore that the Board by majority action of the entire Board shall be empowered to suspend and revoke the license and registration of any licensee who has been found after due and proper investigation and hearing to have been or presently is a member of any organization that advocates the overthrow of the Government of the United States or this Commonwealth by force or violence or other unconstitutional means and has been or is presently a member of the Communist party or advocates the political tenets thereof

(g) To provide for regulate and require all persons licensed in accordance with the provisions of this Act to register annually with the Board to prescribe the form of such registrations to require as a condition precedent to such annual registration the payment of such annual registration fee as shall be fixed according to this act to issue annual registration certificates to such persons as fail refuse or neglect to register annually or pay such fee The Department of Public Instruction shall be required to publish annually a list of the persons registered for that particular year

(h) To keep a record and it shall be the duty of the Board so to do of all licenses and registrations issued by the Board and to prescribe the form of such record

(i) To keep minutes and records of all its transactions and proceedings

(j) To adopt promulgate and enforce such rules and regulations as may be deemed necessary and proper by the Board to carry into effect the powers hereby conferred

(k) To require every holder of a certificate of registration to conspicuously display the same in his establishment

Section 5 Licensing of Present Ophthalmic Dispensers

The Board shall license without examination as Oph-

thalmic Dispensers all persons over the age of twenty-one years who at the time of taking effect of this Act were actually engaged in the ophthalmic optical field and who have been engaged contiuously as such for a period of not less than one year next preceding such time six months of which immediately preceding such effective date shall have been within this Commonwealth whose application shall be made to said Board accompanied by a fee of twenty-five ($25.00) for Ophthalmic Dispensers All applications for licenses under the provisions of this section shall be made within one year after the enactment of this law The provisions of this section shall not apply to any one engaged in the ophthalmic optical field who at the time of enactment of this Act is a member of the Armed Forces of the United States of America such person upon discharge from the Armed Forces of the United States of America shall be entitled to be licensed without examination provided he or she shall have been prior to his or her entry into the Armed Forces of the United States of America actually engaged for a period of one year prior thereto as an Ophthalmic Dispenser and provided further that such person shall within one year after his or her discharge from the armed Forces of the United States of America make written application to the Board for license without examination

Section 6 Organization of Board Right of Subpoena

The Board shall hold at least two meetings each year and may hold such other meetings as it may deem advisable The time and place of all such meetings shall be determined by the Board

The Board shall elect a president and a secretary from its membership and shall have a common seal of which all courts of this Commonwealth shall take judicial notice Its president or secretary may issue subpoenas to compel attendance of witnesses to testify before the Board and administer oaths in taking testimony in any matter pertaining to its duties which subpoenas shall issue under the seal of the Board and shall be served in the same manner as subpoenas issued out of the courts of this Commonwealth and every person who refuses or neglects to obey the command of such subpoenas or who after appearing refuses to be sworn and testify shall in either event be liable to a penalty in accordance with the provisions of existing laws of this Commonwealth

Section 7 Fees

Every candidate prior to being admitted to an examination shall be required to pay an examination fee or fees as follows

Ophthalmic Dispenser	$25.00
All licenses granted without examination	25.00
Annual Registration Ophthalmic Dispenser	5.00
Reinstatement of all lapsed licenses	10.00

Any person licensed by said Board who shall fail to renew his license within six months after the date of its expiration and shall thereafter desire to renew such license shall pay to the Board Ten ($10.00) Dollars for such renewal and in addition thereto shall be required to pay a penalty equal to the sum of the lapsed annual registration fees not exceeding five years provided moreover that before granting a license to any applicant who has not held a license issued by said Board within five years of the date of application said Board shall require such applicant to pass a standard examination satisfactory to said Board and to pay to the Board the lapsed fee required of original applicants

Section 8 Disposition of Fees

All fees received by said Board for examination or from any other source shall be transmitted to the proper authority in accordance with provisions of the Administrative Code as amended

Section 9 Requirements of Persons Partnerships Associations or Corporations

From and after the enactment of this Act as law it shall be unlawful for any person partnership association or corporation to engage in or carry on the business of ophthalmic dispensing or act in the capacity of Ophthalmic Dispenser within this Commonwealth without first having been registered with the Board to carry on such business which registration shall require such person partnership association or corporation to certify to the Board the name of the licensed Ophthalmic Dispenser who has been employed to practice ophthalmic dispensing by said person partnership association or corporation

Section 10 Branch Offices Not Prohibited

Nothing in this Act shall be construed as preventing the establishment of a branch office or offices by a licensee provided the licensee shall secure from the Board a copy of his or her license or registration and keep the same prominently posted in each such branch or branches and provided further that the practice of ophthalmic dispensing in said branch shall be performed by a licensed Ophthalmic Dispenser or by an employee under the personal direction of an Ophthalmic Dispenser on the premises at the time the service is rendered The Board shall not require any additional fee for the furnishing of copies of such license or registration

Section 11 Persons Excluded

The provisions of this Act shall not apply to physicians or surgeons practicing under authority of a license issued under the laws of this Commonwealth for the practice of medicine or surgery nor to any employee or other person acting under the instruction or supervision of such licensed physician nor shall the provisions of this Act apply to optometrists practicing under authority of a license issued under the laws of this Commonwealth for the practice of optometry or to any employee or other person acting under the instruction or supervision of such licensed optometrist

Section 12 Unlawful Acts

(a) Upon the enactment of this Act as law it shall be unlawful

1 To advertise or employ displays in such a manner as to suggest infer or indicate that persons licensed under the Act are qualified to give professional advice concerning eye care

2 To practice as an Ophthalmic Dispenser or to hold himself or herself out as a practitioner of or entitled or authorized to practice as an Ophthalmic Dispenser or to assume any title of "Ophthalmic Dispenser" or other letters or titles in connection with his or her name which in any way represent him or her being engaged in the practice of ophthalmic dispensing or authorized so to do unless he or she has been duly licensed registered and authorized to engage in such practice under the provisions of this Act

3 To use the word "licensed" or "registered" or any of their synonyms for the purposes of advertising in reference to the practice of ophthalmic dispensing

4 To practice as an Ophthalmic Dispenser unless his or her license and annual registration are displayed in his or her regularly established place of business

5 To directly or indirectly employ hire procure induce aid or abet a person not licensed to practice ophthalmic dispensing in this Commonwealth to so practice

Section 13 Penalties

Any person partnership association or corporation violating any provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof may have his or her license or its registration suspended or revoked and shall be sentenced to pay a fine not exceeding Five Hundred Dollars ($500.00) or to suffer imprisonment not to exceed six months or both in the discretion of the court

Section 14 Grounds for Refusing Suspending or Revoking a License or Registration

The Board may refuse or may suspend or revoke a license to practice as an Ophthalmic Dispenser or the registration of any person partnership association or corporation upon proof to the satisfaction of the Board that the holder of such license or registration

(a) Has been adjudged insane or mentally incompetent or

(b) Habitually uses drugs or intoxicants or

(c) Has been convicted of crime involving moral turpitude or

(d) Has been or is presently a member of any organization that advocates the overthrow of the Government of the United States or this Commonwealth by force or

violence or other unconstitutional means and who has been and is presently a member of the Communist party or advocates the political tenets therof or

(e) Shall have presented to the Board any diploma license or certificate that shall have been signed or issued unlawfully or under fraudulent representation or obtains or shall have obtained a license to practice in this Commonwealth through fraud of any kind or

(f) Has been convicted of a violation of any Federal or State law relating to narcotic drugs or

(g) Has violated any of the provisions of Section 12 of this Act

Section 15 Hearing on Suspensions and Revocation of Licenses and Registration and Providing for Appeals

Before the license of any licensee or any registration is suspended or revoked by the Board written copy of the complaint made shall be furnished to the licensee or registrant against whom the same is directed and an opportunity shall be afforded him or her to be heard before the Board personally and by counsel At least ten days written notice of the time and place of such hearing shall be given the licensee or registrant by registered mail addressed to the post office address as shown on the annual registration or other record or information in possession of the Board

Any person aggrieved by the action of the Board in suspending or revoking a license or registration or by any other action of the Board which is alleged to be improper unreasonable or unlawful may appeal from such action of the Board in writing to the Court of Common Pleas of Dauphin County

Appeals from suspensions and revocations of licenses and registration must be taken within thirty days after such suspension or revocation concerning which action immediate notice shall be given the licensee or registrant by registered mail addressed as above

Appeals shall be taken by serving upon the secretary of the Board written notice of such appeal together with reasons for such appeal Such service shall be made either by filing the said notice of appeal in the office of the Board or in the event that a hearing has been had by delivering the same to the deputy whether general or special before whom the hearing in the case was had

Within thirty days after the service of such notice of appeal the Board shall file with the prothonotary of the said Court of Common Pleas a transcript of the records of the proceeding if any in its office duly certified over the seal of the Board which record shall include all papers on file with the Board affecting or relating to the inquiry or investigation if any conducted by the Board and all the evidence taken at the hearing if any including the certified stenographic notes of testimony Notice of the filing of the said transcript with the term and number to which filed shall be forthwith given by the Board to the licensee or registrant and as well to the party or parties if any upon whose complaint the proceedings before the Board were instituted

Either party may appeal from the decision of the Court of CommonPleas of Dauphin County to the Superior Court of the Commonwealth of Pennsylvania but not later than thirty days after the entry of the decree by the said Court Such appeals shall be taken and prosecuted in the same manner and with like effect as is provided by law in other cases of appeal to the Superior Court and the records certified to the Superior Court shall contain all that was before the Court of Common Pleas The decree of the Superior Court shall be final and conclusive

Section 16 Records to be Public and be Received in Evidence

The records of the Board shall be public and open to inspection during business hours Copies thereof duly certified by the secretary of the Board or any of his deputies shall be received in evidence in all courts and elswhere

Section 17 Provisions Severable

If any clause sentence paragraph or part of this Act be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this Act and it is hereby declared to be the legislative intent that this Act would have been adopted had such invalid provisions not been included therein

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Harney,	McPherson, Jr.,	Stevenson,
Berger,	Hays,	Miller,	Stiefel,
Blass,	Kessler,	Mullin,	Taylor,
Camiel,	Kopriver, Jr.,	Pechan,	Van Sant,
Chapman,	Lane,	Peelor,	Wade,
Dent,	Madigan,	Propert,	Wagner,
Diehm,	Mahany,	Ruth,	Watkins,
DiSilvestro,	Mallery,	Schmidt,	Weiner,
Donolow,	McCreesh,	Scott,	Whalley,
Flack,	McGinnis,	Seyler,	Wolfe,
Haluska,	McMenamin,	Silvert,	Yosko,

NAYS—1

Fleming,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RECESS

Mr. PECHAN. Mr. President, I move that the Senate do now take a recess until 11:00 o'clock, p. m.

Mr. PROPERT. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEE

Mr. KESSLER. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KESSLER, from the Committee on Finance, re-reported as amended, House Bill No. 941, entitled:

An Act amending the act of May sixteen one thousand nine hundred thirty-five (P. L. 208) entitled as amended "Corporate Net Income Tax Act," changing formula for determining gross receipts where entire business in not transacted in the Commonwealth modifying the manner of imposing tax on certain corporations engaged in business or owning property outside of the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time.

He also, from the Committee on Finance, re-reported as committed, House Bill No. 1591, entitled:

An Act amending the act of June 1, 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" postponing the manufacturing exemption with regard to capital stock tax and the franchise tax on domestic and foreign corporations joint-stock associations partnerships and companies and changing the gross receipts fraction in the franchise tax.

He also, from the Committee on Finance, re-reported as committed, House Bill No. 1880, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine" by requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax changing the gross receipts fraction applicable to foreign corporations and further providing for the computation and payment of the tax by domestic corporations joint-stock associations limited partnerships and companies.

He also, from the Committee on Finance, re-reported as amended, House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation.

He also, from the Committee on Finance, re-reported as amended, House Bill No. 2010, entitled:

An Act imposing a tax on the occupancy of rooms in hotels inns motels tourist homes houses or courts, lodging houses and rooming houses defined herein as hotels prescribing the manner of collecting the tax providing for licenses imposing duties on and prescribing powers of the Department of Revenue and fixing penalties.

MOTION TO ADJOURN

Mr. MAHANY. Mr. President I move that the Senate do now adjourn until Friday, March 2, 1956, at 10:00 o'clock, a.m., Eastern Standard Time.

Mr. BARR. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

MOTION TO ADJOURN AMENDED

Mr. MAHANY. Mr. President, I wish to amend my adjournment motion, and I move that the Senate do now adjourn until Friday, March 2, 1956, at 11:00 o'clock, a.m., Eastern Standard Time.

Mr. WHALLEY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:45 o'clock, p.m., Eastern Standard Time, until Friday, March 2, 1956, at 11:00 o'clock, a.m., Eastern Standard Time.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., FRIDAY, MARCH 2, 1956. No. 147.

SENATE

FRIDAY, March 2, 1956.

The Senate met at 11:00 o'clock, a. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E Furman) in the Chair.

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

Almighty and Everlasting God, Thou Who are more ready to hear than we are to pray, more ready to give than we desire or deserve, we pray that Thy Spirit will guide us this day in our labors here, that we may give the best that we have.

We ask that Thou wilt bless us in our service and, as we go to our homes, guide and protect us and use us in any opportunity that Thou canst to advance Thy Kingdom here. We ask it with the forgiveness of our sins, in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. PECHAN and Mr. SCHMIDT, further reading was dispensed with, and the Journal was approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE CONCURRENCE RESOLUTION RECALLING SENATE BILL No. 646 FROM THE GOVERNOR

March 1, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 646, Printer's No. 224, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDENT. The bill will be laid on the table.

GENERAL COMMUNICATION

REPORT OF THE DELAWARE RIVER PORT AUTHORITY OF PENNSYLVANIA AND NEW JERSEY

1955

The Chair cleared his table and laid before the Senate the following communication which was read by the Clerk:

DELAWARE RIVER PORT AUTHORITY
OF
PENNSYLVANIA AND NEW JERSEY
ADMINISTRATION BUILDING
BRIDGE PLAZA

CAMDEN 1, NEW JERSEY

JOHN M. McCULLOUGH, Secretary

February 29, 1956.

The Honorable Roy E. Furman
Lieutenant Governor
President of the Senate
Commonwealth of Pennsylvania
Harrisburg
Pennsylvania

Dear Mr. Furman:

The Delaware River Port Authority respectfully presents its report for the year 1955 to you as President of the Senate of Pennsylvania.

Sincerely yours,

/s/ JOHN M. McCULLOUGH, Secretary

The PRESIDENT. This report of the Delaware River Port Authority of Pennsylvania and New Jersey will be noted in the Appendix.

REPORTS FROM COMMITTEES

BILL RE-REFERRED

Mr. FLEMING, from the Committee on Forests and Waters, Game and Fish, returned to the Senate, Senate Bill No. 974, entitled:

An Act authorizing and directing the Pennsylvania Historical and Museum Commission to prepare and plan for a history of the Civil War and to collect source materials on that subject, and making an appropriation.

Which was re-referred to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. BERGER, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 969, entitled:

A Supplement to the act of June 2, 1915 (P. L. 736) entitled, as amended, "The Pennsylvania Workmen's Compensation Act," providing for the payment of compensation to auxiliary police or their dependents.

Mr. CHAPMAN, from the Committee on Appropriations, reported as amended, House Bill No. 2020, entitled:

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the legislative session of 1955.

Mr. WHALLEY, from the Committee on Education, reported as committed, Senate Bill No. 910, entitled:

An Act establishing minimum compensation and increments for administrators and members of the faculty of the Thaddeus Stevens Trade School, and imposing duties on the board of trustees of such school and the Superintendent of Public Instruction.

He also, from the Committee on Education, reported as amended, House Bill No. 917, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," providing for equal reimbursement to school districts of the first class A and first class for the school year 1954-1955.

He also, from the Committee on Education, reported as committed, Senate Bill No. 971, entitled:

An Act amending the act of December 22, 1955 (Appropriation Acts No. 29A), entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first, one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-five, and making appropriations to the Department of Public Instruction for reimbursements to school districts," increasing the amount of the appropriation for state teachers colleges.

He also, from the Committee on Education, reported as amended, Senate Bill No. 992, entitled:

An Act requiring the State Council of Education to prepare a State-wide plan for units of school administration and to submit it to the Governor and the Joint State Government Commission and requiring the Governor to review such plan and submit it to the General Assembly and making an appropriation.

He also, from the Committee on Education reported as amended, Senate Bill No. 996, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," authorizing and limiting the imposition of a tax for school purposes on certain residents of school districts of the first class A; prescribing the duties of public officials; requiring the filing of returns and the giving of information by employers and those subject to the tax; imposing on employers the duty of collecting the tax at source; providing for the lien and collection of the tax; and imposing penalties.

He also, from the Committee on Education reported as committed, House Bill No. 1246, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" authorizing boards of school directors of school districts of the second third and fourth classes with the approval of the Superintendent of Public Instruction to levy an additional tax to pay for amortization of certain bond issues.

He also, from the Committee on Education reported as amended, House Bill No. 1641, entitled:

An Act to further amend the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "Public School Code of 1949" by further regulating education and training for handicapped children.

He also, from the Committee on Education reported as committed, House Bill No. 1926, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" authorizing the reassessment of certain property in school districts of the third and fourth class in certain cases and imposing liability for school taxes upon the owners thereof.

PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, for the last two decades, time and again efforts were made to provide a new Constitution for Pennsylvania. During the current Session, my learned colleague, Senator Harry Seyler, introduced a bill providing for a Constitutional Convention.

I am very dubious about the outcome of this bill, but I feel that preliminary steps should be made to study it and to evolve a model of a new Constitution for Pennsylvania which could be submitted if and when a Constitutional Convention is called. There is nothing new under the sun, and what I am presenting today has been done during the Administration of Governor Sproul.

Mr. President, this bill provides for a commission to study and evolve a model Constitution for Pennsylvania.

BILL INTRODUCED AND REFERRED

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1012, entitled:

An Act providing for the creation of a commission to study and to report to the General Assembly upon the subject of the revision and amendment of the Constitution of this Commonwealth; prescribing its powers and duties; and making an appropriation.

Which was committed to the Committee on Constitutional Changes and Federal Relations.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 655, Printer's No. 498, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL OVER IN ORDER, TEMPORARILY

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 841, Printer's No. 532, on concurrence in House amendments, go over in its order, temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 929, Printer's No. 535, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

THIRD READING CALENDAR

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 30, entitled:

An Act amending the act of June 19, 1913 (P. L. 534) entitled "An act relating to appointment of deputy constables" defining the jurisdiction of deputy constables

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. SCHMIDT. Mr. President, I intend to oppose this bill and debate it, and I do not know whether the Majority Leader desires that to take place at this time. I would be satisfied for the bill to go over in its order until Monday.

And the question recurring,

Will the Senate agree to the bill on third reading?

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 30, Printer's No. 536, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 415, as follows:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" requiring the filing of bonds for appeals to act as a supersedeas

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 3 act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" amended May 9, 1949 (P. L. 898) is amended to read

Section 3 Appeals by Taxpayers No tax levied by any political subdivision to which this act applies shall in any event go into effect until thirty days from the time of the adoption of the ordinance or resolution levying the tax Within said thirty days taxpayers representing 25% or more of the total valuation of real estate in the political subdivision as assessed for taxation purposes or taxpayers of the political subdivision not less than 25 in number aggrieved by the ordinance or resolution shall have the right to appeal therefrom to the court of quarter sessions of the county upon giving bond with sufficient security in the amount of [five hundred dollars ($500)] one thousand dollars ($1,000) approved by the court to prosecute the appeal with effect and for the payment of costs The petition shall set forth the objections to the tax and the facts in support of such objections and shall be accompanied by the affidavit of at least five of the petitioners that the averments of the petition are true and the petition is not filed for the purpose of delay

No such appeal shall act as a supersedeas unless specifically allowed by the court to which the appeal is taken or a judge thereof and a bond be extended by the appellant in double the amount of the portion of the revenue anticipated to be collected by the tax from the appellant the bond to be approved by the court and the condition thereof to be that appellant will pay such amount in the event of dismissal of the appeal in no event shall any bond be less than one thousand dollars ($1000)

Immediately upon the filing of any such petition the petitioners shall serve a copy of the petition and any rule granted by the court upon the president chairman secretary or clerk of the legislative body levying the tax

The court shall fix a day for a hearing not less than 15 days nor more than 30 days after the filing of the petition Notice of the time of such hearing shall be given to all interested parties as the court shall direct The court shall promptly hear and dispose of the appeal

It shall be the duty of the court to declare the ordinance and the tax imposed thereby to be valid unless it concludes that the ordinance is unlawful or finds that the tax imposed is excessive or unreasonable but the court shall not interfere with the reasonable discretion of the legislative body in selecting the subjects or fixing the rates of the tax The court may declare invalid all or any portion of the ordinance or of the tax imposed or may reduce the rates of tax

Any party to the proceeding shall have the right to appeal from the decision of the court of quarter sessions to the Supreme or Superior Court as in other cases but such appeal shall be taken within 30 days from the time the decree of the court was entered and not thereafter Any two or more parties may join in such appeal

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska	McMenamin.	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 826, Printer's No. 548, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RECESS

Mr. LANE. Mr. President, I move that the Senate do now take a recess for thirty minutes, for the purpose of having a Democratic Caucus.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

SENATE BILL No. 841 CALLED UP

Mr. FLEMING. Mr. President, I call up from page 1 of today's Calendar, Senate Bill No. 841, Printer's No. 532, on concurrence in House amendments, which went over in its order temporarily ,and ask that it be acted upon at this time.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreably to order,

The Senate resumed the consideration of Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE NON-CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 841

Mr. FLEMING. Mr. President, I move that the Senate do non-concur in the amendments made by the House to Senate Bill No. 841.

Mr. McGINNIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(A voice vote being taken, the question was determined in the affirmative.)

Ordered, That the Clerk inform the House of Representatives accordingly.

STUDENTS FROM THE JUNIOR HISTORICAL SOCIETY OF LOCK HAVEN SENIOR HIGH SCHOOL PRESENTED TO SENATE

Mr. STEVENSON. Mr. President, seated in the balcony of this ornate Hall is a group of forty students from the Junior Historical Society of the Senior High School of Lock Haven. They are a wonderful group and represent a wonderful people from a wonderful city. I would like to introduce them to the Members of the Senate.

The PRESIDENT. On behalf of the other Members of the Senate(we wish to welcome this group from Lock Haven to the Session this afternoon. We hope you enjoy your visit with us.

Mr. MALLERY. Mr. President, I would like to have all the students know that all of the Senators regard the Senator from their District as a wonderful man.

THIRD READING CALENDAR

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 941, as follows:

An Act amending the act of May sixteen one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" changing formula for determining gross receipts where entire business is not transacted in the Commonwealth modifying the manner of imposing tax on certain corporations engaged in business or owning property outside of the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subdivision 2 of the difinition of "net income" of section 2 and sections 3 and 4 act of May sixteen one thousand nine hundred thirty-five (P. L. 208) known as the "Corporate Net Income Tax Act' 'reenacted and amended September twenty-seven one thousand nine hundred fifty-five (P. L. 609 are amended to read

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

* * *

"Net Income"

* * *

2 In case the entire business of any corporation other than a corporation engaged in doing business as an insurance or surety company is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as may be determined by allocations and apportionments made as follows

(a) Gains realized and losses sustained from the sole or exchange of capital assets if such assets consist of real estate or tangible personal property situated in the Commonwealth shall be allocated to this Commonwealth

(b) Gains realized and losses sustained from the sale or exchange of capital assets if such assets consist of real estate or tangible personal property situated outside of the Commonwealth shall not be allocated in any part to this Commonwealth

(c) The remainder of such net income shall be divided into three equal parts

(1) Of one-third such portion shall be attributed to business carried on within this Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the value of the corporation's tangible property situated within this Commonwealth and whose denominator is the value of all the corporation's tangible property wherever situated

(2) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the expenditures of the corporation for wages salaries commissions and other compensation to its employes and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the corporation for wages salaries commissions and other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business for the purpose of this section gross receipts shall not include heretofore or hereafter received from the sale redemption maturity or exchange of securities except those held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business

In cases where only two of the foregoing three rules are applicable the remainder of the net income of the corporation shall be divided into two equal parts only each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable the part of the net income received from business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the corporation for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business maintained by the corporation outside the Commonwealth

The amount of the corporation's gross receipts from business assignable to this Commonwealth shall be (1) the amount of its gross receipts for the taxable year except those negotiated or effected in behalf of the corporation by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business maintained by the taxpayer outside of the Commonwealth and except rentals and royalties and interest and dividends (2) rentals or royalties from property situated or from the use of patents within this Commonwealth and (3) dividends and interest except such dividends and interest attributable to the business conducted on premises maintained by the taxpayer outside the Commonwealth If a corporation maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the department shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts attributed by the corporation to the business conducted at such place of business in another state In the case of construction contracts negotiated or effected at an office in the state of Pennsylvania but performed outside the state the gross receipts under such contracts shall be assignable outside the state except that if the activities under any such contract to which the gross receipts are attributable shall occur partly within the state and partly outside the state such proportion of the gross receipts under said contract shall be assignable to Pennsylvania as the direct and indirect costs incurred in Pennsylvania under the contract for the taxable year bear to the total costs incurred thereunder for the taxable year In the case of construction contracts negotiated or effected at an office outside the state but performed in the state the gross receipts under such contracts shall be assignable to the state except that if the activities under any such contract to which the gross receipts are attributable shall occur partly within the state and partly outside the state such proportion of the gross receipts under said contract shall be assignable to Pennsylvania as the direct and indirect costs incurred in the state under the contract for the taxable year bear to the total costs incurred thereunder for the taxable year

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a corporation for wages salaries commissions or other compensation or the gross receipts of the corporation are found to be situated incurred or received without the Commonwealth

Where a corporation in any tax year beginning on or after the first day of January one thousand nine hundred fifty-six engages in a separate business outside of Pennsylvania or owns property having a situs outside of Pennsylvania which business or property bears no relation to the exercise of the Pennsylvania franchise the department with the approval of the Auditor General may determine the base for the tax imposed by this act for the tax year by excluding from the net income of such corporation as returned to and ascertained by the Federal Government the net income from the business or property which bears no relation to the exercise of the Pennsylvania franchise the deduction allowed by this section for dividends received from any other corporation shall be limited to those dividends which remain in the net income after the exclusion hereinbefore authorized in this paragraph the net income which remains after the exclusion and deductions authorized in this paragraph shall be subject to allocations and apportionments as provided in this section using only those factors which pertain to that portion of the net income being allocated and apportioned

Section 3 Imposition of Tax Every corporation shall be subject to and shall pay for the privilege of doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation a State excise tax at the rate of six per centum per annum upon each dollar of net income of such corporation received by and accruing to such corporation during the calendar year one thousand nine hundred thirty-five except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of six per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred thirty-five and ending in the calendar year one thousand nine hundred thirty-six a similar tax at the rate of ten per centum per annum upon each dollar of the net income of such corporation received by and accruing to such corporation during the calendar year one thousand nine hundred thirty-six except where a cor-

poration reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of ten per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred thirty-six and ending in the calendar year one thousand nine hundred thirty-seven and a similar tax at the rate of seven per centum per annum upon each dollar of the net income of such corporation during the calendar years one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirtynine one thousand nine hundred forty-one thousand nine hundred forty-one and one thousand nine hundred forty-two except when a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of seven per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal years commencing in the calendar years one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty one thousand nine hundred forty-one and one thousand nine hundred forty-two and a similar tax at the rate of four per centum per annum upon each dollar of the net income of such corporation received by and accruing to such corporation during the calendar years one thousand nine hundred forty-three one thousand nine hundred forty-four one thousand nine hundred forty-five one thousand nine hundred forty-six one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine and one thousand nine hundred fifty except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of four per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal years commencing in the calendar years one thousand nine hundred forty-three one thousand nine hundred forty-four one thousand nine hundred forty-five one thousand nine hundred forty-six one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine and one thousand nine hundred fifty and a similar tax at the rate of five per centum per annum upon each dollar of the net income of such corporation received by and accruing to such corporation during the calendar years one thousand nine hundred fifty-one one thousand nine hundred fifty-two [and] one thousand nine hundred fifty-three one thousand nine hundred fifty-four and one thousand nine hundred fifty-five except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of five per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal years commencing in the calendar years one thousand nine hundred fifty-one one thousand nine hundred fifty-two [and] one thousand nine hundred fifty-three one thousand nine hundred fifty-four and one thousand nine hundred fifty-five and a similar tax at the rate of [five] six per centum per annum upon each dollar of the net income of such corporation received by and accruing to such corporation during the calendar years [one thousand nine hundred fifty-four one thousand nine hundred fifty-five] one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of [five] six per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal years commencing in the calendar year [one thousand nine hundred fifty-four one thousand nine hundred fifty-five] one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven And provided further That in the case of stock life insurance companies the rate shall be one-half of one per centum per annum on each dollar of the net income of such corporations received by and accruing to such corporations during the calendar years one thousand nine hundred fifty-three and one thousand nine hundred fifty-four except where such a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case the rate shall be one-half of one per centum per annum on net income received by and accruing to such corporations during the fiscal years commencing in the calendar years one thousand nine hundred fifty-three and one thousand nine hundred fifty-four

The tax hereby imposed shall be in addition to all taxes now imposed on any corporation under the provision of existing laws

Section 4 Reports and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to pay tax under this act on or before the fifteenth day of April one thousand nine hundred thirty-six one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty one thousand nine hundred forty-one one thousand nine hundred forty-two one thousand nine hundred forty-three one thousand nine hundred forty-four one thousand nine hundred forty-five one thousand nine hundred forty-six one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five one thousand nine hundred fifty-six one thousand nine hundred fifty-seven and one thousand nine hundred fifty-eight to transmit to the department upon a form prescribed prepared and furnished by the department an annual report under oath or affirmation of its president vice-president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act Such report shall set forth

(1) A true copy of its return to the Federal Government of the annual net income arising or accruing in the calendar or fiscal year next preceding or such part or portions of said return as the department may designate

(2) If no return was filed with the Federal Government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(3) Such other information as the department may require

(b) For the purpose of ascertaining the amount of tax payable under this act for the taxable years one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven it shall be the duty of every corporation liable to pay tax under this act on or before the thirtieth day of April one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven to transmit in like form and manner an additional tentative report Such report shall set forth

(1) The annual net income received or accruing in the calendar or fiscal year next preceding and reported to the department under the provisions of this act or

(2) The net income received or accruing in the first three months of the current calendar or fiscal year toegether with such information as would have been contained in a return to the Federal Government had one been required or made

(3) Such other information as the department may require

(c) The failure of any corporation liable to pay tax under this act to procure or receive any report form

shall not excuse it from making a report

(d) For the taxable years up to and including the year one thousand nine hundred fifty-two every corporation upon the date its report is required herein to be made shall pay to the department not less than one-half of the tax due to the Commonwealth by it for such preceding year and the remaining one-half of such tax shall be paid within the thirty days next succeeding and except as otherwise provided by law no extension of time for the filing of any report granted by the department shall extend the date any tax imposed by this act shall be due and payable For the taxable years one thousand nine hundred fifty-three one thousand nine hundred fifty-four and one thousand nine hundred fifty-five [one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven] every corporation upon the date its tentative report is required herein to be made shall pay on account of the tax due for the current year at its election (1) not less than two and one-half per centum upon each dollar of net income of such corporation last reported as received or accrued during an entire preceding year or of such multiple of the net income last reported for a portion of such year as the entire year bears to the portion of the year for which the net income had been reported or (2) not less than ten per centum upon each dollar of net income of such corporation received or accrued during the first three months of the current calendar or fiscal year whichever is applicable for the taxable years one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven every corporation upon the date its tentative report is required herein to be made shall pay on account of the tax due for the current year at its election (1) not less than three per centum upon each dollar of net income of such corporation last reported as received or accrued during an entire preceding year or of such multiple of the net income last reported for a portion of such year as the entire year bears to the portion of the year for which the net income had been reported or (2) not less than twelve per centum upon each dollar of net income of such corporation received or accrued during the first three months of the current calendar or fiscal year whichever is applicable The remaining portion of the tax due shall be paid upon the date the corporation's annual report is required herein to be made

(e) The amount of all taxes imposed under the provisions of this act not paid on or before the times as above provided shall bear interest at the rate of six (6) per centum per annum from the date they are due and payable until paid except that if the taxable income has been or is increased by the Commissioner of Internal Revenue or by any other agency or court of the United States interest shall be computed on the additional tax due from thirty days after the corporation receives notice of the change of income until paid Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it in the manner prescribed by law

(f) If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report [an additional ten per centum] the following percentages of the amount of the tax shall be added by the department to the tax determined to be due on the first one thousand dollars of tax ten per centum on the next four thousand dollars five per centum and on everything in excess of five thousand dollars one per centum no such amounts added to the tax shall bear any interest whatsoever

(g) If any corporation closes its fiscal year not upon the thirty-first day of December but upon some other date and reports to the Federal Government as of such other date or would so report were it to make a return to the Federal Government such corporation shall certify such fact to the Department of Revenue and shall make the annual report herein required within thirty (30) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act The tentative report required of such corporation shall be due not later than four months after the end of the next preceding fiscal year

(h) If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 2 This amending act shall take effect as of the first day of January one thousand nine hundred fifty-six for corporation reporting on a calendar year basis or as of the first day of any fiscal year beginning in the calendar year one thousand nine hundred fifty-six for corporations reporting on a fiscal year basis

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

SENATE 23

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 972, as follows:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by further regulating forests and watersheds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Eection three thousand eight hundred thirty-seven of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) known as "The Third Class City Code" reenacted and amended the twenty-eighth day of June one thousand nine hundred fifty-one (P. L. 662) amended to read as follows

Section 3837 Ordinance of Sale Exceptions Whenever the council deems it expedient to sell any municipal forest or part thereof it shall so declare in an ordinance wherein shall be set forth all the facts and conditions relating to the proposed action which proposed ordinance shall be advertised once a week for three weeks prior to its passage No ordinance shall be effective in legalizing such sale until it has been approved by a majority vote of the people at the next ensuing general municipal

or primary election Provided however That the provisions of this section shall apply only to lands acquired for municipal forests as such and shall not limit the power of cities or water authorities to exchange lands required for the conservation development utilization and disposal of water or watersheds and Provided further That cities or water authorities may enter into agreements with the Department of Forests and Waters providing for such conservation development utilization and disposal of water or watersheds

Section 2 The provisions of this amendment relating to exchange of lands shall expire the first day of January one thousand nine hundred fifty-seven

Section 3 This act shall become effective immediately

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 977, as follows:

An Act amending the act of June 1, 1945 (P. L. 1242) entitled "An act relating to roads streets highways and bridges amending revising consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto" authorizing the department to provide for certain work on public utilities owned by municipality authorities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 412.1 act of June 1, 1945 (P. L. 1242) known as the "State Highway Law" added December 13, 1955 (Act No. 252) is amended to read

Section 412.1 Adjustment of Municipality or Municipality Authority Owned Public Utility Facilities Whenever in the construction reconstruction widening or relocation of any State highway bridge or tunnel or any part thereof it becomes necessary in the opinion of the secretary to change alter adjust or relocate any water line gas line or sanitary sewer owned and operated as a public utility by a city borough incorporated town [or] township or municipality authority the department may make such change alteration adjustment or relocation as may be required as a part of such consrtuction reconstruction widening or relocation The department may also enter into agreements with any such city borough incorporated town [or] township or municipality authority for the sharing in the costs of such change alteration adjustment or relocation in any case where in the opinion of the secretary such costs should be shared by the department and a city borough incorporated town [or] township or municipality authority and the department is unable to agree with such city borough incorporated town [or] township or municipality authority to a division of the costs the department may proceed with the work and petition the Pennsylvania Public Utility Commission for a determination of the costs to be borne by each party

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AMENDED

Agreably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 986, entitled:

An Act amending the act of July 20, 1953 (P. L. 550) entitled "An act providing for and regulating the annexation of parts of a second class township to boroughs cities and townships" fixing the time when annexation takes effect

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. SEYLER. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Title, page 1, last line of title, by inserting after "effect": "and further providing for the payment of costs"; Amend Sec. 1 (Sec. 1), page 2, line 10, by inserting after "sum": "not to exceed one hundred fifty dollars ($150)".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. SEYLER. Mr. President, since the amendments have to be printed, I ask unanimous consent that Senate Bill No. 986, Printers No. 544, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 987, as follows:

An Act amending the act of May, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating the payment by cities and boroughs for certain improvements and facilities in portions of the township annexed by them

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 308 act of May 1, 1933 (P. L. 103) known as "The Second Class Township Code" added August 21, 1953 (P. L. 1333) is amended to read

Section 308 Adjustment for Costs or Values of Improvements (a) Except as hereinafter provided whenever the boundaries of any townships have been altered and the annexation of a portion thereof [has been annexed] by a borough or city has been confirmed by the court of quarter sessions before the annexation shall become effective the township shall be paid by such borough or city the following costs or value of improvements located within the portion of the township so annexed (1) the value of all roads improved by the township within five years (2) the cost of sewer systems constructed by the township within fifteen years (3) the value of public buildings and improvements other than roads and sewers The provisions of this section shall not apply to the cost of any road sewer or facilities which has been assessed against the real property within the annexed territory

(b) The township shall not be reimbursed by any improvements the cost of which has been assessed against abutting property owners (c) If any present indebtedness of the township exists by reason of any improvements located in annexed area and a city of the third class assumes a portion of said indebtedness as provided in section 540 of the act known as "The Third Class City Code" as reenacted and amended by the act approved the twenty-eighth day of June one thousand nine hundred fifty-one (P. L. 662) or a borough assumes a portion of said indebtedness as provided in section 702 of the act known as "The Borough Code" as reenacted and amended by the act approved the tenth day of Juy one thousand nine hundred forty-seven (P. L. 1621) such payment on account of indebtedness shall be considered to be a credit to such city of the third class or borough on account of the cost of said improvement

(d) Whenever an amicable settlement cannot be made on the amount to be paid as provided in subsection (a) of this section the court of quarter sessions upon application of the governing body of the city borough or township shall determine the amount to be paid

(e) In cases where a portion of a township has been annexed prior to the effective date of this amending act and a sum of money has been or is hereafter finally determined to be due the township under the provisions of this section 308 and such sum or any part thereof remains unpaid a mandamus proceeding shall be instituted by the township against the proper fiscal officers of the city or borough seeking a court order directing the officers to make payment of such money in a specified manner or time as soon as the city or borough is able to make such payment

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1591, as follows:

An Act amending the act of June 1, 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" postponing the manufacturing exemption with regard to capital stock tax and the franchise tax on domestic and foreign corporations joint-stock associations partnerships and companies and changing the gross receipts fraction in the franchise tax

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 21 of the act of June 1, 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as amended September 27, 1955 (P. L. 643) is amended to read

Section 21 (a) That every domestic corporation other than corporations of the first class non-profit corporations and coopeartive agricultural associations not having capital stock and not conducted for profit and every joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the treasury of the Commonwealth annually through the Department of Revenue a tax at the rate of five mills upon each dollar of the actual value of its whole capital stock of all kinds including common special and preferred as ascertained in the manner prescribed in said twentieth section [Provided That the tax of five mills imposed by this subsection on reports filed for the calendar years one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five [and] one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven or for the fiscal years beginning in the calendar years one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five [and] one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven] shall apply to the taxation of capital stock of corporations limited partnerships and joint-stock associations organized for manufacturing purposes excepting companies engaged in the distilling of liquors Provided further That after said [ten] eleven year period the provisions of this section shall not apply to the taxation of the capital stock of corporations limited partnerships and

joint-stock associations organized for manufacturing purposes which is invested in and actually and exclusively employed in carrying on manufacturing within the State excepting companies engaged in the distilling of liquors and such as enjoy and exercise the right of eminent domain but every corporation limited partnership or joint-stock association organized for the purpose of manufacturing shall pay the State tax of five mills herein provided upon such proportion of its capital stock if any as may be invested in any property or business not strictly incident or appurtenant to the manufacturing business in addition to the local taxes assessed upon its property in the district where located it being the object of this proviso to relieve from State taxation only so much of the capital stock as is invested purely in the manufacturing plant and business]

(b) Every foreign corporation joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the treasury of the Commonwealth annually through the Department of Revenue a franchise tax at the rate of five mills upon a taxable value to be determined in the following manner The actual value of its whole capital stock of all kinds including common special and preferred shall be ascertained in the manner prescribed in the twentieth section of this act and shall then be divided into three equal part

(1) Of one third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the value of the taxpayer's tangible property [not actually and exclusively used in manufacturing] situated within the Commonwealth and whose denominator is value of all the taxpayer's tangible property wherever situated

(2) Of another third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the expenditures of the taxpayer for wages salaries commissions or other compensation to its employes [not exclusively engaged in manufacturing in this Commonwealth] and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the taxpayer for wages salaries commissions or other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business [not strictly incident or appurtenant to manufacturing in this Commonwealth] assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business for the purpose of this section gross receipts shall not include receipts from the sale redemption maturity or exchange of securities except those held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business

The sum of the amounts determined in accordance with the foregoing three rules shall be the taxable value In a case where only two of the foregoing three rules are applicable the remaining third equal part of the value of the entire capital stok shall be divided into two equal parts each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable that part of the entire capital stock attributed to business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the taxpayers for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business maintained by the taxpayer outside the Commonwealth

The amount of the taxpayer's gross receipts from business assignable to this Commonwealth shall be (1) the amount of its gross receipts for the taxable year except those negotiated or affected in behalf of the taxpayer by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business maintained by the taxpayer outside the Commonwealth and except rents and royalties and interest and dividends (2) rentals or royalties from property situated or from the use of patents within this Commonwealth and (3) dividends and interest except such dividends and interest attributable to the business conducted on premises maintained by the taxpayer outside the Commonwealth If a taxpayer maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the Department shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts attributed by the taxpayer to the business conducted at such place of business in another state

In the case of construction contracts negotiated or effected at an office in the State of Pennsylvania but perfomed outside the State the gross receipts under such contracts shall be assignable outside the State except that if the activities under any such contract to which the gross receipts are attributable shall occur partly within the State and party outside the State such proportion of the gross receipts under said contract shall be assignable to Pennsylvania as the direct and indirect costs incurred in Pennsylvania under the contract for the taxable year bear to the total costs incurred thereunder for the taxable year In the case of construction contracts negotiated or effected at an office outide the State but performed in the State the gross receipts under such contract shall be assignable to the State except that if the activities under any such contract to which the gross receipts are attributable shall occur partly within the State and partly outside the State such proportion of the gross receipts under said contract shall be assignable to Pennsylvania as the direct and indirect costs incurred in the State under the contract for the taxable year bear to the total cost incurred thereunder for the taxable year

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a taxpayer for wages salaries commissions or other compensation or the gross receipts of the taxpayer are found to be situated incurred or received without the Commonwealth

[Notwithstanding the foregoing provisions of this subsection (b) the franchise tax of five mills by subsection (b) on reports filed for the calendar years one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three and one thousand nine hundred fifty-four one thousand nine hundred fifty-five [and] one thousand nine hundred fifty-six and one thousand nine hundred fifty-siven and for fiscal years beginning in the calendar years one thousand nine hundred forty-siven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty three one thousand nine hundred fifty-four one thousand nine hundred fifty-five [and] one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven shall apply to the taxation of corporations limited partnerships and joint-stock associations organized for manufacturing purposes excepting companies engaged in the distilling of liquors without excluding from the numerators of the applicable fractions tangible property actually and exclusively used in manufacturing compensation of employes exclusively engaged in manufacturing and gross receipts from business strictly incident or appurtenant to manufacturing

After said [ten] eleven year period the provisions of this subsection shall apply to the taxation of corporations limited partnerships and joint-stock associations organized for manufacturing purposes]

(c) It shall be the duty of the treasurer or other officers

having charge of any such corporation joint-stock association or limited partnership upon which a tax is imposed by this section to transmit the amount of said tax to the Treasury of the Commonwealth within the time prescribed by law Provided That for the purposes of this act interest in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxable accordingly Provided further That corporations limited partnerships and joint-stock associations liable to a tax under this section shall not be required to pay any further tax on the mortgages bonds and other securities owned by them and in which the whole body of stockholders or members as such have the entire equitable interest in remainder but corporations limited partnerships and joint-stock associations owning or holding such securities as trustees executors administrators guardians or in any other manned than for the whole body of stockholders or members thereof as sole equitable owners in remainder shall return and pay the tax imposed by this act upon all securities so owned by them as in the case of individuals Provided further That the tax of five mills imposed by this section on reports filed for the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six and for each calendar year thereafter or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six and for each fiscal year thereafter shall apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering and for the processing and curing of meats their products and by products excepting companies engaged in the distilling of liquors Provided further That in case of fire and marine insurance companies the tax imposed by this section shall be at the rate of five mills upon each dollar of the actual value of the whole capital stock Provided That nothing in this act shall be so construed as to apply to building and loan associations chartered by the State of Pennsylvania or as of the first day of any fiscal year beginning in the calendar year one thousand nine hundred fifty-five for corporations reporting on a fiscal year basis

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence in the House is requested.

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

House Bill No. 1618, Printer's No. 1446; and

Souse Bill No. 1792, Printer's No. 1412.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1873, as follows:

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by changing provisions relating to certain legal proceedings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 501 of the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers and service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (P. L. 616) is hereby further amended to read as follows

Section 501 Suspension of Business of Insurance Companies of other states and foreign Governments Et Cetera by Insurance Commissioner The Insurance Commissioner shall suspend the entire business [of any domestic insurance company association or exchange fraternal benefit society or beneficial society and the business] within this Commonwealth of any insurance company association or exchange or fraternal benefit society or beneficial society of another State or foreign government during its noncompliance with any provision of law obligatory upon it or whenever he shall find that its assets are insufficient to justify its continuance in business by suspending or revoking its certificate of authority granted by him If such insurance company association or exchange fraternal benefit society or beneficial society was incorporated organized or is operating without authorty of law the commssoner shall have equal authority to suspend [or dissolve] as if a certificate of authority had been granted by law If upon examination or other evidence exhibited to him the Insurance Commissioner is of opinion that any such insurance company association or exchange or fraternal benefit society or beneficial society or an officer or agent thereof has violated any provision of the insurance laws he shall report the facts to the Attorney General who [under the direction of the Insurance Commissioner] shall take such legal action as the case may require

Section 2 Section 502 of said act as amended by the act approved the twelfth day of July one thousand nine hundred thirty-five (P. L. 958) is hereby further amended to read as follows

Section 502 Suspension of and Applications to Court to Take Over Business of Domestic Companies Et Cetera for Protection of Policyholders Creditors Et Cetera Whenever any domestic insurance company association exchange title insurance company fraternal benefit society or beneficial society or order including all corporations associations societies and orders which are subject to examination by the Insurance Commissioner or which are doing or attempting to do or representing that they are doing the business of insurance in this Commonwealth or which are in process of organization intending to do such business therein (a) is insolvent or (b) has refused to submit its books papers accounts or affairs to the reasonable inspection of the Insurance Commissioner or his deputy or examiner or (c) has neglected or refused to observe an order of the Insurance Commissioner to make good within the time prescribed by law any deficiency whenever its capital is it be a stock company or its reserves if it be a mutual company an association exchange title insurance company fraternal benefit society or beneficial society or order shall have become impaired or (d) has by contract of reinsurance or otherwise transferred or attempted to transfer substantially its entire property or business or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other company association exchange title insurance company fraternal benefit society or beneficial society or order without having first obtained the written approval of the Insurance Commissioner or (e) is found after an examination to be in such condition that its further transaction of business will be hazardous to its policyholders or to its creditors or to the public or (f) has wilfully violated its charter or any law of the Commonwealth or (g) whenever any officer thereof has refused to be examined under oath touching its affairs or (h) was incorporated organized or is operating without authority of law the Insurance Commissioner after examination shall suspend the entire business of any such domestic insurance company association exchange title insurance company fraternal benefit society or beneficial society or order if it be found by him to be insolvent or in such condition that its further transaction of business will be hazardous to its policyholders or to its creditors or to the public and may suspend any such organization if it be found by him to have violated any of the provisions of (b) (c) (d) (f) (g) or (h) of this section Any suspension shall prohibit issuance of policies transfers of property and payments of moneys without prior written approval of the Insurance Commissioner Notice of such suspension shall be given by first class mail within fifteen days thereof by the suspended organization to those who were creditors policyholders members and certificate holders at the date of suspension Notice of such suspension shall be given within fifteen days thereof by the Insurance Commissioner to creditors policyholders members and certificate holders by advertising the same by one publication in a newspaper of general circulation in the county where the suspended organization has its principal office From the date of such suspension on the ground that the suspended organization is insolvent or is in such condition that its further transaction of business will be hazardous to its policyholders or to its creditors or to the public no action at law or equity shall be commenced or prosecuted nor shall any judgment be entered against nor shall any exception or attachment be issued or prosecuted against the suspended company association exchange title insurance company fraternal benefit society or beneficial society or order or against its property in any court of this Commonwealth Provided that if such suspension order be vacated by the Court of Common Pleas of Dauphin County for the reason that the suspended organization is no longer insolvent or in such condition that its further transaction of business will be hazardous to its policyholders or to its creditors or to the public these restraints upon legal process regarding that organization shall hereafter cease to be operative Upon suspension of any such organization by the Insurance Commissioner upon any of the grounds set forth in any one of provisions (a) to (h) inclusive of this section he shall after approval of the Attorney General [shall communicate the facts to the Attorney General who shall after hearing] apply to the court of common pleas of Dauphin County or to the court of any county in which the principal office of such company association exchange title insurance company fraternal benefit society or beneficial society or order is located for an order directing such company association exchange title insurance company fraternal benefit society or beneficial society or order to show cause why its business should not be closed and the Insurance Commissioner should not take possession of its property and conduct its business and for such other relief as the nature of the case and the interests of its policyholders creditors stockholders or the public may require

Section 3 Section 503 of said act is hereby amended to read as follows

Section 503 Nonpayment of Judgments by Mutual Companies Assessment of Policyholders Dissolution Whenever proof shall be submitted to the Insurance Commissioner showing that any execution against any mutual insurance company of this State in pursuance of judgment obtained against said company in any court of record of this Commonwealth has been returned nulla bona by the sheriff of the county in which said company is located [it shall be his duty to notify the Attorney General who thereupon shall] he shall after approval of the Attorney General apply to the court of common pleas of Dauphin County or to a judge thereof in vacation for an order upon such company to show cause why its business should not be closed Upon the hearing of such rule or order the court or judge aforesaid shall direct the officers of said company to assess and collect from the policyholders thereof to the extent that such policyholders are liable to such assessment a sum sufficient to satisfy said judgment and execution and all other claims against said company or make any other order or orders in the premises as may appear to said court or judge just and necessary In case it shall finally appear to said court or judge that the company aforesaid cannot collect from its members sufficient funds to satisfy the claims against it the said company shall be adjudged insolvent and the court or judge aforesaid shall decree its dissolution and appoint the Insurance Commisisoner as receiver to take charge of its effects with like powers as hereinafter provided

Section 4 Section 505 of said act is hereby amended to read as follows

Section 505 Injunction Return of Order to Show Cause and Decrees Thereon On such application or at any time thereafter such court may in its discretion issue an injunction restraining such company association exchange society or order from the transaction of its business or disposition of its property until the further order of the court On the return of such order to show cause and after a full hearing before the court or before an examiner appointed by the court the court shall either deny the application or direct the Insurance Commissioner forthwith to take possession of the property and conduct the business of such company association exchange society or order and retain such possession and conduct such business until on the application either of the commissioner [through the Attorney General] or of such company association exchange society or order it shall after a like hearing appear to the court that the ground for such order directing the Insurance Commissioner to take possession has been removed and that the company association exchange society or order can properly resume possession of its property and the conduct of its business

Section 5 Section 511 of said act as added by the act approved the seventeenth day of May one thousand nine hundred thirty-three (P. L. 798) is hereby amended to read as follows

Section 511 Liquidation of Title Insurance Companies Partially Under Supervison of Department of Banking The Insurance Commissioner may be appointed in accordance with the provisions of this article as liquidator of the title insurance business of any company which also has the power to transact any class of business under the supervision of the Department of Banking The Insurance

Commissioner shall promptly notify the Department of Banking of his appointment as liquidator of any such company.

Upon receipt of notice from the Secretary of Banking that as receiver he has taken possession of any such company [the Attorney General may procure the appointment of] the Insurance Commissioner may be appointed as liquidator of the title insurance business of such company in accordance with the provisions of this article

Section 6 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence in the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1880, as follows:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine" by requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax and changing the gross receipts fraction applicable to foreign corporations and further providing for the computation and payment of the tax by domestic corporations joint-stock associations limited partnerships and companies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the sixteenth day of May one thousand nine hundred forty-five (P. L. 606) is hereby further amended to read as follows

Section 20 That hereafter except in the case of corporations of the first class nonprofit corporations and cooperative agricultural associations not having capital stock and not conducted for profit banks savings institutions title insurance or trust companies building and loan associations and foreign insurance companies it shall be the duty of every corporation having capital stock every joint-stock association limited partnership and every company whatsoever now or hereafter organized or incorporated by or under any laws of this Commonwealth and of every corporation joint-stock association limited partnership and company whatsoever now are hereafter incorporated or organized by or under the law of any other State or Territory of the United States or by the United States or by any foreign government and doing business in and liable to taxation within this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of any limited partnership or joint-stock association company or corporation whatsoever association or associations copartnership or copartnerships person or persons or in any other manner to make annually on or before the fifteenth day of March for the calendar year next preceding a report in writing to the Department of Revenue on a form or forms to be prescribed and furnished by it setting forth in addition to any other information required by the Department of Revenue

First The amount of its capital stock at the close of the year for which report is made together with the highest selling price per share and the average selling price thereof during said year

Second Its debt account

Third Its income account together with the disposition of any net income and its profit and loss statement

Fourth Its general balance sheet

Fifth Its real estate and tangible personal property if any owned and permanently located outside of the Commonwealth and value of the same and the value of the property if any exempt from taxation

Sixth A valuation and appraisal in the manner hereinafter provided of the capital stock of the said corporation company joint-stock association or limited partnership at its actual value in cash as it existed at the close of the year for which the report is made

The affidavit of two of the officers of such corporation limited partnership joint-stock association or company shall be attached to said report Such affidavit shall be in the form required by the Department of Revenue but shall state in addition to any other averments required by the department that with fidelity and according to the best of their knowledge and belief the affiants have estimated valued and appraised as shown in said report the capital stock of the said corporation at its actual value in cash as it existed at the close of the year for which report is made taking into consideration first the average which said stock sold for during the year and second the price or value indicated or measured by net earnings or by the amount of profit made and either declared in dividends expended in betterments or carried into the surplus or sinking fund and third the actual value indicated or measured by consideration of the intrinsic value of its tangible property and assets and of the value of its good will and franchises and privileges as indicated by the material results of their exercise taking also into consideration the amount of its indebtedness

For the purpose of making payments on account of tax payable under this act for the taxable year one thousand nine hundred fifty-six and thereafter it shall also be the duty of every corporation liable to pay tax under this act to transmit in like form and manner an additional tentative report on or before the fifteenth day of March one thousand nine hundred fifty-six and annually thereafter which report shall set forth (a) the capital stock tax or the franchise tax estimated by the corporation to be due for the taxable year next preceding and reported to the department under the provisions of this act (b) the amount of the latest settlement or resettlement of capital stock tax or franchise tax made against the corporation for a preceding year and (c) such other information as the department may require The additional tentative report of any corporation which reports on a fiscal year basis shall be filed on the same date as the annual report for the preceding taxable year Upon the date its tentative report is required herein to be made every corporation shall pay on account of the tax due for the current year

either (a) eighty per cent (80%) of the amount of the estimated tax as reported for the preceding taxable year or (b) eighty per cent (80%) of the amount of the tax last settled or resettled against the corporation for a preceding taxable year whichever amount is greater If the "preceding taxable year" is a portion of the year the eighty per cent (80%) payment on account of the current year shall be computed against such multiple of the tax estimated settled or resettled for such preceding taxable year as the entire year bears to the portion of the preceding year for which the tax was estimated settled or resettled

The remaining portion of the tax due for the current year shall be paid upon the date the corporation's annual report thereof is required herein to be made In the event that the tax paid on account with the tentative report is in excess of the amount of tax finally determined to be due the department shall grant a credit to the corporation for the amount of such excess

Interest or penalty assessed by reason of failure to file a tentative report or make a payment on account of the tax shall be assessed in the same manner as now provided by law for capital stock and franchise taxes but such interest and penalty shall be computed on the eighty per cent (80%) of the tax liability for the current year as finally determined Any interest or penalty imposed in excess of this amount if unpaid may be stricken off or if paid may be credited to the account of the corporation

The time for filing annual reports may be extended taxpayers may be permitted to file their annual and tentative reports on a fiscal year basis the procedure in case the Department of Revenue is not satisfied with the appraisement made by the officers of the taxpayer and the penalties for failing to file reports and pay taxes shall be prescribed by law

Section 2 Section twenty-one of said act as last amended by Act No. 171 approved the twenty-seventh day of September one thousand nine hundred fifty-five (P. L.) is hereby further amended to read as follows

Section 21 (a) That every domestic corporation other than corporations of the first class non-profit corporations and cooperative agricultural associations not having capital stock and not conducted for profit and every joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the treasury of the Commonwealth annually through the Department of Revenue a tax at the rate of five mills upon each dollar of the actual value of its whole capital stock of all kinds including common special and preferred as ascertained in the manner prescribed in said twentieth section except that if any domestic corporation limited partnership joint-stock association or company subject to the tax prescribed herein shall carry on business outside of the Commonwealth of Pennsylvania it may elect to compute and pay its tax under and in accordance with the provisions of subsection (b) of this section 21 Provided That the tax of five mills imposed by this subsection on reports filed for the calendar years one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five and one thousand nine hundred fifty-six or for the fiscal years beginning in the calendar years one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five and one thousand nine hundred fifty-six shall apply to the taxation of captial stock of corporations limited partnerships and joint-stock associations organized for manufacturing purposes excepting companies engaged in the distilling of liquors Provided further That after said ten year period the provisions of this section shall not apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for manufacturing purposes which is invested in and actually and exclusively employed in carrying on manufacturing within the State excepting companies engaged in the distilling of liquors and such as enjoy and exercise the right of eminent domain but every corporation limited partnership or joint-stock association organized for the purpose of manufacturing shall pay the State tax of five mills herein provided upon such proportion of its capital stock if any as may be invested in any property or business not strictly incident or appurtenant to the manufacturing business in addition to the local taxes assessed upon its property in the district where located it being the object of this proviso to relieve from State taxation only so much of the capital stock as is invested purely in the manufacturing plant and business

(b) Every foreign corporation joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the treasury of the Commonwealth annually through the Department of Revenue a franchise tax at the rate of five mills upon a taxable value to be determined in the following manner The actual value of its whole capital stock of all kinds including common special and preferred shall be ascertained in the manner prescribed in the twentieth section of this act and shall then be divided into three equal parts

(1) Of one third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the value of the taxpayer's tangible property not actually and exclusively used in manufacturing situated within the Commonwealth and whose denominator is the value of all the taxpayer's tangible property wherever situated

(2) Of another third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the expenditures of the taxpayer for wages salaries commissions or other compensation to its employes not exclusively engaged in manufacturing in this Commonwealth and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the taxpayer for wages salaries commissions or other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business not strictly incident or appurtenant to manufacturing in this Commonwealth assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business For the purpose of this section gross receipts shall not include receipts from the sale redemption maturity or exchange of securities except those held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business

The sum of the amounts determined in accordance with the foregoing three rules shall be the taxable value In a case where only two of the foregoing three rules are applicable the remaining third equal part of the value of the entire capital stock shall be divided into two equal dends and interest except such dividends and interest atparts each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable that part of the entire capital stock attributed to business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the taxpayers for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business maintained by the taxpayer outside the Commonwealth

The amount of the taxpayer's gross receipts from business assignable to this Commonwealth shall be (1) the amount of its gross receipts for the taxable year except those negotiated or effected in behalf of the taxpayer by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business maintained by the taxpayer outside the Commonwealth and except rents and royalties and interest and dividends (2) rentals or royalties from property situated or from the use of patents within this Commonwealth and (3) divi- State the gross receipts under such contract shall be astributable to the business conducted on premises maintained by the taxpayer outside the Commonwealth If a taxpayer maintain an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the Department of Revenue shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts attributed by the taxpayer to the business conducted at such place of business in another state

In the case of construction contracts negotiated or effected at an office in the State of Pennsylvania but performed outside the State the gross receipts under such contracts shall be assignable outside the State except that if the activities under any such contract to which the gross receipts are attributable shall occur partly within the State and partly outside the State such proportion of the gross receipts under said contract shall be assignable to Pennsylvania as the direct and indirect costs incurred in Pennsylvania under the contract for the taxable year bear to the total costs incurred thereunder for the taxable year In the case of construction contracts negotiated or effected at an office outside the State but performed in the one thousand nine hundred fifty-six and for fiscal years signable to the State except that if the activities under any such contract to which the gross receipts are attributable shall occur partly within the State and partly outside the State such proportion of the gross receipts under said contracts shall be assignable to Pennsylvania as the direct and indirect costs incurred in the State under the contract for the taxable year bear to the total cost incurred thereunder for the taxable year

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a taxpayer for wages salaries commissions or other compensation or the gross receipts of the taxpayer are found to be situated incurred or received without the Commonwealth

Notwithstanding the foregoing provisions of this subsection (b) the franchise tax of five mills imposed by subsection (b) on reports filed for the calendar years one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five and by this section to transmit the amount of said tax to the beginning in the calendar years one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five and one thousand nine hundred fifty-six shall apply to the taxation of corporations limited partnerships and joint-stock associations organized for manufacturing purposes excepting companies engaged in the distilling of liquors without excluding from the numerators of the applicable fractions tangible property actually and exclusively used in manufacturing compensation of employes exclusively engaged in manufacturing and gross recipts from business strictly incident or appurtenant to manufacturing

After said ten year period the provisions of this subsection shall apply to the taxation of corporations limited partnerships and joint-stock associations organized for manufacturing purposes

(c) It shall be the duty of the treasurer or other officers having charge of any such corporation joint-stock association or limited partnership upon which a tax is imposed Treasury of the Commonwealth within the time prescribed by law Provided That for the purposes of this act interest in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxable accordingly Provided further That corporations limited partnerships and joint-stock associations liable to a tax under this section shall not be required to pay any further tax on the mortgages bonds and other securities owned by them and in which the whole body of stockholders or members as such have the entire equitable interest in remainder but corporations limited partnerships and joint-stock associations owning or holding such securities as trustees executors administrators guardians or in any other manner than for the whole body of stockholders or members thereof as sole equitable owners in remainder shall return and pay the tax imposed by this act upon all securities so owned or held by them as in the case of individuals Provided further That the tax of five mills imposed by this section on reports filed for the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six and for each calendar year thereafter or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six and for each fiscal year thereafter shall apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering and for the processing and curing of meats their products and by products expecting companies engaged in the distilling of liquors Provided further That in case of fire and marine insurance companies the tax imposed by this section shall be at the rate of five mills upon each dollar of the actual value of the whole capital stock Provided That nothing in this act shall be so construed as to apply to building and loan associations chartered by the State of Pennsylvania

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays.	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent.	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence in the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 2009, as follows:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and

utility services herein defined as tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Short Title and Definitions

Section 1 Short Title This act shall be known and may be cited as the "Selective sales and use Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

(a) "Department" The Department of Revenue of this Commonwealth

(b) "Person" Any natural person association partnership or corporation Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment or both the term "person" as applied to an association shall include the members thereof and as applied to a corporation the officers thereof

(C) "Purchase" Acquiring tangible personal property for a consideration whether the transaction was effected by a transfer of title or of possession or of both or a license to use or consume whether such transfer shall have been absolute or conditional and by whatsoever means the same shall have been effected whether such consideration be a price or rental in money or by way of exchange or barter

(D) "Purchase price" (1) The total consideration paid by a user for the purchase of tangible personal property excluding only any consideration received for returnable containers materials labor or service in delivering installing applying or warranting the property sold if such consideration is stated separately from the consideration paid for the purchase lease or transfer of the tangible personal property there shall be deducted any allowance actually made for any tangible personal property as herein defined actually taken in trade or exchange for the whole or any part of the purchase price

(E) "Storage" Any keeping or retention of tangible personal property within this Commonwealth

(F) "Tangible personal property" shall mean

1 Motor vehicles trailers semi-trailers and aircraft and all accessories parts and equipment used in the maintenance operation or repair of such motor vehicles trailers semi-trailers and aircraft except gasoline

2 Formal day or evening apparel and articles made of fur on the hide or pelt and articles of which such fur is the component material of chief value but only if such value is more than three times the value of the next most valuable component material

3 All materials supplies and equipment used in the construction reconstruction remodeling repair and maintenance of any real estate

4 Furnishings appliances supplies fittings ornaments furniture equipment and accessories for home business industrial or commercial use for indoor or outdoor purposes

5 Business industrial professional and commercial supplies equipment and machines of all types including parts and accessories purchased on or used in connection therewith

6 Cosmetics toilet preparations toilet articles drugs and medical supplies except when sold on prescription

7 All tobacco products except such products already subject to tax under the laws of this Commonwealth

8 Luggage leather goods and related articles including fittings and accessories

9 Jewelry watches clocks and related articles

10 Books stationery and stationery supplies

11 Toys games hoby supplies photographic and projection equipment and supplies sporting goods and athletic equipment and supplies therefor pleasure boats equipment parts and accessories used in conjunction therewith regardless of the use made of such property

12 Flowers plants shrubbery trees fertilizer sprays and insecticides bulbs and seeds and supplies and equipment used in connection therewith

13 Fuel oil and petroleum products for heating purposes natural manufactured and bottled gas steam electricity telephone and telephone service and telegraph service

14 Hardware tools paint and painting materials and equipment

15 Live animals fish and birds and supplies and equipment used in connection therewith

16 Radios television receiving set and receiving equipment phonographs sound recorders musical instruments or any combination of the foregoing and parts components and accessories for the same and records and sheet music

17 Food and beverages when purchased for consumption on the premises (i) from persons engaged in the business of operating public restaurants cafes lunch counters other eating places and clubs except when purchased from a school church or hospital in the ordinary course of the activities of such organizations (II) from persons engaged in the business of catering when in either case the purchase price of the total transaction is more than fifty cents (50¢) beverages shall not include soft drinks malt and brewed beverages and spirituous and vinous liquors

(G) "Tangible personal property" shall not include any tangible personal property purchased by the United States the Commonwealth of Pennsylvania a political subdivision public authority or by any charitable educational or religious organization

(H) "Manufacture" the performance of manufacturing or operations which place tangible personal property in a form different from that in which it is acquired and shall include but not be limited to building repairing and making additions to or replacements in or upon vessels designed for commercial use of registered tonnage of fifty tons or more when produced upon special order of the purchaser or when repaired or enlarged or when replacements are made upon order of or for the account of the owner publishing of books newspapers magazines or other periodicals refining exploring mining and quarrying for or otherwise extracting from the earth any natural resources but shall not include constructing altering repairing or improving real estate or repairing or installing tangible personal property

(I) "Taxpayer" Any person required to pay or collect the tax imposed by this act

(J) "Use" The exercise of any right or power incidental to the ownership or leasing of tangible personal property and shall include but not be limited to transportation storage and consumption except that it shall not include the use for demonstration by a person of the property in any form as tangible personal property in the regular course of business "Use" shall not mean the interim use of tangible personal property by a manufacturer wholesaler or retailer before he sells such tangible personal property and shall not mean the physical incorporation of tangible personal property as an ingredient or constituent into other tangible personal property (1) which is sold in the regular course of business or (2) which the person incorporating such ingredient or constituent therein has undertaken at the time of purchase to cause to be transported in interstate commerce to destinations outside the Commonwealth nor shall use mean the use of tangible personal property used or consumed directly (I) in the manufacture of tangible personal property or (II) in farming agriculture horticulture or floriculture engaged in as a business enterprise or (III) in the producing deliverying or rendering of a public utility service use shall not include the interim storage or transportation of tangible personal property purchased outside the Commonwealth of Pennsylvania for use outside the Commonwealth of Pennsylvania

(K) "Maintaining place of business in Commonwealth"

Any person having or maintaining within this Commonwealth directly or by a subsidiary an office distribution house sales house warehouse or other place of business or any agent operating within this Commonwealth under the authority of the person or its subsidiary irrespective of whether the place of business or agent is located here permanently or temporarily or whether such person or subsidiary is authorized to do business within this Commonwealth

Article II

Imposition of Tax and Credits

Section 201 (a) There is hereby imposed an excise tax of three per centum of the purchase price upon the use within the Commonwealth of all tangible personal property as defined in this act purchased after the effective date of this act the tax shall be payable by the person who uses such property

(b) The tax shall be computed as follows

(1) If the purchase price is ten cents (10c) or less no tax shall be collected

(2) If the purchase price is eleven cents (11¢) or more but less than forty-one cents (41¢) one cent shall be collected

(3) If the purchase price is forty-one cents (41¢) or more but less than seventy-one (71¢) two cents (2¢) shall be collected

(4) If the purchase price is seventy-one cents (71¢) or more but less than one dollar and one cent ($1.01 three cents (3¢) shall be collected

(5) If the purchase price is more than one dollar ($1.00) three per centum of each dollar of purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected

Section 202 Exclusions from tax the tax imposed by section 201 shall not apply with respect to

(A) The use of tangible personal property other than motor vehicles trailers and semi-trailers purchased in an isolated transaction from a person not a seller or from a person who is a seller but is not a seller with respect to the article acquired

(B) The use of tangible personal property purchased by a nonresident person outside of and brought into this Commonwealth for temporary use therein not to exceed a period of five days or while passing therethrough

(C) The use after the effective date of this act of tangible personal property in the fulfillment of contracts for the construction reconstruction remodeling repairing or maintenance of real estate entered into prior to that date which are fixed price agreements not subject to change or modification by reason of the tax imposed by this act provided however that notice of such contract is given by the taxpayer to the department within sixty days after the effective date of this act

Article III

Licenses

Section 301 Licenses (a) Every person maintaining a place of business in this Commonwealth selling or leasing tangible personal property the use of which is subject to tax shall on or before the thirtieth day after the effective date of this act or prior to the beginning of business thereafter make application to the department on a form prescribed by the department for a license and pay to the department the sum of two dollars ($2.00) therefor If such person maintains more than one place of business in this Commonwealth the license shall be issued for the principal place of business in this Commonwealth

(b) The department shall after the receipt of an application issue the license applied for under subsection (a) of this section The license shall be nonassignable and of permanent duration

(c) Any person who after May 1, 1956 shall maintain a place of business in this Commonwealth for the purpose of selling or leasing tangible personal property the use of which is subject to tax without having first been licensed by the department pursuant to the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both together with costs of prosecution The penalties imposed by this section shall be in addition to any other penalties by this act

(d) Failure of any person to obtain a license shall not relieve him of liability to pay the tax imposed by this act

Article IV

Procedure and Administration

PART I

Returns

Section 401 Persons Required to Make Returns Every Taxpayer shall file returns with respect to such tax

Section 402 Form of Returns The returns required by section 401 shall be on forms prescribed by the department and shall show such information with respect to the taxes imposed by this act as the department may reasonably require

PART II

Time and Place for Filing Returns

Section 420 Time for Filing Returns (a) Monthly Returns A return shall be filed monthly with respect to the preceding month by every licensee Such return shall be filed on or before the last day of the month succeeding the month with respect to which the return is made

(b) Annual Returns In addition to the return required by subsection (a) a return shall be filed annually with respect to the preceding calender year by every licensee Such return shall be filed by the thirty-first day of January in the year succeeding the year with respect to which the return is made

(c) Other Returns Any person other than a licensee liable to pay to the department any tax under this act shall file a return on or before the last day of the month succeeding the month in which such person becomes liable for the tax

Section 421 Extension of Time for Filing Returns The department may on written application and for good cause shown grant a reasonable extension of time for filing any return required under this article However the time for making a return shall not be extended for more than three months

Section 422 Place for Filing Returns Returns shall be filed with the department at its main office or at any branch office which it may designate for filing returns

PART III

Payment of Tax

Section 430 Payment When a return of tax is required under this article the person required to make the return shall pay the tax to the department

Section 431 Time of Payment (a) Monthly Payments The tax imposed by this act and collected by a licensee shall be due and payable in monthly installments on or before the last day of the month succeeding the month during which the purchase subject to the tax were made and shall accompany the return for such preceding month

(b) Annual Payments If the amount of tax due for the preceding year as shown by the annual return of any taxpayer is greater than the amount already paid by him in connection with his monthly returns he shall send with such annual return a remittance for the unpaid amount of tax for the year

(c) Other Payments Any person other than a licensee liable to pay any tax under this act shall remit the tax at the time of filing the return required by this act

Section 432 Other Times for Payment In the event that the department authorizes a taxpayer to file a return at other times than those specified in section 420 the tax due shall be paid at the time such return is filed

Section 433 Place for Payment of Tax The tax imposed by this act shall be paid to the department at the place fixed for filing the return

Section 434 Commissions The licensee shall be entitled to apply and credit against the amount of tax payable by him an amount equal to two per centum of the gross tax collected by him to cover his expense in the collection and remittance of said tax provided however that nothing contained in this section shall apply to any licensee who shall fail or refuse to file his return with and pay the tax to the department within the time prescribed

PART IV

Assessment and Collection of Tax

Section 440 Assessment The department is authorized and required to make the inquiries determinations and assessments of the tax (including interest additions and penalties) imposed by this act

Section 441 Mode and Time of Assessment (a) Underpayment of Tax Within a reasonable time after any return is filed the department shall examine it and if the return shows a greater tax due than the amount of tax remitted with the return the department shall forthwith assess the difference The difference shall be paid to the department within thirty days after a notice of the assessment has been mailed to the taxpayer

(b) Understantement of Tax If the department determines that any return or returns of any taxpayer understates the amount of tax due the department shall assess the proper amount and shall determine the difference between the amount of tax shown in the return and the amount assessed such difference being hereafter sometimes referred to as the "deficiency" The deficiency shall be paid to the department within thirty days after a notice of the assessment thereof has been mailed to the licensee

(c) Failure to File Return In the event that any licensee fails to file a return required by this act the department may make an estimated assessment (based on the best information available) of the probable amount of tax owing by the licensee and the tax shall be paid within thirty days after a notice of such estimated assessment has been mailed to the licensee

(d) Authority to Establish Effective Rates by Business Classifications If a return required by this act is not filed or a return when filed is incorrect or insufficient the amount of tax due shall be determined by the department from such information as may be obtainable

The department is authorized to make the studies necessary to compute effective rates by business classification based upon the ratio between the tax required to be collected and taxable sales and to use such rates in arriving at the tax liability of a licensee

Any assessment based upon effective rates established by the department shall be binding upon the taxpayer unless such assessment is appealed in accordance with the provisions of this act

Section 442 Reassessment Any licensee against whom an assessment is made may petition the department for a reassessment Notice of an intention to file such a petition shall be given to the department prior to the time the assessment becomes due and payable The department shall hold such hearings as may be necessary for the purpose at such times and places as it may determine and each licensee who has duly notified the department of an intention to file a petition for reassessment shall be notified by the department of the time when and the place where such hearing in his case will be held A petition for reassessment if filed shall set forth explicitly and in detail the grounds upon which the licensee claims that the assessment is erroneous or unlawful in whole or in part and shall be accompanied by an affidavit under oath or affirmation certifying to the facts stated in the petition

It shall be the duty of the department within six months after the hearing or after receiving a filed petition for reassessment to dispose of the issue raised at such hearing or by such filed petition Notice of the action taken shall be given to the petitioner promptly after the date of reassessment by the department

Section 443 Review by Board of Finance and Revenue Within sixty days after the date of mailing of notice by the department of the action taken on any petition for reassessment filed with it or after the department's failure to act within the time specified the person against whom such assessment was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reasons on which the petitioner relies or shall incorporate by reference the petition for reassessment in which the reasons are stated The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall act finally in disposing of petitions filed with it within six months after they have been received In the event of the failure of the board to dispose of any petition within six months the action taken by the department upon the petition for reassessment shall be sustained The Board of Finance and Revenue may sustain the action taken on the petition for reassessment or it may reassess the tax on such basis as it deems according to law The board shall give notice of its action by mail to the department and to the petitioner

Section 444 Appeal to the Court of Common Pleas of Dauphin County Any person or the Commonwealth aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon a petition for review within six months may within sixty days appeal to the Court of Common Pleas of Dauphin County from the decision of the board or from the decision of the department as the case may be in the manner nor or hereafter provided by law for appeals in the case of tax settlements

Section 445 Burden of Proof In all cases of petitions for reassessment review or appeal the burden of proof shall be upon the petitioner or appellant as the case may be

Section 446 Collection of Tax (a) Collection by Department The department shall collect the tax in the manner provided by law for the collection of taxes imposed by the laws of this Commonwealth

(b) Collection by Persons Maintaining Place of Business in Commonwealth Every person maintaining a place of business in this Commonwealth and selling or leasing tangible personal property the use of which is subject to tax at the time of making the sale or lease shall collect the tax from the purchaser or lessee and remit the tax to the department

(c) Exemption Certificates If the tax does not apply to the sale or lease of tangible personal property the purchaser or lessee shall furnish to the seller or lessor a certificate indicating that the sale is not legally subject to the tax The certificate shall be in such form as the department by regualtion shall prescribe Where the identity of the used is such that the transaction is never subject to the tax imposed or where the tangible personal property is never subject to the tax imposed or where the sale or lease is in interstate commerce no such certificate need be furnished

(d) Direct Payment Permits The department may authorize a purchaser or lessee who acquires tangible personal property under circumstances which normally make it impossible at the time of acquisition to determine the manner in which it will be used to pay the tax directly to the department and waive the collection of the tax by the sellers No such authority shall be granted or exercised except upon application to the department and the issuance by the department of a direct payment permit If a direct payment permit is granted then the payment of tax on all acquisitions including acquisitions of tangible personal property the use of which is known at the time of the acquisition shall be made directly to the department by the permit holder If such person is a licensee the tax shall be paid at the same time and in the same manner as is prescribed for a licensee

Section 447 Collection Upon Failure to Request Reassessment Review or Appeal The department may collect any tax

(a) If an assessment of tax is not paid within thirty days after notice thereof to the licensee and no petition for reassessment has been filed

(b) Within sixty days from the date of reassessment if no petition for review has been filed

(c) Within sixty days from the date of the decision of the Board of Finance and Revenue upon a petition for review or of the expiration of the board's time for acting upon such petition if no appeal has been made and

(d) In all cases of judicial sales receiverships assignments or bankruptcies.

In any such case in a proceeding for the collection of such taxes the person against whom they were assessed shall not be permitted to set up any ground of defense that might have been determined by the department the Board of Finance and Revenue or the courts

Section 448 Lien for Taxes (a) Lien Imposed If any person liable to pay any tax neglects or refuses to pay the same after demand the amount (including any interest addition or penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the Commonwealth against all real estate within the Commonwealth of any taxpayer but only after same has been entered and docketed of record by the prothonotary of the county where such real estate is situated as hereafter provided

(b) Priority and Effect of Lien The department may at any time transmit to the prothonotaries of the respective counties certified copies of all liens for taxes imposed by this act and penalties and interest It shall be the duty of each prothonotary receiving the lien to enter and docket the same of record in his office which lien shall be indexed as judgments are now indexed All such liens shall have priority to and be fully paid and satisfied out of the judicial sale of the real estate before any other obligation judgment claim lien or estate with which the real estate may subsequently become charged or for which it may subsequently become liable subject however to mortgage or other liens existing and duly recorded save and except the cost of sale and of the writ upon which it is made and real estate taxes imposed or assessed upon the property The lien of the taxes interest and penalties shall continue for five years from the date of entry and may be revived and continued in the manner now or hereafter provided for renewal of judgments and it shall be lawful for a writ of scire facias to issue and be prosecuted to judgment in the manner in which such writs are ordinarily employed

(c) Duty of Prothonotary Any wilful failure of any prothonotary to carry out any duty imposed upon him by this section shall be a misdemeanor and upon conviction he shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and costs of prosecution or to undergo imprisonment not exceeding one year or both

PART V

Refunds and Credits

Section 450 Refund or Credit for Overpayment In the case of any overpayment the department within the applicable period of limitations may credit the amount of such overpayment against any liability in respect of the tax imposed by this act on the part of the person who made the overpayment and shall refund any balance to such person

Section 451 Restriction on Refunds No refund shall be made under section 450 without the approval of the Board of Finance and Revenue

PART VI

Limitations

Section 460 Limitation on Assessment and Collection The amount of the tax imposed by this act shall be assessed within three years after the date when the annual return required by subsection (b) of section 520 is filed Any such assessment may be made at any time during such period notwithstanding that the department may have made one or more previous assessments against the taxpayer for the year in question or for any part of such year In any such case no credit shall be given for any penalty previously assessed or paid

Section 461 Failure to File Return Where no return is filed the amount of the tax due may be assessed and collected at any time as to taxable transactions not reported

Section 462 False or Fraudulent Return Where the taxpayer files a wilfully false or fraudulent return with the intent to evade the tax imposed by this act the amount of tax due may be assessed and collected at any time

Section 463 Extension of Limitation Period Notwithstanding any of the foregoing provisions of this part where before the expiration of the period prescribed therein for the assessment of a tax a taxpayer has consented in writing that such period be extended the amount of tax due may be assessed at any time within such extended period The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period

Section 464 Limitations on Refund or Credit (a) Application for Refund Any application for refund must be filed with the department within three years from the time the return is required to be filled (determined without regard to any extension of time) or two years from the time the tax was paid whichever is later

(b) Assessment Where No Return Filed If an assessment of tax is made where no return is filed then any application for refund must be filed with the department within one year from the time of payment

PART VII

Interest Additions Penalties and Crimes

Section 470 Interest If any amount of tax imposed by this act is not paid on or before the last date prescribed for payment interest on such amount at the rate of one-half of one per centum per month for each month or fraction thereof from such date shall be paid for the period from such last date to the date paid The last date prescribed for payment shall be determined under subsections (a) or (c) of section 431 without regard to any extension of time for payment In the case of any amount assessed as a deficiency or as an estimated assessment the date prescribed for payment shall be thirty days after notice of such assessment

Section 471 Additions to Tax (a) Failure to File Return in the case of failure to file any return required by section 401 on the date prescribed therefor (determined with regard to any extension of time for filing) there shall be added to the amount required to be shown as tax on such return five per centum of the amount of such tax if the failure is for not more than one month with an additional five per centum for each additional month or fraction thereof during which such failure continues not exceeding twenty-five per centum in the aggregate but in no case shall the amount added be less than ten dollars ($10)

(b) Failure to Pay Tax Through Negligence or Fraud

(1) If any part of any deficiency is due to negligence or intentional disregard of rules and regulations (but without intent to defraud) there shall be added to the tax an amount equal to five per cent of the underpayment

(2) If any part of any deficiency is due to fraud there shall be added to the tax an amount equal to fifty per centum of the deficiency This amount shall be in lieu of any amount determined under paragraph (1)

(c) Interest If the department assesses a tax according to section 441 (b) or (c) there shall be added to the amount of the deficiency interest at the rate of one-half of one per centum per month for each month or fraction thereof from the date prescribed by section 431 (a) or (c) of this act for the payment of the tax to the date of notice of assessment

(d) Uncollectible Checks Whenever any check issued in payment of any tax assessment or for any other purpose shall be returned to the department as uncollectible the secretary shall charge a fee of five dollars ($5.00) plus all protest fees to the person presenting such check to him to cover the cost of its collection

Section 472 Penalties (a) Penalty Assessed as Tax The penalties and liabilities provided by this act shall be paid upon notice and demand by the department and shall be assessed and collected in the same manner as taxes Except as otherwise provided any reference in this act to "tax" imposed by this act shall be deemed also to refer to the penalties and liability provided by this Part

(b) Attempt to Evade or Defeat Tax Any person who

wilfully attempts in any manner to evade or defeat the tax imposed by this act or the payment thereof or assists any other person to evade circumvent or defeat the tax imposed by this act the payment thereof or to receive a refund improperly shall in addition to other penalties provided by law be liable for a penalty equal to the total amount of the tax evaded No penalty shall be imposed under subsection (b) of section 471 for any offense to which this section is applicable

Section 473 Crimes (a) Fraudulent Return Any person who with intent to defraud the Commonwealth shall wilfully make or cause to be made any return required by this act which is false shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000) or undergo imprisonment not exceeding three years or both

(b) Other Crimes Except as otherwise provided by subsection (a) any person maintaining a place of business in this Commonwealth who advertises or holds out or states to the public or to any purchaser or user directly or indirectly that the tax or any part thereof imposed by this act will be absorbed by such person or that it will not be added to the selling price of the tangible personal property sold or if added that the tax or any part thereof will be refunded other than when such person refunds the selling price because of such property being returned to the seller and any person maintaining a place of business in this Commonwealth and selling or leasing tangible personal property the use of which by the purchaser is subject to the tax hereunder who shall wilfully fail or refuse to collect the tax from the purchaser and remit the same to the department and any person who shall wilfully fail neglect or refuse to file any return or report required by this act or any taxpayer who shall refuse to pay any tax penalty or interest imposed or provided for by this act or who shall wilfully fail to preserve his books papers and records as directed by the department or any person who shall refuse to permit the department or any of its authorized agents to examine his books records or papers or who shall knowingly make any incomplete false or fraudulent return or report or who shall do or attempt to do anything whatever to prevent the full disclosure of the amount or character of taxable sales or purchases made by himself or any other person or shall provide any person with a false statement as to the payment of tax with respect to particular tangible personal property shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or undergo imprisonment not exceeding one year or both The penalties imposed by this section shall be in addition to any penalties imposed by any provision of this act other than subsection (a)

PART VIII

Enforcement and Examinations

Section 480 Rules and Regulations (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with the provisions of this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

Section 481 Keeping of Records Every person liable for any tax imposed by this act or for the collection thereof shall keep the records render such statements make the returns and comply with such rules and regulations as the department may from time to time prescribe Whenever in the judgment of the department it is necessary it may require any person by notice served upon such person or by regulations to make such returns render such statements or keep such records as the department deems sufficient to show whether or not such person is liable for the tax under this act

Section 482 Examinations The department or any of its authorized agents is hereby authorized to examine the books papers and records of any taxpayer in order to verify the accuracy and completeness of any return made or if no return was made to ascertain and assess the tax imposed by this act The department may require the preservation of all such books papers and records for any period deemed proper by it not to exceed however three years from the end of the calendar year to which the records relate Every such taxpayer is hereby required to give to the department or its agent the means facilities and opportunity for such examinations and investigations The department is further authorized to examine any person under oath concerning taxable sales or purchases by any taxpayer or concerning any other matter relating to the enforcement or administration of this act and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes to have knowledge of such matters The procedure for such hearings or examinations shall be the same as that provided by the Fiscal Code relating to inquisitorial powers of fiscal officers

Section 483 Unauthorized Disclosure Any information gained by the department as a result of any return investigation hearing or verification required or authorized by this act shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law and any person unlawfully divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment for not more than one year or both

Section 484 Cooperation with Other Governments Notwithstanding the provisions of section 483 the department may permit the Commissioner of Internal Revenue of the United States or the proper officer of any state or the authorized representative of either such officer to inspect the tax returns of any taxpayer or may furnish to such officer or his authorized representative an abstract of the return of any taxpayer or supply him with information concerning any item contained in any return or disclosed by the report of any investigation of the return of any taxpayer The permission shall be granted only if the statutes of the United States or of such other state as the case may be grant substantially similar privileges to the proper officer of the Commonwealth charged with the administration of this act

Section 485 Bonds (a) Where the secretary in his discretion deems it necessary to protect the revenues to be obtained under the provisions of this act he may require any taxpayer to file with him a bond issued by a surety company authorized to do business in this Commonwealth and approved by the insurance commissioner as to solvency and responsibility in such amounts as the secretary may fix to secure the payment of any tax or penalties due or which may become due from such taxpayer in the event that the secretary determines that a taxpayer is to file such a bond he shall give notice to such taxpayer to that effect specifying the amount of the bond required the taxpayer shall file such bond within five days after the giving of such notice unless within such five days the taxpayer shall request in writing a hearing before the secretary at which hearing the necessity property and amount of the bond shall be determined by the secretary such determination by the secretary shall be final and shall be complied with within fifteen days after the taxpayer is given notice thereof

(b) In lieu of the bond required by this section securities approved by the secretary or cash in such amount as he may prescribe may be deposited which shall be kept in the custody of the secretary who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due and for that purpose the securities may be sold by the secretary at public or private sale without notice to the depositor

Article V

Miscellaneous Provisions

Section 501 Saving Clause Notwithstanding anything contained in any law to the contrary the validity of any

law or any ordinance or part of law or of any ordinance or any resolution or part of any resolution and any amendments or supplements thereto now or hereafter enacted or adopted by the Commonwealth or any political subdivision thereof providing for or relating to the imposition levy or collection of any tax shall not be affected or impaired by anything contained in this act

Section 502 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 503 Appropriation So much of the proceeds of the tax imposed by this act as shall be necessary for the payment of refunds provided for hereunder is hereby appropriated for the payment of such refunds

Section 504 Effective Date The provisions of this act shall take effect the day following final enactment

The rate of tax imposed by section 201 shall be two per centum of the purchase price on and after June 1, 1957 and shall be computed as follows

(1) If the purchase price is ten cents (10¢) or less no tax shall be collected

(2) If the purchase price is eleven cents (11¢) or more but less than sixty-two (62¢) one cent shall be collected

(3) If the purchase price is sixty-two cents (62¢) or more but less than one dollar and one cent ($1.01) two cents (2¢) shall be collected

(4) If the purchase price is more than one dollar ($1.00) two per centum of each dollar of the purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

(During the calling of the roll the following occurred;)

Mr. DENT. Mr. President and Members of the Senate, I imagine that our Republican colleague on the other side would have been just as happy if the roll would have been called. However, we do happen to have a few of the boys on this side who feel that some word of explanation should be given. Therefore, I would like to take just a few minutes to explain my position in this matter.

First of all, Mr. President, I want it clearly understood by one and all that we are faced with a very grave situation in the financial picture which presents itself to this great Senate Body. We have been in Session for a period of fourteen months. During this period of fourteen months, we have had presented to us three separate and distinct tax packages. Early in the Session, when the Governor announced his budget and announced a revenue plan for financing this budget, opposition appeared immediately to both the budget and the financing plan. At that time, the Democratic Party, assuming its responsibility as the administrative force in the State, offered a classified income tax. This tax bill passed the House of Representatives by a straight party vote. It reached the Senate and, again, on a straight party vote it was defeated here in the Senate. Sometimes later, when the regrouping took place in the House, they came up with another tax package called the manufacturers' excise tax. Again, strictly on party lines, this tax program passed the House of Representatives and, again, strictly on party lines, this tax program failed of passage in the Senate.

The Governor of Pennsylvania, faced with the responsibility of the Administration, then made a public appeal in which he advocated a program wherein both political parties would assume fifty per cent of the responsibility for the budget and fifty per cent of the responsibility for the revenue. After a few weeks of conferences, the Republicans and Democrats in the House of Representatives joined hands and sent to the Senate a package of bills raising revenue somewhere in the neighborhood, with the addition, of course, of the business taxes over here, of $440,000,000. That package arrived here and the Senate majority refused to accept the package and have today presented their answer to the fiscal problem.

Mr. President, my position in the matter is that I have had the opportunity of working with a committee on the part of the Republican Senate on the question of not so much how, but as to the answer to the question of how much. So, feeling the responsibility, as the Democratic Floor Leader, for achieving the budget figure that we deem to be essential and necessary in order that certain programs of progress can be put into effect and to continue paying the necessary expenses of our State Government and to meet the mandated increases in welfare and education, I feel that it becomes my duty at this time that, although I personally would prefer not to vote for a sales tax, my postiion on that matter is fundamental.

As early as 1935, when I first entered this General Assembly, the proposal of a sales tax was before us. Down through these twenty odd years, I have been one of the leading opponents of that type of revenue measure. I will not go into the reasons for my opposition because I am sure that the Membership of this Senate has heard my reasons many, many times. I have always felt that basically I believed in the principle of government that assesses taxes on the basis of ability to pay. However, we are faced with a situation that calls for the submerging of personal desires. I am compelled to say to my colleagues that in conjunction with Senator Kessler, who is the student of the budget on the other side, he and I have reached a tentative agreement which we hope to be able to work down to its final stage next week, on a final budget figure. The Governor will not get all that he asked for. However, the Republicans will not cut as deep as they would like to. Somewhere between these two extremes, we believe that this tax package will provide sufficient revenues so that the mentally ill, the handicapped, our educational system, persons on public assistance and the needed and required State functions will not suffer.

In line with that, Mr. President, and again saying to the Republican conferees that, faced with the situation that it was going to be a sales tax in the ultimate end, I must say, in fairness to them that they heeded some of the counsel I offered, they took some of the advice that I offered and they allowed me to work in the realm of the budget very much at liberty. I feel that I owe to them this position that I am taking today and I want it clearly understood that at no time did they demand from me any allegiance to the sales tax or the program, nor did they ask me to commit any of the Membership on the Democratic side to the program. They did not bargain or deal or attempt to bargain or deal on the basis of deliverance of votes from the Democratic side. They have manly stood up and said that if they refused

the Democratic programs and if they refused the House compromise programs, then they would assume the full responsibility for financing the Commonwealth.

In line with that, I want to announce that I am voting for the sales tax.

Mr. MAHANY. Mr. President, there was an article in the newspaper yesterday about telegrams being delivered to my office. At the time, I had no knowledge of these telegrams. However, I did find today that there were a great many telegrams delivered, coming from people in my District who evidently are connected with the schools, asking me to please support the bipartisan tax program immediately. They all read pretty much the same, so evidently the wording must have been suggested by some group or organization. I did take time to call one of the people back in Crawford County who had sent me a telegram and he told me that this move had been inaugurated by the P.S.E.A. of the State of Pennsylvania. I, of course, do not have any objection to the P.S.E.A. inaugurating any program of sending messages to us, but I wish that that particular organization would allow us to try to legislate a tax program that we feel is for the best interest of the people. We here do not want a legislative program that is not wanted by the people. I think that has motivated our thinking and our actions throughout this Session of the Legislature.

Mr. President, I am speaking for the Republican Senators who are in control in this Senate and feel that it is wrong for this Session of the Legislature to put an income tax on the people. They also felt that it was wrong to give votes for a tax program which not only would have put an income tax on the people, but also would have put a sales tax on the people. They felt that that was not a compromise. In other words, the Republicans were against the income tax and the Democrats were against the sales tax and, therefore, this so-called tax compromise would end up by both taxes being put on the people. That certainly was not our idea of a compromise.

Mr. President, I believe that that is what probably motivated Senator Dent in asking to be let in on the partnership the other day. I know that Senator Dent is enough of a practical politician to know that when he sees he cannot do a particular thing after he has tried and tried and tried to do it, he recognizes the fact that he cannot do it and, therefore, he tries to work with the situation as it is rather than the way he would like to have it. He saw that the Republicans over here, who were in the Majority in the Senate, just would not buy an income tax. Therefore, Senator Dent decided that the best thing to do was to get in with us a little bit, anyway, and try to work out some kind of a sales tax, at least, something that we could vote on here and which would not be too embarrassing to those Democrats who wanted to vote for it.

I did hear about this, what you might call, selective sales tax or categorical sales tax, but Senator Dent was the first one to let me know that there was such a thing as that. I do not believe there is any other State that has such a tax as that, but I, in giving due credit to Senator Dent, think he had a very good idea. Perhaps some of the other States may adopt our categorical sales tax if they look over the tax plan and see that it works here, if we do enact it into law. I believe it is going to work. I said a little while ago that I did not care whether or not any of the Democratic Senators over there voted for this tax. However, Senator Dent—I am going to give him credit—did father the child and if he wanted to leave it on our doorstep without support, it was all right with us. We would assume it and take care of it.

We feel that we are in a very unique position. I believe this is probably the first time in the history of the Commonwealth of Pennsylvania where the Party out of power is taking the responsibility for a tax program. We are ready to do that. If the Democrats do not like this particular tax program and want to make an issue of it at the next election and they feel that they can do so, taking political advantage, then they can go out and stump the State again that they will repeal this tax if they so desire. I will call to their attention, however, that the tax is not a temporary tax like the last sales tax, but it is now on a permanent basis. It is thre per cent until June 1, 1957 and then, after that, it will be lowered to two per cent.

Mr. President, I think we have done a great thing for the Commonwealth of Pennsylvania in establishing, finally, a permanent broad base tax. This is something which has been needed by the people of Pennsylvania for a long time. I think it will enable us to attract more industry into our State, now that industry knows that we have a broad base tax, if this is enacted. I feel that industry will be more tempted to enter the State of Pennsylvania to establish their businesses and that the industries which we have in Pennsylvania will have a tendency to expand now that they know that this tax problem has been settled.

Mr. President, I do not think that this particular tax hurts very many people, although it is designed to raise $322,000,000, this tax plus the tax on meals and hotels and so forth. When you raise that kind of money, you have to hit somebody's pocketbook a little bit. We also know that regardless of how much we might feel that taxes should be based upon ability to pay, under our Constitution, it is almost impossible for us to base a tax on the ability to pay. About the only tax that I know of which is based on the ability to pay is the graduted income tax. Under our Constitution, we cannot pass a graduated income tax because all taxes must be uniform. They have tried, on several occasions, to get by that Constitution prohibition. They tried in connection with the classified income tax, but it was not based on ability to pay. It was based more upon the source of income.

Mr. President, this tax is based somewhat on the ability to pay because we tried to tax luxury items and not tax the items which are ordinarily used by the poorer or working class of people, or the people in the ordinary walks of life. For instance, we did not want to put a tax on clothing, but we did put a tax on furs and also a tax on dinner clothes, formal wear and so forth. Theoretically, anyway, the rich people are the ones who wear those kind of clothes. I have noticed Senator Dent and Senator Barr in striped trousers. They wear formal wear and, no doubt, if they buy those kind of suits, they will have to pay the tax along with the rest of the rich people. However, we have strived to make this more or less on the ability to pay principle.

We have set forth here various categories of things to be taxed and I believe that the people are going to be

sure and certain of what should be taxed and what should not be taxed under this law. That was one of the main troubles that we had with the old sales tax that we had and which expired last year. For a long while, there was great indecision as to what was taxable and what was not taxable. The department over here had to make a lot of rulings on what items were taxable and what items were not taxable. I remember they got into great difficulty in connection with the clothing exemption, as to whether a necktie was clothing or whether it was not clothing, as to whether a pair of suspenders was clothing or whether it was not. They had to list a whole raft of items which they considered to be taxable and also another group of items which they figured were not taxable. That was one of the biggest difficulties that we had in connection with the sales tax, the sales tax which has expired.

I agree somewhat with Senator Walker, of Allegheny County, when he did say that the sales tax which expired was not quite perfect. I do not think he put it in just that term, but I agreed at the time that it was not perfect. I so said when we passed it. However, I do not agree that we loaded the payroll with more tax collectors than there were taxpayers. I had occasion to talk to Mr. Snyder, who was in charge of this particular department yesterday, and he told me that one of the big difficulties that they had in connection with this old sales tax was that they did not have enough employees to properly police it. In fact, if you will note from the budget, you will notice that of the $10,000,000 which we allocated to collect the old sales tax, they lapsed $5,000,000. Therefore, they only used half of what we gave them.

That led up to a discussion of how much should be allocated for the collection of this tax. In connection with that, we determined that we should not pass the Ohio type plan. I was one of the early advocates of the Ohio tax plan because I live quite close to the Ohio border and have occasion to go over there and buy articles. When you go over into Ohio and buy articles, you get a stamp which is cancelled. You know then that your money has found its way into the State treasury. However, they are having much difficulty with the Ohio tax plan. I want to go into this just a little bit because I understand that there are some Members of the House who might have a tendency to insist upon an amendment in order to put this particular bill under the Ohio stamp tax plan.

I want to point out to them that we did study this particular feature and did have correspondence with the officials in Ohio. The officials in Ohio, including the Governor, said that they are very dissatisfied with their particular stamp plan because it does cost an awful lot of money to collect it. First, you must pay, I believe, one per cent to the issuing agent, the bank or whatever institution is set up to issue stamps. Then you must give two per cent to the merchant who sells the stamps. Third, in order to police it, they have a system whereby they give two per cent to recognized charitable organizations that send in the cancelled stamps to the State Treasurer. There you have five per cent to start with and, inasmuch as this is designed to raise $300,000,000 plus, you would have $15,000,000 immediately, you might say, going toward collection. In addition to that, you have a high cost of printing. You have to print the stamps on a very good type of paper so that you will eliminate the possibility of counterfeiting the stamps. The printing charges run into very high amounts. Therefore, we wanted to try to put a tax plan in Pennsylvania that would not cost such a great amount as the tax plan in Ohio, and one in line with the collection system used by other States. We, therefore, discarded the idea of the stamp plan as used in Ohio and showed, rather, this type of plan which is a little bit different from the old type of collection plan that prevailed in Pennsylvania inasmuch as now, under this system, the Secretary of Revenue may set up a percentage system according to the classification of the store which is involved. In other words, a particular type of merchandising store could bet set up at a particular percentage, depending upon the experience gained by the Secretary of Revenue. They may do that and I believe that that will cut down to a great extent, if not altogether, the tendency of anybody to put the money in their pocket rather than sending it into the State Treasurer.

Senator Mallery also calls my attention to the fact that in Ohio, in addition to the stamp plan, they have an audit system. It does not hold down to any great extent the amount of employees that would be necessary. It also does not cut off to any great extent the amount of book work which is required by the merchant. He still has to keep a set of books, showing the number of stamps bought and the amount of sales he has had, the stamps that he has sold and other information as required by the Department of Revenue.

Mr. President, we have decided to hold down as much as possible the amount it would cost to collect this tax. We have agreed, between the Democrats and ourselves, that we feel that $7,000,000 will be sufficient to do this job. If we had adopted the Ohio sales tax plan, it would cost around $25,000,000. To be perfectly fair with the State of Ohio, we should also add the two per cent that we are giving to the merchants, in addition to the $7,000,000 which we set up for rentals and employees of the State of Pennsylvania. If you would add two per cent of $300,000,000, you would get $6,000,000. That, in addition to the $7,000,000 that we set up in our budget, would be $13,000,000. Therefore, it is a comparison between $13,000,000 that it will cost us and $25,000,000 that it costs the State of Ohio. We feel that those millions of dollars which we saved, by reason of adopting this particular plan, are well worth while. We have adopted the experience of other States in adopting this type of collection system.

Mr. President, I also want to point out that for once we are equalizing the position of our contractors in Pennsylvania with the contractors in bordering States. Down in Maryland, they have a law which says that as soon as any contractor goes into Maryland to take a contract, such as road building or any other type of contract, and moves equipment into the State of Maryland, they have to pay a two per cent tax. It is what they call a use tax. That two per cent is based upon the original cost of the article and not upon its depreciated value at the time they take it into the State

Therefore, many of our contractors cannot go into the State of Maryland because of that law. I believe they also have a similar law in some of the other bordering States. Our contractors have been forced to sit idly by and see contractors coming in from these other States where they

cannot do much business to the State of Pennsylvania and take contracts away from Pennsylvania's contractors because they are able to bid the job lower in view of our favorable tax laws.

Mr. President, we are not trying to retaliate against these other States, but we are trying to equalize our laws with these other laws so that the contractors in Pennsylvania will have the same break as the contractors in the bordering States.

There are many other good features to this law, Mr. President, but I cannot go into all of them. The food provision provides that the first fifty cents of your purchase is not taxable so that the secretary, stenographer or workman who goes into a restaurant and buys a sandwich for lunch and pays twenty-five or thirty cents for it, will not have to pay a tax. We did not want to tax the little fellow when he went to buy his lunch. However, we felt that people who go to resaurants and hotels and so forth, and buy dinners which cost one, two or three dollars or more, will not kick too much on the amount of this tax and can afford it. It will also enable us to collect some revenue from people traveling through our State. When we go into Ohio to look at their scenery, we have to pay their sales tax. We, therefore, feel that it is no more than right that when the people from Ohio come through Pennsylvania to look at our scenery, they should help defray some of our expenses.

Mr. President, I hope we will grant sufficient money to the Commerce Department to advertise the State of Pennsylvania throughout the Nation in order to attract more tourists into our State so they can see our beautiful scenery, scenic beauty and so forth. I believe we are going to obtain quite a bit of revenue from these people traveling through our State. I also believe they will be satisfied and happy to pay our tax.

I hope that some day our Department of Highways, or our Department of Commerce, may print as attractive a booklet as Senator Yosko sent me from Arizona around Christimastime, which was printed by their Department of Highways. They have a very beautiful picture of a cactus on the desert, and I think we can do much better with the beautiful scenery that we have in Pennsylvania.

Mr. President, I am going to close by stating to all of you Senators that we have twenty-six Senators over here ready to vote for this tax. We really do not need any Democratic support, but we welcome it. We welcome you to share whatever glory there is in connection with passing a good broadbase tax for the first time for the people of Pennsylvania on a permanent basis.

Mr. LANE. Mr. President and Members of the Senate, I listened very attentively to the Majority Leader's discourse here today. I might say to you that he has a rather unique way of expressing himself, because in the course of his discourse he more or less accused our leader here on this side of being the father of this selective use tax act. He then went on to say that the twenty-six Members on the other side are willing to vote and pass this legislation so, therefore, I assume they are assuming the responsibility of rearing this child.

To me, Mr. President, this legislation looks like it is really a Taylor-made bill. As a matter of fact, we were given to understand, quite a number of months ago, that the Republican Majority would only pass a sales tax. I think if the Membership will recall, two or three weeks ago I interrogated the Majority Leader on the floor as to the position of the Republican Majority in regard to the bipartisan agreement made in the House on the tax package. At that particular time, the Majority Leader informed me, and the Democratic Members, that they would not be bound by the activities of the Members of the House. Therefore, I am wondering what the ultimate fate of this particular piece of legislation will be when it goes to the House of Representatives.

Mr. President, there is no question in my mind that, after hearing the statement of the Majority Leader in saying they have twenty-six votes, the tax is going to pass the Senate of Pennsylvania.

I had hoped today, this March 2nd, Mr. President, that we were on the threshold of doing something to provide the necessary revenue to balance the budget of this Commonwealth. This has been a long hassel for a period of fourteen months, and I thought that probably we were now assured that we were going to balance this budget and have the necessary revenues to finance the Commonwealth. However, I do not know what is going to happen in the House of Representatives.

Mr. President, I am wondering if the Majority Leader would permit himself to be interrogated, as I would like to ask him just a few questions.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. LANE. Senator Mahany, could you advise the Democratic Members as to the attitude of the Republican House Members with regard to this selective use tax act? Are they going to approve it or are they going to oppose it?

Mr. MAHANY. Now, Senator, I cannot answer that other than by a guess. When they had their program over there, they did not choose to consult us, and, therefore, I felt that I should not go over and consult them. However, I feel they should vote for it and I hope they do vote for it. If there is any Representative over there who I can talk to on behalf of this program, who might have a tendency to back away from it, I will be happy to do so and try to convince him that he should vote for this tax.

Mr. LANE. Senator Mahany, then I take it that this selective use tax act is actually a piece of legislation which was conceived and supported by the Republican Majority in the Senate. is that correct?

Mr. MAHANY. Yes, in a way. I said that Senator Dent might have been the father of the child, but that was said, perhaps, facetiously. He did give me some ideas in relation to this, which I could have gotten out of a book had I chosen to go and get one. Senator Dent has a book which has the tax laws of all the States. He did not recommend this particular one, and I am not trying to blame him or give him credit for it. If he wants credit, I will be happy to give it to him but he did not give me anything other than what I could have gotten, for ininstance, from Doctor Kurtzman. Doctor Kurtzman has a whole list of taxes which he has suggested, not recommended, and mentioned as sources of revenue from which we might derive funds.

You do not have to worry about it, Senator Lane. We are not going to blame the Democrats in any way for any part of this bill. As far as I am concerned, we are willing to assume the responsibility for it. If there is

any blame attached to it, we are willing to assume that. However, if the people feel that it is a good piece of legislation, we hope they will give us credit for passing it.

We are trying to be absolutely fair. In no part of my statement did I maen that at some time in the future was I going to jump on any Democratic Senator and say, "Here, this fellow is just as much guilty as I am in connection with this, if you do not like the sales tax."

As far as I am concerned, any Democratic Senator or anybody else in the Democratic Party can go out and use this as a political football this year if they so desire. They can say that the only reason they voted for this was in order to get it through and they had to have some revenue and they could not get an income tax through the Senate and, therefore, the only thing they could do was to take the selective use tax, and that will be all right with me.

Mr. LANE. Senator Mahany, thank you for your advice and counsel. However, the point I was trying to make is this: Do we have any assurance that we are going to get this passed in the House of Representatives, as far as the Republicans are concerned? Have you consulted any of the Republican Leadership on the Republican side in the House of Representatives, and do they approve it or are they going to consider it or oppose it?

Mr. MAHANY. Senator, I am always truthful with you.

Mr. LANE. I hope so.

Mr. MAHANY. I am not going to say anything now that would be a prevarication. I did happen to call Charles Smith and asked him to look it over and he said he would. I think he agrees with this bill in principle. I believe that if we send this bill over, Charles Smith, who is the leader on the Republican side, will vote for it. I believe Bob Kent, who is a leader over there, will also vote for it. In other words, I feel this way. I am not a betting man, but if I were betting you, I would bet that our Republican leadership over there will not only vote for this bill, but also will do everything they can to get all the Republicans to vote for it.

Mr. LANE. I wish to thank the Majority Leader. That is the information I desired. I was very much concerned as to the ultimate fate of this legislation once it reached the House of Representatives.

Mr. President, before I sit down, there are just one or two other points I would like to make. I have heard from the other side, on numerous occasions, about the problems of industry in Pennsylvania. I have heard them say many, many times that the tax structure in Pennsylvania was not favorable to industry. The point I want to make before I sit down is this. If the tax structure in Pennsylvania is not favorable to industry, the responsibility lies with the Republican Party in Pennsylvania because they have been in power and in control of the Governor's Office and both branches of the Legislature for a long time. Therefore, they had the power to take care of the tax structure in Pennsylvania. I want the people to know that the Democrats are not responsible for these allegations which are made in regard to industry leaving Pennsylvania.

I hope that the Republicans realize that in the future they cannot attack us on that basis until after we have had at least four years in office.

Mr. YOSKO. Mr. President, I just want to take a few minutes to explain my position on this sales tax and touch upon one or two other matters.

From the time this Legislature convened, Mr. President, it was rumored, and the rumors turned out to be true, that the Republican leadership in the Senate came here with two aims: first, to keep this Legislature in Session for a period longer than we were in Session in either 1951 or 1953 so that it could be said during this campaign that a Democratic Administration had a Legislature in Session for the longest period in the history of the Commonwealth.

I just want to say to the gentleman on the other side that if that argument is used during the campaign, it will be answered forcefully, time and time again, because if we would have had the cooperation which the administration was entitled to, this Legislature could have adjourned last August. It is only because of stubborn opposition, and an aim to keep us in Session for a record-breaking period, that we are here today.

Mr. President, the second aim was to force a sales tax down the throats of the people of Pennsylvania in order to embarrass a Democratic Governor and the Democratic Party which, in its platform, said it would permit the sales tax, enacted in 1953, to expire and it [illegible] not be re-enacted and that we would enact a tax program based on ability to pay.

After the sales tax was passed, Mr. President, an election followed and in connection with that election, each party developed a platform. The Democrats said they would oppose a sales tax and the Republicans said they would support and continue a sales tax. The issue was clear and both parties went before the people at least on that phase of the platform. Mr. President, in spite of a 1,000,000 registered Republican majority in Pennsylvania, the people of this great State elected a Democratic Governor by a majority of 200,000. That, in itself, should have been notice to all the Members of the Legislature, Democrats and Republicans alike, that the people of this State did not want a sales tax. In my opinion, they do not want a sales tax today.

Mr. President, Governor Leader has a duty to perform in connection with the budget and a tax program, and he performed that duty. He compiled a budget and he recommended a tax program to finance that budget and duly. When the classified income tax which was passed by a Democratic House came over here, without even giving it consideration, it was killed not only once, but twice at the command of the special interests and those in the high income brackets, the coupon clippers, the big rent collectors and all of the others who do not want to pay their fair share of the tax load to finance the obligations of the Commonwealth.

The Governor then, in an effort to meet his obligation, sent over another tax program, Mr. President. That, too, was approved by a Democratic-controlled House. When it got over here, what did we find? There was a march on Harrisburg by big business, big business that the gentlemen on the other side represent. As a result, the excise tax was defeated in spite of the fact that every Democrat on this side voted for it.

I had received many letters from those in the big business category, asking me to vote against the excise tax. Among other things, in my negative answer, I reminded them of the fact of how they marched on Harrisburg,

and I said that the little fellow was not represented here. I said to them then, and I say now, that the little fellow, the fellow who earns his bread and butter by the sweat of his brow, was not represented here then and he is not represented here now. I want them to know that I represent him here, and I will not vote for a sales tax which will place a $322,000,000 burden upon their shoulders because a sales tax is a tax upon those least able to pay.

In addition, Mr. President, I live in a county that borders New Jersey and I know what effect a three per cent sales tax will have on business in the District I represent. Many of the people will cross the bridge and go over into Phillipsburg and neighboring communities and make their purchases there, to the detriment of the business interests in Northampton County.

For the reasons stated, Mr. President, I will vote against this sales tax.

Mr. McMENAMIN. Mr. President, nobody likes to pay taxes. I do not know anyone who dislikes paying taxes more than I do. However, after fourteen months of debate and argument, we find ourselves without a tax program and without the Governor's budget being approved.

It appears to me, Mr. President, that the tax which is before us now has the best chance of any which has been presented to the Legislature yet of being successfully passed. It is probably not the tax that I would have selected were I the only one who had a choice in picking out taxes to meet the budget. However, we find ourselves in a position where the teachers of Pennsylvania are not being paid, the institutions of the State are in dire need of money and the various State services are about to be curtailed.

I think that after fourteen months of partisan wrangling we have to put Pennsylvania first and make certain that something is done to provide for the pay of the State employees, the teachers and to carry on the various State services; in other words, to meet the Governor's budget.

For these reasons then, Mr. President, I am going to vote "aye" on this tax.

Mr. PECHAN. Mr. President, I am being prevailed upon not to make a speech and I am not going to make one. I do want to say a few words in answer to Senator Yosko, and I want to also state my position on the sales tax.

I, too, am like Senator McMenamin. I do not like to vote for a sales tax, especially this particular tax which is raised from a one per cent to a three per cent tax, containing a lot less exemptions than the sales tax for which I voted two years ago. When I voted for the sales tax two years ago, I had to be shown that a lot of exemptions were made before I voted for it.

However, Mr. President, I am deeply conscious that our schoolteachers need increased salaries and our health and welfare services need more money, and for those reasons I am willing to vote for a three per cent sales tax, even though the people of Pennsylvania were told that we would not have either a wage tax or a sales tax, but that we would have governmental cuts. Nevertheless, that is not forthcoming and we knew better when we campaigned and said that we would have to increase our sales tax from one to, at least, two percent.

Mr. President, I want to say to Senator Yosko that when he says we are dedicated to having the longest Session, I want him to know that it is a tremendous personal sacrifice for me to be here fourteen months. My dental practice is suffering. I am only there half the time and if he thinks I enjoy that or that it is lucrative, then I do not understand his thinking. He also said that we wanted to stay here because we wanted to force a sales tax. That, of course, as he knows, is not true. He also talked about the fact that we represent the interests of big business. If big business is getting a break out of a three per cent sales tax, with an additional twenty per cent on corporate net income, then we are awfully poor friends of business. He also said that we could have been out of here last August. If he will recall, our Governor wanted to go all over the State and sell the classified income tax to the people by radio and television, and that bill did not get to us until sometime in August. Therefore, I do not see how we could have gone home at that time.

I am glad that the subject is going to be resolved today. Perhaps it is not as much money as Governor Leader wanted and perhaps the three per cent sales tax will not give that much. However, it certainly is a compromise.

Mr. LANE. Mr. President, I wish to advise the Republican Majority that in view of the fact that they want to assume all the honor and glory of passing this sales tax, I am going to give them that privilege and, therefore, I will vote "no."

Mr. MULLIN. Mr. President, I want to endorse the sentiments expressed here by Senator Yosko.

In addition to that, I hope that these fourteen months of struggle that has gone on here, and the crises which we have had, are not repeated in future Sessions of this General Assembly. We have introduced a Constitutional amendment. They have been telling us that this amendment would be voted down. If we believe in taxation on the basis of ability to pay, I say let us get that constitutional amendment out and pass it at this Session of the Legislature.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Berger,	Hays,	McPherson, Jr.,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Madigan,	Propert,	Wagner,
Diehm,	Mahany,	Schmidt,	Watkins,
Flack,	Mallery,	Scott,	Watson,
Fleming,	McMenamin,	Stevenson,	Whalley,
Harney,			Wolfe,

NAYS—15

Barr,	Haluska,	Mullin,	Stiefel,
Camiel,	Lane,	Ruth,	Weiner,
DiSilvestro,	McCreesh,	Seyler,	Yosko,
Donolow,	McGinnis,	Silvert,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 2010, as follows:

An Act imposing a tax on the occupancy of rooms in hotels inns houses or courts lodging houses and rooming houses defined herein as hotels prescribing the manner of collecting the tax providing for licenses imposing duties

on and prescribing powers of the Department of Revenue and fixing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Preliminary Provisions

Section 101 Short Title This act shall be known and may be cited as "The Hotel Occupancy Tax Act"

Section 102 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

(1) "Department" the Department of Revenue of this Commonwealth

(2) "Hotel" A building or buildings in which the public may for a consideration obtain sleeping accommodations the term shall include inns motels tourists homes houses or courts lodging houses and rooming houses

(3) "Occupant" A person who for a consideration uses possesses or has a right to use or possess any room or rooms in a hotel under any lease concession permit right of access license or agreement the term shall not include a permanent resident

(4) "Occupancy" The use or possession or the right to the use or possession of any room or rooms in a hotel for any purpose or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms the term shall not include occupancy by a permanent resident

(5) "Operator" Any person operating a hotel

(6) "Permanent Resident" Any occupant who has occupied or has had the right to occupancy of any room or rooms in a hotel for at least thirty consecutive days

(7) "Person" Any natural person firm partnership association corporation fiduciary or other entity operating a hotel whenever used in any provision of this act which prescribes or imposes a fine or imprisonment or both the term "person" as applied to a firm partnership or association shall include the members thereof and as applied to a corporation the officers thereof a firm partnership association or a corporation may be subjected as an entity to the payment of a fine

(8) "Rent" The consideration received for occupancy valued in money whether received in money or otherwise including all receipts cash credits and property or services of any kind or nature and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever

(9) "Tax" Any tax interest or penalty imposed or levied under the provisions of this act

(10) "Taxpayer" Any operator of a hotel renting room taxable under this act

Article II

Imposition and Collection of Tax

Section 201 Imposition of Tax An Excise tax of three per centum of the rent thereof is hereby imposed upon every occupancy of a room or rooms in a hotel in this Commonwealth which tax shall be collected by the operator from the occupant and paid over to the Commonwealth as herein provided

Section 202 Occupant to Pay Accounting by Operators The operator shall in each case demand the tax from the occupant and the occupant shall pay the same to the operator The operator shall keep the amount of all of the taxes so paid to him by all occupants in a fund separate and apart from all his other funds unless the Department otherwise directs If the Department shall authorize any operator to comingle the proceeds of the tax with other funds the claim of the Commonwealth for the tax shall be enforceable against and shall take precedence over all other claims against the commingled fund Each operator shall account to the Commonwealth for the entire amount of all taxes collected from occupants

Section 203 Tax to Be Paid by Occupants It is hereby stated as the legislative intent that the tax imposed hereby shall be paid by the occupant The amount of the tax shall be added to the rent and shall constitute a part of the rent price (though a separate item as hereinbefore provided) and shall be collectible as such

Section 204 Records Every operator shall keep separate books or records of his business as an operator so as to show the rents and occupancies taxable under this act separately from his transactions not taxable hereunder if any such operator fails to keep such separate books or records he shall be liable to tax at the rate designated in Section 201 hereof upon the entire proceeds of his hotel

Section 205 Compensation to Operator for Collection and Return For the purpose of compensating operators for the keeping of prescribed records and the proper accounting and remitting of taxes by them such operators shall be allowed a commission of two per centum of the amount of the tax due and accounted for and remitted to the Department which commission shall be allowed in the form of a deduction in submitting the report of such operator and the payment of the amount due by him such compensation commission or allowance shall not be granted nor shall any deduction be permitted with respect to any taxes not paid on or before the due date thereof or where there is a manifest failure to maintain proper records or make proper prescribed reports

Article III

Returns and Payment

Section 301 Returns and payment (a) The taxes imposed by this act shall be due and payable in quarterly installments on or before the twentieth day of the calendar month succeeding the quarters ending the last day of April July October and January of each year

(b) Each taxpayer shall make out and sign a return for each quarter such return shall be mailed to the Department in time so that it will reach the Department in the ordinary course of the mails on or before the twentieth day of the month succeeding the quarter with respect to which the return is made

(c) The return shall be on a form prescribed by the Department The Department shall distribute return forms to taxpayers but no taxpayer shall be excused from liability for failure to file a return or pay the tax because he has failed to receive a form

Each such return shall show

(1) The total number of rooms available for occupancy during the quarter with respect to which the return is filed

(2) The total number of occupancies during such quarter and the total rents charged therefor

(3) The amount of tax due

(4) Such other information with respect to the business the amount of occupancies or rents or related matters as the Department may reasonably require

Any such return may be signed by a duly authorized agent of the taxpayer with the same effect as if signed by the taxpayer himself

Any person making a false return shall be guilty of perjury to the same extent as though the return had been sworn to

(d) A remittance for the amount of the tax shall accompany each quarterly return

Section 302 Other times for returns and payment The Department may upon written request authorize a taxpayer whose books and records are not kept on a calendar month basis or whose hotel is operated only during certain seasons of the year to file returns at other times than those specified in the preceding section and in lieu of such returns except in the case of seasonal hotels No taxpayer shall be permitted to make less than four returns during a year except as to the time of filing and the period covered all the provisions as to returns required by Section 301 shall be applicable to returns made under this section and a remittance for the tax shall accompany any return made under this section

Section 303 Annual Returns (a) On or before the last day of February in each year every taxpayer shall file with the Department in the manner heretofore specified for quarterly returns an annual return covering the entire preceding calendar year or such part thereof as the taxpayer was engaged in a business as a hotel operator Such return shall be in addition to and not in lieu of returns required to be filed under the provisions of Section 301 or Section 302

(b) Each such annual return shall include all items required for quarterly returns for the entire calendar year with respect to which it is made and shall be signed by the taxpayer or his authorized agent any person making a false return shall be guilty of perjury to the same extent as though the return had been sworn to

(c) If the amount of tax due for the preceding year as shown by the annual return of any taxpayer is greater than the amount already paid by him in connection with his quarterly returns he shall send with such annual return a remittance for the unpaid amount of tax for the year

Section 304 Extension of time for making returns The Department may on written application and for good cause shown extend the time for making any return required or permitted by any of the preceding sections of this article provided however that the time for making any return other than an annual return shall not be extended more than one month and the time for making an annual return shall not be extended more than three months

Article IV

Procedure

Section 401 Department of Revnue to administer the Department of Revenue shall administer and enforce this act and collect the tax hereby imposed

Section 402 Examination of returns settlement of tax credits (a) as soon as practicable after any return is filed the department shall examine it and if the return shows a greater tax due than the amount of the remitttance sent with such return the department shall forthwith settle the difference such difference shall be paid to the department within ten days after notice of its settlement if so paid there shall be no interest or penalty if not so paid there shall be added to such amount five per centum thereof and in addition interest at the rate of one-half of one per centum per month for each month or fraction thereof from the date of such notice to the date of payment no taxpayer shall have any right of appeal from such a settlement

(b) If the Department determines that any return or returns of any taxpayer understates the amount of tax due the Department shall settle the proper amount and shall determine the difference between the amount of tax shown in the return and the amount settled such difference being hereafter sometimes referred to as the "deficiency" such deficiency shall be paid to the Department within ninety days after a notice of the settlement thereof shall be mailed to the taxpayer by the Department unless notice of an intention to file a petition for a resettlement or to appear and be heard as herein provided shall be given within ninety days after notice of the settlement of such deficiency be mailed to the taxpayer there shall be added to the amount of the dificiency five per centum thereof and in addition interest at the rate of one-half of one per centum per month for each month or fraction thereof from the date of such notice to the date of payment if any understatement in any of such returns is false or fraudulent with intent to evade the tax the deficiency resulting from such understatement shall be doubled and in addition thereto an additional one-half of one per centum of such doubled deficiency shall be added for each such month or fraction of a month from the date the tax was originally due to the date of payment

(c) If the amount of the tax as settled by the Department shall be less than the amount already paid by the taxpayer the Department shall so notify the taxpayer and the amount so overpaid may be taken by such taxpayer as a credit on the tax shown as due in any subsequent return or returns filed in accordance with the provisions of this act

Section 403 Estimated Settlements (a) If any person believed by the Department to be liable for tax under the provisions of this act shall have failed to file a return in accordance with and within the time prescribed by this act and if the Department shall deem it more conducive to the public interest because of the supposed smallness of the tax or for any other reason not to proceed to compel the exhibition of the accounts of such person it may make an estimated settlement of the probable amount of tax owing by such person but in every such case the Department shall add to such estimated settlement a penalty of ten per centum thereof and the Department shall proceed to collect such estimated tax and penalty as in other cases if the amount is not paid when due

(b) The estimated settlement thus determined together with the penalty of ten per centum specified above and interest at the rate of one-half of one per centum per month or fractional part thereof until paid shall be due and payable ten days after notice of such settlement shall have been mailed by the Department to the person against whom the estimated settlement has been made

Section 404 Limitation of Settlement (a) Any settlement or estimated settlement shall be made by the Department within five years of the date when the annual return required by this act should have been filed as prescribed in this act whether the date originally prescribed or pursuant to any extensions of the time for filing such return duly granted by the Department and not after any such settlement or estimated settlement may be made at any time during such period notwithstanding that the Department may have made one or more previous settlements or estimated settlements or both against the taxpayer for the year in question or for any part of such year in any such case no credit shall be given for any penalty previously settled or paid

(b) If the taxpayer shall have died any taxes interest and penalties due under this act for years prior to his death or for the year of his death and whether based on original settlements additional or estimated settlements or otherwise may be presented by the Department at audit of his estate in the orphans' court and such court shall give full effect to the priorities and equitable interest given to the Commonwealth by this act

Section 405 Resettlement Review Appeal (a) Any taxpayer against whom a settlement or estimated settlement is made may petition the Department for a resettlement notice of an intention to file such a petition or to appear and be heard shall be given to the Department prior to the time the settlement or estimated settlement becomes due and payable the Department shall hold such hearings as may be necessary for the purpose at such times and places as it may determine and each taxpayer who has duly notified the Department of an intention to file a petition for resettlement or to appear and be heard shall be notified by the Department of the time when and the place where such hearing in his case will be held a petition for resettlement if filed shall set forth explicitly and in detail the grounds upon which the taxpayer claims that the settlement or estimated settlement is erroneous or unlawful in whole or in part and shall be accompanied by an affidavit under oath or affirmation certifying to the facts stated in the petition if no petition for resettlement has been filed with the Department but the taxpayer has given due notice of an intention to appear and be heard the taxpayer may appear at the hearing and present his petition orally in which event all statements of fact at the hearing shall be made under oath or affirmation

(b) Within sixty days after the date of mailing of notice by the Department of the action taken on any petition for resettlement filed with it the person against whom such settlement was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason on which the petitioner relies or

shall incorporate by reference the petition for resettlement in which the reasons are stated the petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true the Board of Finance and Revenue shall act finally in disposing of petitions filed with it within six months after they have been received in the event of the failure of the board to dispose of any petition within six months the action taken by the Department upon the petition for resettlement shall be sustained The Board of Finance and Revenue may sustain the action taken on the petition for resettlement or it may resettle the tax due on such basis as it deems according to law and equity the board shall give notice of its action by mail to the Department and to the petitioner

(c) Any person or the Commonwealth aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon a petition for review within six months may within sixty days appeal to the Court of Common pleas of Dauphin County from the decision of the board or from the decision of the Department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

Section 406 Rules and Regulations Inquisitorial Powers of the Department (a) The Department shall have the authority to prescribe adopt promulgate and enforce rules and regulations in conformity with this act and relating to any matter or thing pertaining to the administration of the taxes imposed by this act the Department may from time to time alter or amend such rules and regulations in any manner it considers advisable

(b) The Department or any of its authorized agents is hereby authorized to examine the books papers and records of any taxpayer or supposed taxpayer including his bank accounts or similar items in order to verify the accuracy and completeness of any return made or if no return was made to ascertain and settle the tax imposed by this act the Department may require the preservation of all such books papers and records for any period deemed proper by it not to exceed six years from the end of the calendar year to which the records relate every such taxpayer is hereby required to give to the Department or its agent the means facilities and opportunity for such examinations and investigation the Department is further authorized to examine any person under oath concerning taxable occupancies by any taxpayer or concerning any other matter relating to the enforcement or administration of this act and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes to have knowledge of such matters the procedure for such hearings or examinations shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

(c) Any information gained by the department as a result of any return investigation hearing or verification required or authorized by this act shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law and any person unlawfully divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment for not more than one year or both in the discretion of the court

Section 407 Records of nonresidents (a) A nonresident person including a foreign corporation who is engaged in one or more businesses in this Commonwealth as a hotel operator shall keep adequate records of such business or businesses and of the taxes due with respect thereto which records shall at all times be retained within this Commonwealth No taxes collected from occupants shall be sent outside the Commonwealth without the written consent of and in accordance with conditions prescribed by the department

(b) Any person who shall violate or assist in the violation of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment not exceeding one year or both in the discretion of the court

Section 408 Tax held in trust for the Commonwealth All taxes collected by any operator from occupants in accordance with this act shall constitute a trust fund for the Commonwealth and such trust shall be enforceable against such taxpayer his representatives and any person receiving any part of such fund without consideration or knowing that the taxpayer is committing a breach of trust provided however that any person reciving payment of a lawful obligation of the taxpayer from such fund shall be presumed to have received the same in good faith and without knowledge of the breach of trust Any person other than a taxpayer against whom the department makes any claim under this section shall have the same rights to petition and appeal as are given taxpayers by any provisions of this article

Section 409 Priority of tax in the distribution voluntary or compulsory in receivership bankruptcy or otherwise of the property or estate of any taxpayer All taxes imposed by this act which are due and unpaid and are not collectible under the provisions of section 408 shall be paid from the first money available for distribution in priority to all other claims and liens except in so far as the laws of the United States may give a prior claim to the Federal government Any person charged with the administration or distribution of any such property or estate who shall violate the provisions of this section shall be personally liable for any taxes imposed by this act which are accrued and unpaid and are chargeable against the taxpayer whose property or estate is being administered or distributed

Section 410 Lien of taxes all taxes imposed by this act together with all penalties and interest shall be considered a public account after being settled in the manner provided in this act and as such shall be a lien upon all real estate within the Commonwealth of any taxpayer resident or non-resident but only after the same has been entered and docketed of record by the prothonotary of the county where such real estate is situated as hereafter provided

The Department may at any time transmit to the prothonotaries of the respective counties certified copies of all liens for taxes imposed by this act and penalties and interest It shall be the duty of each prothonotary receiving such lien to enter and docket the same of record in his office which lien shall be indexed as judgments are now indexed All such liens shall have priority to and be fully paid and satisfied out of the judicial sale of said real estate before any other obligation judgment claim lien or estate with which said real estate may subsequently become charged or for which it may subsequently become liable subject however to mortage or other liens existing and duly recorded at the time such tax lien is recorded save and except the cost of sale and of the writ upon which it is made and real estate taxes imposed or assessed upon said property the lien of said taxes interest and penalties shall continue for five years from the date of entry and may be revived and continued in the manner now or hereafter provided for renewal of judgments and it shall be lawful for a writ or scire facias to issue and be prosecuted to judgment in the manner in which such writs are ordinarily employed

Any wilful failure of any prothonotary to carry out any duty imposed upon him by this section shall be a misdemeanor and upon conviction he shall bt sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment not exceeding one year or both in the discretion of the court

Article V

Violation and Penalties

Section 501 Penalty for fraudulent annual return Any person who shall wilfully make or cause to be made an annual return required by this act which is false and fraudulent shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalty shall be in addi-

tion to all other penalties imposed by any of the preceding provisions of this act

Section 502 Other penalties except as otherwise provided by section 501 Any person who shall wilfully fail neglect or refuse to file any return or report required by this act or any taxpayer who shall wilfully fail to preserve his books papers and records as directed by the department in accordance with section 406 hereof or any person who shall refuse to permit the department or any of its authorized agents to examine his books records or papers or who shall knowingly make any incomplete false or fraudulent return or report or who shall do or attempt to do anything whatever to prevent the full disclosure of the amount or character of taxable occupancies made by himself or any other person shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or undergo imprisonment not exceeding one year or both in the discretion of the court the penalties imposed by this section shall be in addition to any penalties imposed by any provision of this act other than section 501

Article VI

Licenses

Section 601 Licenses (a) Every operator shall on or before the thirtieth day after the effective date of this act or prior to to the beginning of business thereafter make application to the department on a form prescribed by the department for a license and pay to the department the sum of two dollars ($2) Therefor if such person maintains more than one place of business in this Commonwealth such license shall be issued for the principal place of business in this Commonwealth

(b) The department shall either prior to May 1 1956 or the tenth day after the receipt of an application whichever shall last occur issue the license applied for under subsection (a) of this section such license shall be nonassignable and of permanent duration

(c) Any person who after May 1 1956 shall operate a hotel without having first been licensed by the department pursuant to the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both together with costs of presecution the penalties imposed by this section shall be in addition to any other penalties imposed by this act

(d) Failure of any person to obtain a license shall not relieve him of liability to pay the tax imposed by this act

Article VII

Disposition of Tax Penalties Interest

Section 701 Disposition of proceeds All taxes collected under the provisions of this act together with any penalties and interest thereon shall be paid into the general fund

Article VIII

Miscellaneous

Section 801 Saving clause Nothing contained in this act shall be construed to repeal any other law of this Commonwealth imposing any tax for any purpose

Section 802 Effective date This act shall become effective ten days after final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barr,	Harney,	McMenamin,	Stiefel,
Berger,	Hays,	McPherson, Jr.,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.,	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,		Stevenson,	Yosko,

NAYS—6

Donolow,	McCreesh,	Seyler,	Weiner,
Haluska,	Mullin,		

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

PERMISSION TO ADDRESS SENATE

Mr. BARR asked and obtained unanimous consent to address the Senate.

Mr. BARR. Mr. President, during the discussion on House Bill No. 2009, unfortunately, I did not hear all of it. However, several of the men on the other side of the aisle have advised me that in someone's statement—I do not know who made it—it was said that the Democrats were trying to place the onus of the raise in the corporate net income tax on the Majority Party in the Senate.

If that was said, I am sure it was said inadvertently. This was part of the whole thing, the business tax along with the sales tax, and as far as House Bill No. 2009 is concerned, I now live in Camp Hill and Senator Wade lives there and, therefore, we were just paired on that one.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I believe that Senator Pechan made some reference to that. However, I do not believe that they were the words that he used. I think Senator Pechan said that we are going along here and putting another additional tax on the corporations. You cannot very well accuse us of always being friendly to big business, as you call it, because we have gone along here and placed additional taxes on corporations. If we are supposed to be such friends, as you claim, we are not doing a very good job for them.

Also, Mr. President, I do want to add, for the benefit of the press, that all of this sales tax is not going to be obtained from individuals. Corporations will pay quite a bit of it. I do not have in my hand the exact percentage, but I think they are going to pay $15,000,000 or $20,000,000 of it, at least. When the corporations erect buildings or other structures, they will have to pay a sales tax on the material which they obtain. There are many items and many commodities which will be purchased, by what you might call big business, on which a sales tax will have to be paid.

SECOND READING CALENDAR

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent

that the following bills, on second reading, go over in their order:

Senate Bill No. 324, Printer's No. 546; and

House Bill No. 873, Printer's No. 1400.

The PRESIDENT. Is there objection? The Chair hears none

REPORTS FROM COMMITTEES

Mr. FLEMING. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING, from the Committee on Highways, reported as committed, Senate Bill No. 367, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," adding a new route in Allegheny County.

Mr. PROPERT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PROPERT, from the Committee on Banking, reported as committed, Senate Bill No. 933, entitled:

An Act amending the act of May 15, 1933 (P. L. 624) entitled, as amended, "The Banking Code" prohibiting the assumption and use of deceptive names by corporations and persons not authorized to engage in the banking business, providing for investments of loans by and the purchase, sale and creation of obligations by banks, bank and trust companies, trust companies and savings banks, providing for the voluntary liquidation of banks, bank and trust companies, and trust companies and further providing for the powers and limitation on powers of corporations authorized to engage in a banking business.

Mr. WOLFE. Mr. President, I ask unanmious consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFE, from the Committee on Military Affairs and Aeronautics, reported as committed, Senate Bill No. 526, entitled:

An Act amending the act of May 27, 1949 (P. L. 1903), entitled "The Military Code of 1949," further regulating membership of the Military Advisory Commission.

He also, from the Committee on Military Affairs and Aeronautics, reported as committed, House Bill No. 1693, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "The Administrative Code of 1929," further regulating membership of the State Veterans' Commission.

He also, from the Committee on Military Affairs and Aeronautics, reported as committed, House Bill No. 1932, entitled:

An Act amending the act of July 12, 1935 (P. L. 677) entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States" including members of the United States Air Force.

PERMISSION TO ADDRESS SENATE

Mr. WADE asked and obtained unanimous consent to address the Senate.

Mr. WADE. Mr. President, the important remarks that I have to make hardly fit into the picture at the moment. I merely wanted to say to Senator Barr, who has joined the Thirty-first District, that he is most welcome in the Thirty-first District and, of course, there is a mutual understanding between Senator Barr and myself, since I was over there just a short time before he was, that we will always vote together. We are against these corporations and these bad big businesses that employ thousands of people in Pennsylvania and make the State more prosperous. We will vote accordingly.

The important thing about the whole discussion was that Senator Barr and I now will be close neighbors and will cooperate one hundred per cent. He has not told me yet, but since President Eisenhower has declared that he will submit his name, or agree to be a candidate, I am confident that Senator Barr, within a very short time, will write me so that I may advise those folks in the Thirty-first District that he will be one hundred per cent for President Eisenhower.

PERMISSION TO ADDRESS SENATE

Mr. BARR asked and obtained unanimous consent to address the Senate.

Mr. BARR. Mr. President, now that I am practically a constituent of Senator Wade's, I hope he will answer my mail.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I want to correct a statistic which I gave a short time ago. I had been advised that industry would pay $15,000,000 to $20,000,000 of this amount. I understand now from Doctor Kurtzman, of the Pennsylvania Economy League, that instead of $15,000,000 or $20,000,000, it is fifteen to twenty per cent. Therefore, they will pay around $45,000,000 to $50,000,000 of the amount estimated to be raised by this sales tax.

BILLS ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HAYS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 367, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," adding a new route in Allegheny County.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 526, entitled:

An Act amending the act of May 27, 1949 (P. L. 1903), entitled "The Military Code of 1949," further regulating membership of the Military Advisory Commission.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 910, entitled:

An Act establishing minimum compensation and increments for administrators and members of the faculty of the Thaddeus Stevens Trade School, and imposing duties on the board of trustees of such school and the Superintendent of Public Instruction.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 917, entitled:

An Act amending thet act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," providing for equal reimbursement to school districts of the first class A and first class for the school year 1954-1955.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 933, entitled:

An Act amending the act of May 15, 1933 (P. L. 624), entitled, as amended, "The Banking Code," prohibiting the assumption and use of deceptive names by corporations and persons not authorized to engage in the banking business, providing for investments of loans by and the purchase, sale and creation of obligations by banks, bank and trust companies, trust companies and savings banks, providing for the voluntary liquidation of banks, bank and trust companies, and trust companies and further providing for the powers and limitation on powers of corporations authorized to engage in a banking business.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 969, entitled:

A Supplement to the act of June 2, 1915 (P. L. 736) entitled, as amended, "The Pennsylvania Workmen's Compensation Act," providing for the payment of compensation to auxiliary police or their dependents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 971, entitled:

An Act amending the act of December 22, 1955 (Appropriation Acts No. 29A), entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first, one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-five, and making appropriations to the Department of Public Instruction for reimbursements to school districts," increasing the amount of the appropriation for state teachers colleges.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 992, entitled:

An Act requiring the State Council of Education to prepare a State-wide plan for units of school administration and to submit it to the Governor and the Joint State Government Commission and requiring the Governor to review such plan and submit it to the General Assembly and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 996, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," requiring the imposition of a tax for school purposes on certain residents of school districts of the first class A prescribing the duties of public officials requiring the filing of returns and the giving of information by employers and those subject to the tax imposing on employers the duty of collecting the tax at source providing for the lien and collection of the tax and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1246, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" authorizing boards of school directors of school districts of the second third and fourth classes with the approval of the Superintendent of Public Instruction to levy an additional tax to pay for amortization of certain bond issues.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1641, entitled:

An Act to further amend the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "Public School Code of 1949" by further regulating education and training for handicapped children.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1693, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929," further regulating membership of the State Veterans' Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1926, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" authorizing the reassessment of certain property in school districts of the third and fourth class in certain cases and imposing liability for school taxes upon the owners thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1932, entitled:

An Act amending the act of July 12, 1935 (P. L. 677) entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States" including members of the United States Air Force.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 2020, entitled:

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the legislative session of 1955.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. PECHAN. Mr. President, I move that the Senate do now adjourn until Monday, March 5, 1956, at 2:00 o'clock, p. m., Eastern Standard Time.

Mr. MULLIN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:46 o'clock, p. m., Eastern Standard Time, until Monday, March 5, 1956, at 2:00 o'clock, p. m., Eastern Standard Time.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., MONDAY, MARCH 5, 1956. No. 148.

SENATE

MONDAY, March 5, 1956.

The Senate met at 2:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

Almighty God, our Heavenly Father, we thank Thee for the blessed privilege which was ours over the week end to go to our various churches and renew our faith in Thee and our love for Thee.

As we look around ourselves and see new life stirring and nature, may we also realize that Thy Spirit can give us a stronger and a better life. Help us to utilize it so that our lives may be more beautiful in Thy sight.

We ask for Thy guidance and help during this coming week that is before us, that we may do those things which will redound to Thy honor and glory and to the protection of our people in our great Commonwealth. We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quoroum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. DiSILVESTRO, further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. RUTH asked and obtained leave of absence for Mr. DERK, for the week, due to illness.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 192, PRINTER'S No. 246

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 2, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 192, Printer's No. 246, entitled "An Act providing for and regulating the licensing and practice of practical nursing imposing duties on the State Board of Nurse Examiners and imposing penalties."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 284, PRINTER'S No. 507

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 2, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 284, Printer's No. 507, entitled "An Act amending the act of April 9, 1929 (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' creating the State Board of Chiropody Examiners as a departmental administrative board in the Department of Public Instruction."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 285, PRINTER'S No. 511

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 2, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 285, Printer's No. 511, entitled "An Act relating to and defining the practice of chiropody conferring powers and imposing duties of the State Board of Chiropody Examiners and the Department of Public Instruction requiring licensure providing for the granting cancellation suspension and revocation of licenses preserving the rights of existing licenses providing for the promulgation of rules and regulations transfer of jurisdiction and records to the board regulation of schools of Chiropody reciprocity and providing penalties and remedies."

GEORGE M. LEADER.

REPORT FROM COMMITTEE

Mr. HARNEY, from the Committee on Constitutional Changes and Federal Relations, reported as committed, House Bill No. 1276, entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania making special provision for the taxation of private forest reserves.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations made by His Excellency, the Governor:

MEMBERS OF THE STATE SOIL CONSERVATION COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Soil Conservation Commission, for the term of two years, and until their successors have been appointed and have qualified:

John B. Sheehan, Mehoopany, Wyoming County, vice Frank W. Gorham, Wysox, whose term expired.

A. Reed Hayes, Jr., Reedsville, Mifflin County, vice E. M. Shaulis, Hollsopple, whose term expired.

Glenn Smith, Ickesburg, Perry County, vice John B. Peters, Gardners, whose term expired.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George A. Hill, R. D. 2, Montoursville, Lycoming County, for reappointment as Justice of the Peace in and for the Township of Upper Fairfield, Lycoming County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 1, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael P. Adam, 4909 Kutztown Road, Temple, Berks County, for appointment as Justice of the Peace in and for the Borough of Temple, Berks County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Howard V. Marks, 448 South Main Street, Red Lion, York County, for appointment as Justice of the Peace in and for the Borough of Red Lion, York County, to serve until the first Monday of January 1958, vice Arthur E. Young, deceased.

GEORGE M. LEADER.

PERSONAL PRIVILEGE

Mr. McGINNIS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Allegheny, Mr. McGinnis, will state his question of personal privilege.

Mr. McGINNIS. Mr. President, I am very proud that we have a man in Allegheny County, our State Chairman, a Democrat, who voted against the sales tax. However, he wants the honor to be the first man in Pennsylvania who will pay the three per cent sales tax. I have it here framed, to be delivered to Majority Leader Mahany.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, do I understand that the Senator from Allegheny, Senator McGinnis, is giving me these pennies to pay a sales tax with?

The PRESIDENT. That was the understanding of the Chair.

Mr. MAHANY. Mr. President, I am pleased to note that Abraham Lincoln is pictured on these coins, and I am very appreciative of the gift. I will see that with the first dollar purchase that I make, I will break the glass, as you do in any emergency, take out those three pennies and be happy to turn them over to the merchant and hope that he will see to it that we get most of the three pennies back and that they will go toward paying schoolteachers and so forth.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nominations reported at today's Session.

EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. MADIGAN,

That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

The nominations were read as follows:

MEMBERS OF THE STATE SOIL CONSERVATION COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Soil Conservation Commission, for the term of two years, and until their successors have been appointed and have qualified:

John B. Sheehan, Mehoopany, Wyoming County, vice Frank W. Gorham, Wysox, whose term expired.

A. Reed Hayes, Jr., Reedsville, Mifflin County, vice E. M. Shaulis, Hollsopple, whose term expired.

Glenn Smith, Ickesburg, Perry County, vice John B. Peters, Gardners, whose term expired.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George A. Hill, R. D. 2, Montoursville, Lycoming County, for reappointment as Justice of the Peace in and for the Township of Upper Fairfield, Lycoming County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 1, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael P. Adam, 4909 Kutztown Road, Temple, Berks County, for appointment as Justice of the Peace in and for the Borough of Temple, Berks County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Howard V. Marks, 448 South Main Street, Red Lion, York County, for appointment as Justice of the Peace in and for the Borough of Red Lion, York County, to serve until the first Monday of January 1958, vice Arthur E. Young, deceased.

GEORGE M. LEADER.

A motion was made by Mr. WOLFE and Mr. MADIGAN,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Harney,	McPherson, Jr.,	**Stevenson,**
Berger,	Hays,	Miller,	Stiefel,
Blass,	Kessler,	**Mullin,**	Taylor,
Camiel,	Kopriver, Jr.,	Pechan,	Van Sant,
Chapman,	Lane,	Peelor,	Wade,
Dent,	**Madigan,**	Propert,	Wagner,
Diehm,	**Mahany,**	**Ruth,**	Watkins,
DiSilvestro,	**Mallery,**	**Schmidt,**	**Watson,**
Donolow,	**McCreesh,**	**Scott,**	Weiner,
Flack,	McGinnis,	**Seyler,**	Whalley,
Fleming,	**McMenamin,**	**Silvert,**	Wolfe,
Haluska,			Yosko,

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. MADIGAN. Mr. President, I second the motion.

The motion was agreed to.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 655, as follows:

An Act amending the act of December 27, 1951 (P. L. 1742) entitled as amended "An act to provide revenue by imposing a State tax relating to certain documents and transactions prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations sheriffs recorders of deeds and the Department of Revenue saving certain State and local taxes and authorizing amendments extensions and supplement to the ordinance and resolutions relating thereto and providing penalties" exempting from the tax certain trustees and correctional deeds certain straw transactions and certain transfers to the United States the Commonwealth or their agencies instrumentalities or political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of December 27, 1951 (P. L. 1742) known as "The Realty Transfer Tax Act" reenacted and amended June 1, 1955 (Act No. 38) is amended to read.

Section 2 The following words when used in this act shall have meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned or conducted by two or more persons.

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency including but not limited to banking institutions

"Department" The Department of Revenue of this Commonwealth

"Document" Any deed instrument or writing whereby any lands tenements or hereditaments within this Commonwealth or any interest therein shall be granted bargained sold or otherwise conveyed to the grantee purchaser or any other person but does not include wills mortgages transfers between husband and wife transfers between parent and child or the spouse of such a child or between parent and trustee for the benefit of a child or the spouse of such child by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises correctional deeds without consideration transfers to the United States the Commonwealth of Pennsylvania or to any of their instrumentalities agencies or political subdivisions by gift dedication or deed of confirmation in connection with condemnation proceedings and leases

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Transaction" The making executing delivering accepting or presenting for recording of a document

"Value" In the case of any document granting bargaining selling or otherwise conveying any land tenement or hereditament or interest therein the amount of the actual consideration therefor including liens or other encumbrances thereon and ground rents or a commensurate part of the liens or other encumbrances thereon and ground rents where such liens or other encumbrances and ground rents also encumber or are charged against other lands tenements or hereditaments Provided That where such document shall set forth a small or nominal consideration the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale or in the case of a gift or any other document without consideration from the actual monetary worth of the property granted bargained sold or otherwise conveyed which in either event shall not be less than the amount of the highest assessment of such lands tenements or hereditaments for local tax purposes

Section 2 This act shall take effect immediately.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 655

Mr. FLEMING. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 655.

Mr. RUTH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

SE[illegible]

Barr,	Harney,	McPherson, Jr.	Stevenson,
Berger,	Hays,	Miller,	Stiefel,
Blass,	Kessler,	Mullin,	Taylor,
Camiel,	Kopriver, Jr.	Pechan,	Van Sant,
Chapman,	Lane,	Peelor,	Wade,
Dent,	Madigan,	Propert,	Wagner,
Diehm,	Mahany,	Ruth,	Watkins,
DiSilvestro,	Mallery.	Schmidt,	Watson,
Donolow,	McCreesh,	Scott,	Weiner,
Flack,	McGinnis,	Seyler,	Whalley,
Fleming,	McMenamin,	Silvert,	Wolfe,
Haluska.			Yosko.

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 929. as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnshing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 601 subsection (e) of section 602 and section 603 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" are amended to read

Section 601 Forfeiture of Property Illegally Possessed or Used No property rights shall exist in any liquor alcohol or malt or brewed beverage illegally manufactured or possessed or in any still equipment material utensil vehicle boat vessel animals or aircraft used in the illegal manufacture or illegal transportation of liquor alcohol or malt or brewed beverages and the same [shall] may be deemed contraband and [shall be forfeited to the Commonwealth] proceedings for its forfeiture to the Commonwealth may at the discretion of the board be instituted in the manner hereinafter provided No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

Section 602 Forfeiture Proceedings * * *

(e) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (1) that he is the owner of said property (2) that he lawfully acquired the same and (3) that it was not unlawfully used or possessed

In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel container animal or aircraft was lawfully acquired possessed and used then the court may order the same returned or delivered to the claimant but if it appears that the property was unlawfully possessed or used the court [shall] may in its discretion order it destroyed delivered to a hospital or turned over to the board as hereinafter provided

Section 603 Disposition of Forfeited Property If upon petition as hereinbefore provided and hearing before the court of quarter sessions it appears that any liquor alcohol or malt or brewed beverage was so illegally possessed or property so used in the illegal manufacture or transportation of liquor alchol or malt or brewed beverage such liquor alcohol malt or brewed beverage or property [shall] may in the discretion of the court be adjudged forfeited and condemned and in such case shall be disposed of as follows

(a) Upon conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all [such] condemned liquor alcohol or malt or brewed beverage and property seized or obtained from such defendants except that the court may order the liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order and any vehicle container boat vessel animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(b) In any case in which the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or no claimant appears for same or appearing is unable to sustain claim thereof the court shall order all [such] condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels containers animals and aircraft) publicly destroyed by the sheriff except that the court may order the liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(c) In the case of any vehicle boat vessel container animal or aircraft seized under the provisions of this act

and condemned the court shall order the same to be delivered to the board for its use or for sale or disposition by the board in its discretion Notice of such sale shall be given in such manner as the board may prescribe The proceeds of such sale shall be paid into the State Stores Fund

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 929

Mr. FLEMING. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 929.

Mr. RUTH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Harney,	McPherson, Jr.	Stevenson,
Berger,	Hays,	Miller,	Stiefel,
Blass,	Kessler,	Mullin,	Taylor,
Camiel,	Kopriver, Jr.	Pechan,	Van Sant,
Chapman,	Lane,	Peelor,	Wade,
Dent,	Madigan,	Propert,	Wagner,
Diehm,	Mahany,	Ruth,	Watkins,
DiSilvestro,	Mallery,	Schmidt,	Watson,
Donolow,	McCreesh,	Scott,	Weiner,
Flack,	McGinnis,	Seyler,	Whalley,
Fleming,	McMenamin,	Silvert,	Wolfe,
Haluska,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

THIRD READING CALENDAR

BILLS OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 30, Printer's No. 536, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RE-REFERRED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 826, on third reading, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to edit illustrate and publish its new report on the Frontier Forts of Pennsylvania providing for the distribution and sale thereof and making an appripriation.

be re-fererred to the Committee on Forests and Waters, Game and Fish.

Mr. McPHERSON, JR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STIEFEL. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Fleming.

The PRESIDENT. Will the gentleman from Allegheny, Mr. Fleming, permit himself to be interrogated??

Mr. FLEMING. I will, Mr. President.

Mr. STIEFEL. Mr. President, although I know what the answer will be, I would like to know for what purpose is this bill being re-referred?

Mr FLEMING. For the purpose of further study.

Mr. STIEFEL. Mr. President, I consider myself a pygmy. I never thought of myself as a giant and, therefore, I hope that this statement which I am about to make will not offend my colleagues. However, I must say that once upon a time there were giants in the land.

Mr. President, toward the turn of the century, here in Pennsylvania, we were more attuned to cultural pursuits than we now are. Numerous publications were issued by the Commonwealth, covering many phases of our life. In 1883, during the term of Governor Pattison, this publication, "Frontiers of Pennsylvania," was published for the first time. There has been a great demand for it, so in 1913 the General Assembly of Pennsylvania authorized a new publication, a second edition. Today, that second edition is a collector's item. The demands coming to the Historical and Museum Commission from all over the United States and from abroad warrant the sale of whatever will be published under this bill. There will not be a penny lost to the Commonwealth.

Mr. President, I amended the bill, in compliance with the wishes of Senator Mahany. Doctor Stevens, at a number of conferences with Senator Mahany, submitted to him material showing that there would not be a penny lost to the Commonwealth. This is the reason why I must object, Mr. President, to the re-referral of this bill.

I am not naive enough to believe that this re-referral will mean another chance for the bill to appear on the Calendar. I do not see why this measure, which is purely cultural in pursuit and which will not cost the Commonwealth a penny, should be sent back to committee. First of all, it is the brain child of two committees, the Committee of Forests and Waters and the Committee on Appropriations. If it would be sent to the Committee on Appropriations, maybe there would be a chance for it, because there will be a lot of bills considered. However, sending it at this time to the Committee on Forests and Waters is dooming this measure to certain death.

For that reason, Mr. President, I must object to the motion to re-refer. I ask my colleagues, in the name of the historical past of Pennsylvania and in the name of cultural pursuits, which are so much needed today, to vote against Senator Fleming's motion.

And the question recurring,

Will the Senate agree to the motion?

Mr. STIEFEL. I ask for a roll call, Mr. President.

Mr. RUTH. I ask for a roll call, Mr. President.

(During the calling of the roll, the following occurred:)

Mr STEVENSON. Mr. President, not having heard my name called, I wish to be recorded as voting "aye."

The PRESIDENT. The gentleman from Clinton will be so recorded.

Mr. FLACK. Mr. President, not having head my name called, I wish to be recorded as voting "aye."

The PRESIDENT. The gentleman from Luzerne will be so recorded.

VERIFICATION OF THE ROLL

Mr. STIEFEL. Mr. President., I am constrained to ask for a verification of the roll.

The PRESIDENT. Request has been made to have the roll verified.

The Clerk will call the names of those recorded as having voted in the affirmative.

The Clerk read the names of those recorded as having voted in the affirmative as follows:

Berger,	Kessler,	Propert,	Wagner,
Diehm,	Kopriver, Jr.,	Stevenson,	Watkins,
Flack,	Madigan,	Taylor,	Whalley,
Fleming,	Mahany,	Van Sant,	Wolfe,
Harney,	McPherson, Jr.,	Wade,	

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative roll will stand as verified.

The Clerk will call the names of those recorded as having voted in the negative.

The Clerk read the names of those recorded as having voted in the negative as follows:

Barr,	Haluska,	Mullin,	Seyler,
Camiel,	Hays,	Ruth,	Silvert,
Chapman,	McGinnis,	Schmidt,	Stiefel,
DiSilvestro,			Weiner,

The PRESIDENT. Are there any corrections? The Chair hears none. The negative roll will stand as verified.

The yeas and nays were required by Mr. STIEFEL and Mr. RUTH, and were as follows, viz:

YEAS—19

Berger,	Kessler,	Propert,	Wagner,
Diehm,	Kopriver, Jr.	Stevenson,	Watkins,
Flack,	Madigan,	Taylor,	Whalley,
Fleming,	Mahany,	Van Sant,	Wolfe,
Harney,	McPherson, Jr.	Wade,	

NAYS—14

Barr,	Haluska,	Mullin,	Seyler,
Camiel,	Hays,	Ruth,	Silvert,
Chapman,	McGinnis,	Schmidt,	Stiefel,
DiSilvestro,			Weiner,

So the question was determined in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 986, as follows:

An Act amending the act of July 20, 1953 (P. L. 550) entitled "An act providing for and regulating the annexation of parts of a second class township to boroughs cities and townships" fixing the time when annexation takes effect and further providing for the payment of costs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 1 2 3 6 and 8 act of July 20 1953 (P. L. 550) entitled "An act providing for and regulating the annexation of parts of a second class township to boroughs cities and townships" are amended to read

Section 1 Whenever the annexation of territory in a second class township to a borough city or township is desired a majority of the freeholders in the proposed annexed territory shall petition the borough city or township requesting the annexation The determination of the required number of petitioners shall be made as of the date the petition is presented to the borough or city or township The petition shall be accompanied by a fee of one hundred fifty dollars ($150) and such additional sum not to exceed one hundred fifty dollars ($150) as the court shall deem reasonable and necessary for the compensation of the members of the Commission and the payment of necessary expenses incurred by the Commission including but not limited to clerk hire and traveling expenses and shall be approved or disapproved by ordinance of said borough city or township The said sum shall be applied to the purpose expressed in section 8 hereof and shall be returned to the petitioners if found unnecessary for the purpose

A copy of the petition without the signatures shall be filed with the supervisors of the township concerned prior to its presentation to the city borough or township and a certification of such filing shall be signed by at least one signer of the petition and be attached to the petition when presented to the city borough or township

A majority in interest of owners of undivided interests in any piece of property shall be deemed and treated as one person for the purpose of ascertaining the number of petitioners

Section 2 The petition after its approval by council commissioners or supervisors shall be certified to the court of quarter sessions by the secretary of the borough or township or clerk of the city and notice of such certification shall be given to the township supervisors by registered or certified mail If within thirty days thereafter no person aggrieved by the ordinance complains to the court asking for the appointment of a board of commissioners as a fact finding body the court shall determine the question and if it is satisfied as to the legality of the proceeding and the propriety of the annexation as serving public interests shall affirm the annexation

Section 3 If within thirty days after the ordinance has been certified to the court and notice given to the township supervisors any person aggrieved by the ordinance shall complain to the court asking for the appointment of a board of commissioners as a fact finding body the court if satisfied with the legality of the proceeding and the propriety of the annexation as serving public interests shall appoint a board of three commissioners to make a study of the facts in the matter No person shall be appointed as a member of the board who is a resident or taxpayer of the borough or city or of the township affected by the proposed annexation or who has a substantial interest in the proceeding financial or otherwise.

Section 6 The annexation if affirmed by the court shall become effective as of the date of approval by the court or the date upon which the township is paid for improvements and facilities as provided in section 308 of "The Second Class Township Code" whichever is later if that date is two months or more prior to the date of the next election or primary If the date [of approval by the court] herein specified is less than two months prior to the date of the next election or primary then the annexation shall take effect immediately after the election or primary

Section 8 The members of the commission shall be compensated to the extent of fifty dollars ($50) each and such additional sum as the court shall deem reasonable which shall be deposited in said court by the borough city or township

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Harney,	McPherson, Jr.,	Stevenson,
Berger,	Hays,	Miller,	Stiefel,
Blass,	Kessler,	Mullin,	Taylor,
Camiel,	Kopriver, Jr.,	Pechan,	Van Sant,
Chapman,	Lane,	Peelor,	Wade,
Dent,	Madigan,	Propert,	Wagner,
Diehm,	Mahany,	Ruth,	Watkins,
DiSilvestro,	Mallery,	Schmidt,	Watson,
Donolow,	McCreesh,	Scott,	Weiner,
Flack,	McGinnis,	Seyler,	Whalley,
Fleming,	McMenamin,	Silvert,	Wolfe,
Haluska,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1618, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" prescribing powers and duties of the Department of Welfare with respect to juveniles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section 2322 act of April 9, 1929 (P. L. 177) known as "The Administrative Code of 1929" added May 15, 1945 (P. L. 544) is repealed

Section 2 Article 23 of the act is amended by adding at the end thereof two new sections to read

Section 2322 Juvenile Delinquency The Department of Welfare shall have the power and its duty shall be

(a) To offer consultation and advise to local and statewide public or private agencies including juvenile courts to community groups concerned with the prevention of juvenile delinquency in the planning and developing of measures to reduce the incidence of delinquency

(b) To offer consultation guidance and assistance to public and voluntary agencies and institutions including the Juvenile Courts in developing strengthening and improving program for predisposition study probation supervision institutional treatment and after-care of delinquent youth including training courses for personnel of the agencies and institutions

(c) To develop recommended measures for corrective treatment of juvenile delinquencies requiring differing corrective techniques and to assure the availability of appropriate facilities for them the department shall plan with and offer a recommended program of coordination among existing public and private institutions for the development of specialized programs of re-education treatment and rehabilitation and shall establish and operate any additional facilities needed Using actual costs of maintenance and service to juveniles as the basis of calculations the department in consultation with the training schools shall establish rates of care to be charged by the training schools to the counties and to the Departments of Public Welfare of cities of the first class

(d) To assist counties and local public and private agencies to establish research projects designed to study the causes and methods of prevention of juvenile delinquency

(e) Through the secretary or his designee to accept or refuse grants appropriations contributions or unencumbered property real personal or mixed tangible or intangible or any interest therein for the purposes described in this section from the Federal government the Commonwealth and any donor All grants appropriations and contributions of money accepted shall be held by the State Treasurer as custodian for the Department of Welfare and shall be paid out on its requisition to further the objectives of this section

(f) To gather collate interpret and disseminate statistics and reports relating to the problem of juvenile delinquency and to the treatment of juveniles

Section 2323 Study Classification and Assignment The Department of Welfare shall have the power and its duty shall be

(a) To establish and administer a program designed to assist the Juvenile Courts and other public and private agencies on their request in the diagnosis and study of juvenile delinquents and of children with mental or behavior problems and to recommend to them the most appropriate disposition for the rehabilitation and treatment of such children this program shall be based on review of local studies of the children but when local studies indicate the need or when it is requested may include residential study of the children in centers which the department is hereby authorized to establish and operate

(b) To accept custody of children committed by the juvenile courts for study and on the basis of its review of local studies of each child and any additional residential studies as are deemed necessary to recommend to the court that the child be placed in that state institution supervised institution or children's institution as defined in this article or to recommend any other placement or treatment which may be indicated the department may recommend that the court transfer any child from one type of care to another or return him to his home for trial periods Notice of any transfer shall be sent by the department promptly to the parents guardian or nearest relative of the child The department may also recommend the discharge of a child from its custody but any decision with respect thereto shall remain the sole responsibility of the committing court

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Harney,	McPherson, Jr.,	Stevenson,
Berger,	Hays,	Miller,	Stiefel,
Blass,	Kessler,	Mullin,	Taylor,
Camiel,	Kopriver, Jr.,	Pechan,	Van Sant,
Chapman,	Lane,	Peelor,	Wade,
Dent,	Madigan,	Propert,	Wagner,
Diehm,	Mahany,	Ruth,	Watkins,
DiSilvestro,	Mallery,	Schmidt,	Watson,
Donolow,	McCreesh,	Scott,	Weiner,
Flack,	McGinnis,	Seyler,	Whalley,
Fleming,	McMenamin,	Silvert,	Wolfe,
Haluska,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has

passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that House Bill No. 1792, Printer's No. 1412, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SECOND READING CALENDAR

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 324, Printer's No. 546, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 367, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "Borough Rural State Highway Law" adding a new route in Allegheny County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 526, entitled:

An Act amending the act of May 27, 1949 (P. L. 1903) entitled "The Military Code of 1949" further regulating membership of the Military Advisory Commission

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 873, Printer's No. 1400, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 910, entitled:

An Act establishing minimum compensation and increments for administrators and members of the faculty of the Thaddeus Stevens Trade School and imposing duties on the board of trustees of such school and the Superintendent of Public Instruction.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 933, entitled:

An Act amending the act of May 15, 1933 (P. L. 624) entitled as amended "The Banking Code" prohibiting the assumption and use of deceptive names by corporations and persons not authorized to engage in the banking business providing for investments of loans by and the purchase sale and creation of obligations by banks bank and trust companies trust companies and savings banks providing for the voluntary liquidation of banks bank and trust companies and trust companies and further providing for the powers and limitation on powers of corporations authorized to engage in a banking business.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 917, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," providing for equal reimbursement to school districts of the first class A and first class for the school year 1954-1955.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RE-REFERRED

Mr. FLEMING. Mr. President, I move that House Bill No. 917, the bill just read, be re-referred to the Committee on Appropriations.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 969, entitled:

A Supplement to the act of June 2 1915 (P. L. 736) entitled as amended "The Pennsylvania Workmen's Compensation Act" providing for the payment of compensation to auxiliary police or their dependents

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. PROPERT offered the following amendment:

Amend Sec. 2, page 2, lines 16 to 18, by striking out "and shall" in line 16, all of line 17, and "ing therefrom" in line 18, and inserting in lieu thereof: "and earnings in such employment shall be included in computing average weekly wages."

It was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. PROPERT offered the following amendment:

Amend Bill, page 1, line 1 by striking out "An Act" and inserting in lieu thereof: "A supplement."

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 971, entitled:

An Act amending the act of December 22, 1955, (Appropriation Acts No. 29A) entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts" increasing the amount of the appropriation for state teachers colleges

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RE-REFERRED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 971, the bill just read, be re-referred to the Committee on Appropriations.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 992, entitled:

An Act requiring the State Council of Education to prepare a State-wide plan for units of school administration and to submit it to the Governor and the Joint State Government Commission and requiring the Governor to review such plan and submit it to the General Assembly and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RE-REFERRED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 992, the bill just read, be re-referred to the Committee on Appropriations.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 996, Printer's No. 553, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1246, entitled:

An Act amending the act of March 10 1949 (P. L. 30) entitled "Public School Code of 1949" authorizing boards of school directors of school districts of the second third and fourth classes with the approval of the Superintendent of Public Instruction to levy an additional tax to pay for amortization of certain bond issues.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1641, Printer's No. 1458; and House Bill No. 1693, Printer's No. 1011.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RE-REFERRED

Mr. FLEMING. Mr. President, I move that House Bill No. 1926, on second reading, entitled:

An Act amending the act of Mrch 10 1949 (P. L. 30) entitled "Public School Code of 1949" authorizing the reassessment of certain property in school districts of the third and fourth class in certain cases and imposing liability for school taxes upon the owners thereof.

be re-referred to the Committee on Local Government, for the purpose of further study.

Mr. STEVENSON. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1932, entitled:

An Act amending the act of July 12, 1935 (P. L. 677) entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States" including members of the United States Air Force.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 2020, entitled:

An Act making an appropriation to the Senate and

House of Representatives for contingent expenses for the balance of the legislative session of 1955.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

YOUTHS FROM PROTESTANT CHURCHES OF PENNSYLVANIA, SPONSORED BY THE PENNSYLVANIA COUNCIL OF CHURCHES, PRESENTED TO SENATE

Mr. FLEMING. Mr. President, I would like to call to the attention of the Senate the fact that there are thirty-five youths from the Protesant Churches of Pennsylvania, sponsored by the Pennsylvania Council of Churches, in the gallery today.

The PRESIDENT. The Members of the Senate of Pennsylvania are very glad to have these visitors here. We hope you will have an enjoyable day with us and that you will come back again.

SENATE BILL No. 335 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. FLEMING. Mr. President, I call up from the Second Reading Postponed Calendar, Senate Bill No. 335, Printer's No. 425, for the purpose of having it appear on tomorrow's Second Reading Calendar.

The PRESIDENT. Is there objection? The Chair hears none. The bill will appear on tomorrow's Second Reading Calendar.

SENATE BILL No. 403 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. FLEMING. Mr. President, I call up from the Second Reading Postponed Calendar, Senate Bill No. 403, Printers No. 142, for the purpose of having it appear on tomorrow's Second Reading Calendar.

The PRESIDENT. Is there objection? The Chair hears none. The bill will appear on tomorrow's Second Reading Calendar.

SENATE BILL No. 449 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. FLEMING. Mr. President, I call up from the Second Reading Postponed Calendar, Senate Bill No. 449, Printer's No. 163, for the purpose of having it appear on tomorrow's Second Reading Calendar.

The PRESIDENT. Is there objection? The Chair hears none. The bill will appear on tomorrow's Second Reading Calendar.

HOUSE BILL No. 510 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. MAHANY. Mr. President, I call up from the Second Reading Postponed Calendar, House Bill No. 510, Printer's No. 413, for the purpose of having it appear on tomorrow's Second Reading Calendar.

The PRESIDENT. Is there objection? The Chair hears none. The bill will appear on tomorrow's Second Reading Calendar.

SENATE BILL No. 512 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. MAHANY. Mr. President, I call up from the Second Reading Postponed Calendar, Senate Bill No. 512, Printer's No. 396.

BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 512, on second reading, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" establishing the Department and office of the State Comptroller and defining their powers and duties changing certain powers and duties of the Governor and of the various departments boards commissions and officers and providing for the transfer of certain employes from the Department of the Auditor General to the Department of the State Comptroller

be recommitted to the Committee on State Government.

Mr. WOLFE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. YOSKO. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. YOSKO. Senator Mahany, I wonder if you could tell me why you are sending this bill back to the Committee on State Government?

Mr. MAHANY. As far as I can see, Mr. President, the reason for it is because they want to give it more study as to whether this type of move is necessary and also to find out, between now and the start of the next Session of the Legislature, what effect this might have on the working of the Auditor General's office. The committee might have an opportunity between now and then to check with the Governor's Advisory Commission —that is the one that is working under Doctor Charlesworth—and find out all of the ramifications that would be caused if we adopted this type of legislation.

It seems to me to be kind of a radical change, if we adopt this legislation. Before we do it, I think we need to have further study in relation to what might happen if it is enacted. That is the reason why we decided to send it back to committee.

Mr. YOSKO. Mr. President, I regret that I cannot accept the reasoning given by the Majority Floor Leader for sending this bill back to the Committee on State Government. It has been on the Calendar, I think, since June. There was sufficient time for everyone to study its provisions, along with the companion bill that was with it.

I call to the attention of the Senate the fact that this bill is based on a thorough study made by the Joint State Government Commission, I think, about three or four years ago. Following that study, a report was released by the committee that made the study, recommending this legislation as one of the major improvements in the operation of the State Government. I think everyone in this Chamber, and those who are acquainted with the accounting system in the State Government, will admit that the system under which we have been operating is outmoded, chaotic and is responsible for many of the fiscal deficiencies which have kept this Legislature in Session for long periods of time. It is impossible, or it was impossible, because of the type of accounting system that we had, to determine the true financial condition of the Commonwealth at any given period. It was

for that reason that we have had trouble with budgets and tax programs. If there is a need which should be taken care of by this Legislature, it is a modern system of accounting to function on an accrural rather than a cash basis.

Mr. President, these two bills will accomplish that end. I, therefore, ask the Members of the Senate, in the interest of good government and in the interest of good accounting, to oppose the return of this bill and the following bill to the Committee on State Government.

Mr. MALLERY. Mr. President, I am sympathetic to what I understand Senator Yosko is attempting to accomplish by the bill under consideration. However, somehow or other, I got the opinion that the Governor, as part of his program, has contemplated establishing a new system of accounting. I do not know whether this bill represents the Governor's thinking in this matter or not. It is a matter that should be given very serious consideration.

I, for one, would not want to vote to recommit this bill if it were not for the purpose stated. I believe the Senator who moved for its recommitment has no thought in mind of killing the bill. It is a very important bill and the purpose to be accomplished has really been long overdue.

Mr. YOSKO. Mr. President, I just want to add this one fact as a supplement to my remarks. As already indicated, this bill has been on the Calendar since June and the Administration certainly had notice of that fact. I want to say to the Members of the Senate that no one from the Administration has come to me and said that these two bills are not necessary.

To add to Senator Mallery's remarks, Mr. President, I understand that there is a survey being made of the accounting system in the Commonwealth. It is being made by experts. I talked with them about changes they might make, but there are other changes which, even though they would want to make them, could not be made because they would require law to make them. These two bills would supplement and improve any changes that are made by the expert accountants who are working on the accounting system.

Therefore, Mr. President, I repeat that they are important bills to the efficient operation of the State Government, and I ask that members of the Senate vote against recommitting these proposals to the Committee on State Government.

Mr. MAHANY. Mr. President, Senator Yosko said that these bills have been on the Calendar since last June and that no one from the Administration has come to him and told him that they were not necessary. Evidently, no one has come to him from the Administration and told him that they were necessary either.

I think under the power of the Reorganization Act, which we passed, if the Governor or any of his Advisory Commission, who are working under the Reorganization Act, decide that they want to make these changes for the benefit of better government and for economy, they would have the right, under the Reorganization Act, to do that by resolution.

Mr. President, I feel that this is something that should definitely come from the head of the Government in the form of a recommendation to us, rather than from us to the Governor. If the Governor feels that this is something he wants, if he will send it over as a recommendation under the Reorganization Plan, perhaps we can decide it in the light of his recommendation.

Mr. YOSKO. Mr. President, I think the Governor said in one of his speeches—I do not know whether it was in his Inaugural Address—that we had enough studies and what we need is action. I think the Majority Leader, at some time during this Session, called attention to the Governor's statement. Here is a chance for us to get some action. I think we ought to go through with it. At least, I think the bills should be permitted to remain in position on the Calendar for passage until such time as I have a chance to discuss them with somebody of responsibility in the Administration and get their views.

So far as sending over recommendations on these phases under the Reorganization Act, let us keep in mind that it will not be long now, from what I understand, that we will be adjourning. Therefore, time is of the essence. We cannot have the gentleman from the other side complain about lack of making improvements here and, now that we have a chance, send bills back to committee.

Mr. President, a thorough study was made on these bills by experts in the accounting field. When the Joint State Government Commission made this study, it employed the Institute of Certified Public Accountants of Pennsylvania, who donated their time and their efforts, together with the expert personnel that we have in the Joint State Government Commission. An elaborate report was filed and all of the deficiencies in the accounting system were pointed out. This legislation was recommended as a major improvement in the operation of the State Government.

I repeat, Mr. President, that in the interest of good government, in the interest of economy and so that this Legislature would be able to, once and for all, have information on the financial condition of the Commonwealth whenever it wants it, we need this legislation. I do not know whether one of the factors involved here in sending these bills back to committee involves the disbandment, shall I say, of a bureau within a department that is now under the control of a Republican fiscal officer. I think it would affect, probably, the Disbursing Bureau in the Auditor General's Department. If that is the factor, then I say it is a factor that involves economy and it is only one more reason why this bill should be approved. Let us forget about the few jobs that might be eliminated as a result of it, and let us think about efficiency and economy for a change. I am sure everybody in this Chamber wants that.

Mr. MAHANY. Mr. President, I am amazed that Senator Yosko is of such a suspicious nature, but I hasten to tell him that certainly his last statement relative to loss of jobs did not enter into our deliberations with regard to our decision to recommit this bill. If anybody brought that particular subject up, it was brought up by him for the first time today.

Mr. President, we are all interested in economy and we are interested in doing the job with as little cost to the taxpayers as we can. However, it was felt that this type of legislation deserved further study by the State Government Committee before we act on it.

If you will go along on this motion to recommit, Senator Yosko, when this bill gets back to the State Government Committee, I am quite sure the chairman of that committee will give you an opportunity to discuss it. If you wish to bring in any of the Governor's advisors to appear before the committee on behalf of this legislation, I feel sure that Senator Diehm will give you that opportunity.

Mr. YOSKO. Mr. President, this bill was introduced in June of last year. There certainly was plenty of time for anybody on the State Government Committee to call in anybody they wanted to call in. It seems silly to me, at this late date, after the bills have been considered and reported out, to return them to committee for the purpose of calling somebody in.

Mr. President, may I suggest that we permit these bills to remain on the Calendar for a few days longer so that I can consult with not only someone in the Governor's office or someone of responsibility in the Administration, but with those who are charged with running the Joint State Government Commission, which made the study in the first place? I think we would be acting more wisely if we did that than by sending the bills back to committee, because sending the bills back to committee is death for them, as everybody knows.

And the question recurring,

Will the Senate agree to the motion?

Mr. YOSKO. I ask for a roll call, Mr. President.

Mr. HALUSKA. I ask for a roll call, Mr. President.

The yeas and nays were required by Mr. YOSKO and Mr. HALUSKA, and were as follows, viz:

YEAS—20

Berger,	Kessler,	McMenamin,	Wade,
Chapman,	Kopriver, Jr.,	Propert,	Wagner,
Diehm,	Madigan,	Stevenson,	Watkins,
Flack,	Mahany,	Taylor,	Whalley,
Harney,	Mallery,	Van Sant,	Wolfe,

NAYS—13

Camiel,	McGinnis,	Schmidt,	Stiefel,
Dent,	Mullin,	Seyler,	Weiner,
Haluska,	Ruth,	Silvert,	Yosko,
Hays,			

So the question was determined in the affirmative.

SENATE BILL No. 513 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. MAHANY. Mr. President, I call up from the Second Reading Postponed Calendar, Senate Bill No. 513, Printer's No. 397.

BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 513, on second reading, entitled:

An Act amending the act of April 9, 1929 (P. L. 343) entitled "The Fiscal Code" defining the powers and duties of the Department of the State Comptroller and the State Comptroller providing for the installation and maintenance of a uniform system of accounts of Commonwealth finances and of accounting reports based thereon imposing duties on every Commonwealth agency receiving or disbursing moneys from or on behalf of the Commonwealth and further regulating the disbursement of moneys from the State Treasury

be recommitted to the Committee on State Government.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

SENATE BILL No. 539 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. MAHANY. Mr. President, I call up from the Second Reading Postponed Calendar, Senate Bill No. 539, Printer's No. 303.

BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 539, on second reading, entitled:

An Act relinquishing Commonwealth rights in property in control of the Trustees of the University of Pennsylvania

be recommitted to the Committee on State Government.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STIEFEL. Mr. President, it looks to me as though today will be a Bartholomean afternoon because they are massacring all my bills. I have three more bills coming up. There is a peculiar thing about these bills. We have, in the Attorney General's office, a gentleman by the name of Harrington Adams. When it comes to these two bills, Harrington Adams is being harried. I did not have a chance to have a conference with him, but I understand that Senator Mahany is basing his attitude on the advice of Mr. Adams.

I feel duty bound to acquaint the Members of the Senate with the gist of these two bills, known as Senate Bill No. 539 and Senate Bill No. 540.

Mr. President, toward the beginning of this century when the General Assembly was more magnanimous in its attitude toward the institutions of higher learning, they appropriated money not only for maintenance but also for building. Therefore, a series of buildings were erected on the campus of the University of Pennsylvania; a building was erected in the compound of Temple University. There is another bill, now in the Committee on State Government, dealing with Woman's Medical College.

When the State appropriated this money for these schools, which was about fifty years ago, they reserved liens against the property. These liens are still recurring from year to year and they are being renewed each five years. The Commonwealth is in the position of Hamlet, "To do or not to do," and nothing is being done about those liens. I feel that after fifty years, it is about time those liens are cancelled. For this reason, I introduced these two bills which have been lingering on the Second Reading Postponed Calendar for a long time.

Mr. President, I feel that Mr. Adams ought to train his gimlet eye on these two bills a little more than he has up until now. For this reason, I would appeal to the Majority Leader to give a reprieve to these two bills in order that Mr. Adams may give further study to the matter.

I believe we are now proceeding in haste, but I think it will take another four weeks until this General As-

sembly adjourns and for this reason, I do not see why today these two bills should be doomed to perdition.

Mr. President, my appeal is directed to the Majority Leader to withhold this execution for another few days.

Mr. MAHANY. Mr. President, I notice by the open letter written by Speaker Andrews that he says, "The Senate has decided we are going to adojurn sine die on March the 22nd." I do not know where Mr. Andrews got that information, but certainly the last statement relative to our adjournment date by Senator Stiefel is in contradiction to Hiram Andrews' statement that the Senators have set the date for adjournment.

I also want to say to Senator Stiefel that Mr. Harrington Adams had nothing to do with our decision to recommit these bills. These bills have been on the Postponed Calendar for some time. We have had visitations from the officers of the University of Pennsylvania and Temple University on numerous occasions since these bills have been on the Postponed Calendar, and evidently they are not very much interested in them or they would have talked to some of us about their merits. I have heard nothing from these officials of the University of Pennsylvania as to why we should pass this legislation, nor have I received any communications from them as to the worth-whileness of this legislation.

Mr. President, rather than have the Commonwealth bear the expense of any more printing on the Calendar, we decided we would put these bills back in committee until such time as Senator Stiefel or somebody can build a fire under them to get them back out on the Calendar again.

Mr. STIEFEL. Mr. President, in answer to Senator Mahany's statement about Speaker Andrews predicting adjournment on March 22, I would like to state that I would not be surprised if, according to the official calendar, it will be the 22nd of March, but the date will be about April 15th because I have been here before and I saw what they do with the clock.

I know what happens in the last moments of the Session, Mr. President, and I am not so optimistic as Speaker Andrews.

As far as the officials of the University of Pennsylvania and of Temple are concerned, by not coming to speak to the leadership about these two bills is very plausible. They have so much at stake now that they are afraid to tamper with it. That is the reason why they are reticent. They do not dare to ask for more and they are not asking for more. I did this of my own volition.

Mr. President, I believe that Mr. Adams ought to study these bills further and instead of committing these bills to the Committee on State Government for further study, maybe we ought to ask Mr. Harrington Adams to do some more studying on these two bills.

I object to the recommittal of these two bills.

Mr. President, may I ask a question of Senator Mahany. I did not use the word "interrogate," but said plain "ask a question."

The PRESIDENT. Will the gentleman from Crawofrd, Mr. Mahany, permit himself to be asked a question?

Mr. MAHANY. Of course, Mr. President, I will be happy to answer a question.

Mr. STIEFEL. Mr. Mahany, I am anticipating a little bit, but I just want to form an opinion. I saw Senate Bill No. 826 go back to committee and now Senate Bill No. 539 and Senate Bill No. 540 are going back to committee. I, therefore, got quite a shellacking, to use the slang, but are Senate Bill No. 672 and Senate Bill No. 673 also doomed to go back to committee?

Mr. MAHANY. Well, Senator, I will not insist on it if you would rather have them stay on the Postponed Calendar a day or two longer. I think perhaps we have given you enough today. If you want to have another day tomorrow, why, we will hold them and do it tomorrow.

Mr. STIEFEL. If you would leave Senate Bill No. 672 and Senate Bill No. 673 on the Calendar for at least one week, why, I will have a chance to concentrate on them and maybe I can save them.

I received a nice dose of defeat today and I think you should give me some consideration.

Mr. MAHANY. Senator, if it will make you sleep a little better tonight, I will go along with your suggestion and I will not give it to you too much.

And the question recurring,

Will the Senate agree to the motion?

(A voice having been taken, the question was determined in the affirmative.)

SENATE BILL No. 540 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. MAHANY. Mr. President, I call up from the Second Reading Postponed Calendar, Senate Bill No. 540, Printer's No. 302.

BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 540, on second reading, entitled:

An Act relinquishing Commonwealth rights in property in control of the Trustees of Temple University.

be recommitted to the Committee on State Government.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

SENATE BILL No. 816 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. MAHANY. Mr. President, I call up from the second Reading Postponed Calendar, Senate Bill No. 816, Printer's No. 369.

BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 816, on second reading, entitled:

An Act amending the act March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" revising the school health services program and transferring the reimbursement appropriation for school nurses in such program to the Department of Public Instruction.

be recommitted to the Committee on Public Health and Welfare.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 828 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. MAHANY. Mr. President, I call up from the Second

Reading Postponed Calendar, Senate Bill No. 828, Printer's No. 389.

BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that Senate Bill No. 828, on second reading, entitled:

An Act requiring owners and lessees of land on which there are certain abandoned excavations to fill in or fence the same to prevent persons falling therein prescribing penalties imposing duties on cities boroughs towns and townships.

be recommitted to the Committee on Local Government.

Mr. STEVENSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. YOSKO. Mr. President, I am not going to take the time of the Senate to repeat the reasons why this bill was introduced. I am just going to say that the next boy, girl or individual who falls into one of these open excavated areas shall be on the conscience of the gentlemen who vote to send it back to committee.

Mr. MAHANY. Mr. President, I certainly think that is a very unfair statement. I do not want to have anybody's loss of life on my conscience. I do not believe that this particular bill would prevent all accidents. As long as you have highways, as long as you have high buildings, as long as you have almost anything in the modern world, you will have accidents. However, I do not believe that this type of legislation would cut down the accidents to any appreciable extent. I believe that it would be very unworkable. That is the reason why I want to recommit this bill. Perhaps the committee will be able to come up with some suggestions for amendments that would make it a more workable piece of legislation.

And the question recurring,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

HOUSE BILL No. 1026 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. MAHANY. Mr. President, I call up from the Second Reading Postponed Calendar, House Bill No. 1026, Printer's No. 309.

BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that House Bill No. 1026, on second reading, entitled:

An Act authorizing and empowering any administrative department of the Commonwealth of Pennsylvania when so designated by the Governor to cooperate with the United States in the distribution and use of surplus foods and commodities.

be recommitted to the Committee on State Government.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

HOUSE BILL No. 1322 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. MAHANY. Mr. President, I call up from the Second Reading Postponed Calendar, House Bill No. 1322, Printer's No. 393.

BILL RECOMMITTED

Mr. MAHANY. Mr. President, I move that House Bill No. 1322, on second reading entitled:

An Act authorizing the Department of Property and Supplies to sell and convey two tracts of land situate in the Township of Washington Franklin County Pennsylvania with the approval of the Governor

be recommitted to the Committee on State Government.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 819 CALLED UP FROM FINAL PASSAGE POSTPONED CALENDAR

Mr. SCHMIDT. Mr. President, I call up from the Final Passage Postponed Calendar, Senate Bill No. 819, Printer's No. 378.

MOTION TO RECOMMIT BILL

Mr. SCHMIDT. Mr. President, I move that Senate Bill No. 819, on final passage, entitled:

An Act subjecting housing projects to taxation for school purposes

be recommitted to the Committee on Education.

Mr. SILVERT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WAGNER. Mr. President and Members of the Senate, this bill is an attempt to find some way by which we can get, for our local school districts, taxes on housing authority buildings which are not now being paid. There is a question whether this is strictly constitutional as it stands presently. We are exploring ways in which it might be amended to do the trick that is so necessary to have done.

It seems to me that we might just as well let it where it is for a day or two until that determination is made.

Mr. President, I request that the Members of the Senate vote against recommitting this bill.

Mr. SCHMIDT. Mr. President, I do not like to differ with my good friend, Senator Wagner, and I appreciate his sincere feeling on this matter. I have been tempted many times, when we have had the Calendar before us, to make this motion. However, I have hesitated to do it until today when I heard from the mouth of the Majority Leader the fact that they are trying to remove from the Calendar, for economy sake, a lot of these bills that have been on the Calendar for quite some time and which are controversial, and should be taken back to committee either for further study or amendment or whatever may be determined in that committee.

As has been stated by the Chairman of the Committee on Education, I feel that this bill is unconstitutional. All these housing projects that have been built, have been built under contracts that were made. Contained in the contracts were stipulations whereby a certain percentage of the rents coming in would be returned to the local community for local taxation, particularly for the schools. A community does not have to accept housing projects. If you force a situation like this, as is proposed by this bill, the practical result is going to be that there will be no further housing projects built. It is low cost housing

and the reason they are able to do it is the fact that they do not have the tax load that the ordinary housing projects have.

For this reason, Mr. President, I say that this bill properly should go back to committee. If it can be worked out some way, it should be done in the committee. So long as it remains on the Calendar, it does face a certain amount of danger that probably, through laxity or somehow, this bill may be called up when some of us who are opposed to it may not be here.

Therefore, Mr. President, I ask those members of the Senate, who feel as I do, to vote for its recommittal.

Mr. WAGNER. Mr. President, nobody wants to make impossible any future housing authorities or any building of residences under housing authorities. That is exactly the reason why the bill has been kept on the Postponed Calendar. We had the votes any number of times to pass it, but we are concerned about that and we want to reconcile it.

I would suggest to the gentleman that he withdraw his motion until Senator Flack, who is a co-sponsor of the bill and who has this problem intensified in his Senatorial District, is on the floor. If it is agreeable to Senator Flack, we could take it back and amend it in committee. I think as a matter of courtesy—Senator Stiefel, a few minutes ago, had the opportunity, which was not used too successfully, to defend his bill. I think Senator Flack might or might not readily agree to the action.

And the question recurring.

Will the Senate agree to the motion?

MOTION TO RECOMMIT BILL WITHDRAWN

Mr. SCHMIDT. Mr. President, in deference to the request of the Senator, due to the fact that Senator Flack is not on the floor and does have a problem involved in this bill, I will consent to withdraw my motion and I request that the bill remain on the Final Passage Postponed Calendar.

Mr. SILVERT. Mr. President, I withdraw my second to the motion.

BILLS INTRODUCED AND REFERRED

Mr. McPHERSON, JR. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. McPHERSON, JR. and WEINER read in place and presented to the Chair Senate Bill No. 1013, entitled:

An Act amending the act of August 24, 1951 (P. L. 1405), entitled "Estate Tax Apportionment Act of 1951" changing the method of apportionment regarding the inheritance or death tax effect with respect to charitable, public or similar gifts or bequests. Which was committed to the Committee on Judiciary General.

Mr. WHALLEY. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WHALLEY read in place and presented to the Chair Senate Bill No. 1014, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Pennsylvania Historical and Museum Commission to acquire lands comprising the Captain William Phillpis' Rangers Memorial in Liberty Township, Bedford County; providing for the control, management, supervision, improvement, restoration and maintenance thereof by the Pennsylvania Historical and Museum Commission and making appropriations.

Which was committed to the Committee on State Government.

COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 835

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. MALLERY, MADIGAN and HAYS, as a committee of conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 835.

Ordered, That the Clerk inform the House of Representatives accordingly.

PERMISSION TO ADDRESS SENATE

Mr. WATKINS asked and obtained unanimous consent to address the Senate.

Mr. WATKINS. Mr. President, I certainly do not want any recommitment on this statement I intend to make.

Mr. PRESIDENT, I would like to state that the Watkins Farm has announced the birth of a baby girl this morning at 4:45 o'clock. The father has gotten over the shock very well. "Cat Bridge" happens to be the father. The mother, "Gondolina", says that she thinks everything is going to be all right. This beautiful little filly happens to be something that Senator DiSilvestro and I thought should be properly named.

I would suggest that Senator Taylor appoint a committee to name this filly. I would like to have her named after this Session, whether you call her "Miss Sales Tax," "Miss Long Session" or whatever you want to call her. I thought I would like that to go into the record because there is a possibility that Pennsylvania might be honoring this filly three years from now.

Mr. MAHANY. Mr. President, in line with Senator Watkin's suggestion, I am reminded of the story of the young lady who visited one of these farms like Senator Watkins runs. She evidently had many close skirmishes to certain dangers. When she got home, she sent a telegram to the Senator and this is what it said: "Safe at home, by heavens; out of danger."

BILL ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of the bill reported from committee for the first time at today's session.

Mr. KOPRIVER, JR. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1276, entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania making special provision for the taxation of private forest reserves.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

PERMISSION TO ADDRESS SENATE

Mr. STIEFEL asked and obtained unanimous consent to address the Senate.

Mr. STIEFEL. Mr. President, I prepared a long speech to deliver as an introduction to this bill, but today I was forced to take the floor a few times and I have already given my colleagues a nice ear-beating.

In order that I do not keep them any longer, I will ask that my speech be spread over the Journal.

The PRESIDENT. The statement of the gentleman from Philadelphia, Mr. Stiefel, in connection with the bill he is about to introduce will be spread upon the Legislative Journal.

It was back in 1915 when Mr. and Mrs. Maurius Harcum decided that there was a new type of education. Both of these pioneers had long felt that the time had come in the growth of America when its young women should be trained to appreciate the greatness of our country and its wonderful educational opportunities. The college went through its growing phases and since its founding more than 4,000 persons have received their diplomas. Even during the depth of the depression days, the college maintained high educational standards. During the days of World War II it went through rather vigorous moments in its fight for continuation. Finally in 1952 a group of citizens banded themselves together, under the leadership of De Haven Develin, President of the Bryn Mawr Trust Company in Bryn Mawr Pennsylvania.

Mr. Develin was elected as Chairman of the Board of Managers, which now consists of such eminent and well-known people including Mrs. Herbert W. Anderson, who is State President of the American Association of University Women and well-known as the former President of the Federated Women's Clubs; Boris Blai, Dean of the Tyler School of Fine Arts of Temple University; Dr. Rex S. Clements, Minister of the Presbyterian Church of Bryn Mawr and well-known for his educational pursuits; Mrs. Curtis Bok, wife of the eminent jurist who herself was at one time Dean of the Stevens Junior College in Columbus, Missouri; Mrs. John Rich, Publications Chairman of the Pennsylvania League of Women Voters and who was President of the Philadelphia Center for Older Women; Mr. Emerson Greenaway, Chief Librarian of the Free Library of Philadelphia; Dr. Max Strumia, head of the Pathology Department of the Bryn Mawr Hospital and known throughout the world for his great experiments on blood plasma; Robert McCay Green, Attorney-at-Law and one time City Solicitor of Philadelphia; George Pasfield, the well-known builder in Haverford, Pennsylvania;

Mrs. Ralph T. Unkefer, well-known for her collegiate activities as a graduate; Mrs. Joseph VanderVeer, a popular organizer of many charities and wife of the former Chairman of the Heart Association; and Dr. Dorothy Shindell, who for some time was Chief Resident of the Northern Division of the Philadelphia General Hospital. The services of Philip Klein were secured as President of Harcum Junior College and Maud L. Marren, who served as Dean of the College for the past thirty years, was given additional duties and took on new responsibilities.

Twelve buildings were acquired and Harcum Junior College was given a charter as a non-profit institution by the Judges of Montgomery County. One of the first enterprises of the new Board of Managers was to set forth a statement. It reads:

"Believing that Harcum Junior College serves an important and vital segment of the nation, the college offers a curriculum designed to be a self-contained unit for each student and intended to prepare her for a full life for self-education rather than necessarily for further formal work in a four year college or in a professional school. Curriculum centers on the fine arts and on vocational training, and yet the student is given solid work in the field of liberal arts. In keeping with this concept of education, the policy of admission is such as to give greater recognition to interest in and aptitude for a particular vocational or avocational field than to general high academic excellence. The vocational and avocational fields of concentration offered by this college are limited to those in which we feel such we can offer unusually good educational opportunities."

The faculty consists of 32 integrated and well trained men and women, all of them dedicated to this unusual pursuit. This group has been carefully culled and selected for their particular subjects and for their willingness and capability to disseminate their knowledge.

The courses offered in the curriculum are Liberal Arts, General Education, Music, Fine Arts, Drama, Fashion Merchandising, Secretarial, Medical Secretarial, Medical Technology, Child Development and Advertising-Journalism. It is hoped that the new course in Child Development will permit Harcum Junior College to develop a new phase in education, permitting the training of teachers within a period of two years so that they can fill the gap which is gradually increasing year by year. The course in medical technology is also attracting attention all over the country. The cooperation of Jefferson Medical School and hospital and Bryn Mawr Hospital permits the students to acquire, within a period of two years, great knowledge and facility of assisting physicians in the technological operation of their offices

The College also serves as the headquarters for another first in American education, namely, The Residential Weekend School. This was inaugurated two years ago and consisted of offering weekend courses to adults in such fields as French, Bird Study, Great Men in History, Writers Workship, Artists Workshop, Spanish, Nature Study and other unusual and interesting topics. This is modeled after the weekend colleges that are now in vogue throughout Europe.

Recently, Harcum Junior College was host to the First International Conference on Residential Adult Education, when visitors from twelve foreign countries met with educators from the United States and Canada to discuss this new phase of adult education.

Harcum Junior College fits in with the new and growing pattern of encouraging young women throughout our country to continue with their studies in an effort to develop their own natural facility. There are few Junior Colleges of this kind which are developed completely to the training of young women for the pursuits and problems which lie ahead. With the realization that out of every ten of our working women are married, the administration of Harcum Junior College believes that by training these young women in a practical manner they can learn to achieve the problems they will have in the future. At the same time, Harcum Junior College is fully cognizant that by inaugurating these unique and valuable methods, they are preparing many who will forge ahead in the field of teaching. There is a great demand for good teachers and the students

that have been graduated from Harcum Junior College, from science and business courses, indicate that this great void in education can be met if it has proper support in its developmental days.

BILL INTRODUCED AND REFERRED

Mr. STIEFEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL read in place and presented to the Chair Senate Bill No. 1015, entitled:

An Act making an appropriation to the trustees of Harcum Junior College at Bryn Mawr, Pennsylvania.

Which was committed to the Committee on Appropriations.

PERMISSION TO ADDRESS SENATE

Mr. SEYLER asked and obtained unanimous consent to address the Senate.

Mr. SEYLER. Mr. President, I would just like to call to the attention of Senator Mahany the fact that Senator Stiefel is a man who may be down but he is never out. Senator Mahany killed three of his bills today and he came right back with another one.

ANNOUNCEMENT BY MAJORITY LEADER

Mr. MAHANY. Mr. President, for the benefit of the Senators, I would like to state that instead of adjourning at the present time, we intend to take a recess, awaiting the message from the House as to whether they will concur or non-concur in the selective sales tax bill. If it so happens that they non-concur, we wish to insist upon our amendments and throw this into a Conference Committee.

Therefore, if any of the Senators desire to leave and not wait until the time we receive this message, it will be perfectly all right to leave for dinner.

Mr. STIEFEL. Mr. President, I am one of those who enjoys being in Harrisburg and I do not mind staying here all week. However, I received a communication from the office of the Secretary announcing the schedule for today and it was written in bold letters, "Senators expected to stay all week."

Therefore, Mr. President, I would like to know from Senator Mahany whether that is so or whether it is only a thing which may be interpreted in many different ways.

Mr. MAHANY. When we had some Republican Senators who were also Members of the Bar from Philadelphia up here, we were never able to hold them for more than one day at a time and I do not believe it will be possible for me to hold Democratic Senators for more than one day at a time. I know the Philadelphia lawyers are quite busy.

Mr. President, may we be at ease a few moments, awaiting communications from the House of Representatives?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

HOUSE MESSAGE

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 2009

The Clerk of the House of Representatives being introduced, informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale, use storage or other consumption of certain tangible personal property; providing for licenses, reports, payment and collection of tax interest and penalties, assessments, collections, liens, reviews and appeals; conferring powers and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, corporations, partnerships, associations and individuals and making an appropriation.

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 2009

Mr. MAHANY. Mr. President, I move that the Senate insists upon its amendments non-concurred in by the House to the foregoing bill.

Mr. DIEHM. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

Mr. MAHANY. Mr. President, may we be at ease a few moments, awaiting communications from the House of Representatives?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

HOUSE MESSAGE

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 2009, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists on its non-concurrence in Senate amendments to House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale, use, storage or other consupmtion of certain tangible personal property; providing for licenses, reports, payment and collection of tax intrest and penalties, assessments, collections, liens, reviews and appeals; conferring powers and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, corporations, partnerships, associations and individuals and making an appropriation.

and has appointed Merrs. READINGER, POLEN and GIBSON as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

HOUSE BILL No. 2009 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table House Bill No. 2009, and move a committee of conference on the part of the Senate be appointed.

Mr. DIEHM. Mr. President, I second the motion.

The motion was agreed to.

COMMITTEE OF CONFERENCE APPOINTED ON HOUSE BILL No. 2009

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs.

MAHANY, KESSLER and DENT as a committee of conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the difference existing between the two houses in relation to House Bill No. 2009.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess until 10:00 o'clock, p. m., Eastern Standard Time.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 941

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 941, entitled:

An Act reenacting and amending the title and the act of May sixteen, one thousand nine hundred thirty-five (P. L. 208), entitled as amended, "Corpoarte Net Income Tax Act," extending its provisions for an unlimited period of time, changing the deduction of dividends and the defination of corporation and of net income, imposing the tax on certain corporations, companies and associations not heretofore taxed under this act, and increasing the rate of the tax.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1591

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1591, entitled:

An Act to further amend section twenty-one of the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by removing the manufacturing exemption with regard to capital stock tax and the franchise tax on domestic and foreign corporations, joint-stock association, limited partnerships and companies.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1880

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1880, entitled:

An Act to further amend sections twenty and twenty-one of the act, approved the first day June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred seventy-nine," by requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax; and changing the gross receipts fraction applicable to foreign corporations.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 2010

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2010, entitled:

An Act imposing a tax on persons engaged in the business of operating hotels, inns, apartment hotels, motels, tourist homes, restaurants, cafes, public eating places, public drinking places, clubs and catering establishments; prescribing the manner of collecting the tax measured by gross receipts from sales of food, drinks, and lodgings; imposing duties on and prescribing powers of the Department of Revenue; and fixing penalties.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 941, entitled:

An Act reenacting and amending the title and the act of May sixteen, one thousand nine hundred thirty-five (P. L. 208), entitled as amended, "Corporate Net Income Tax Act," extending its provisions for an unlimited period of time, changing the deduction of dividends and the definition of corporation and of net income, imposing the tax on certain corporations, companies and associations not heretofore taxed under this act, and increasing the rate of tax.

House Bill No. 1591, entitled:

An Act to further amend section twenty-one of the act approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by removing the manufacturing exemption with regard to capital stock tax and the franchise tax on domestic and foreign corporations joint-stock associations limited partnerships and companies

House Bill No. 1880, entitled:

An Act to further amend sections twenty and twenty-one of the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred seventy-nine," by requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax; and changing the gross receipts fraction applicable to foreign corporations.

House Bill No. 2010, entitled:

An Act imposing a tax on persons engaged in the business of operating hotels, inns, apartment hotels, motels, tourist homes, restaurants, cafes, public eating places, public drinking places, clubs and catering establishments; prescribing the manner of collecting the tax measured by gross receipts from sales of food, drinks and lodgings; imposing duties on and prescribing powers of the Department of Revenue; and fixing penalties.

Whereupon,

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Tuesday, March 6, 1956, at 1:00 o'clock, p.m., Eastern Standard Time.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 10:21 o'clock, p.m., Eastern Standard Time, until Tuesday, March 6, 1956, at 1:00 o'clock, p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 5, 1956

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

Reverend E. Luther Cunningham, Minister of St. Paul's Baptist Church, Philadelphia, guest Chaplain, and guest of the lady from Philadelphia, Mrs. Sarah A. Anderson, offered the following prayer:

Eternal God, our Father, who art Lord of Heaven and of all the earth;—grant, this day, to the Speaker and the Members of the House, Thy guidance. Give them right understanding, pure purpose and a sense of consecration to duty. May they be strong, yet charitable. May they be diligent defenders of the right and valiant champions against the wrong. May they strive earnestly, always, to maintain the freedom and the rights and the welfare of all the people, whose servants they are.

Help them, by Thy Grace, to see that it is better to fail in a cause that will ultimately succeed than to succeed in a cause that will ultimately fail.

Here may Thy Will be done above all cleavage of class or race. Here may Thy purpose be carried out above party and personality,—beyond time and circumstance, for the benefit of the Commonwealth, the good of America and the peace of the world. Through Jesus Christ, our Lord Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Wednesday, February 29, 1956 will be postponed until printed. The Chair hears none.

RECESS

The SPEAKER. At the request of the Majority and Minority Floor Leaders the Chair declares a recess of one hour for the purpose of a Democratic and a Republican caucus. The Chair hears no objections.

Members are requested to retire immediately to their respective caucus rooms.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 471.

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" deleting certain routes and adding a new route in Erie County.

Referred to the Committee on Highways.

SENATE BILL No. 587.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire five tracts of land in the Borough of West Chester Chester County for use of West Chester State Teacher's College and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 700.

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" deleting a route in Chester County.

Referred to the Committee on Highways.

SENATE BILL No. 701.

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Chester County.

Referred to the Committee on Highways.

SENATE BILL No. 702.

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Chester County.

Referred to the Committee on Highways.

SENATE BILL No. 703.

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "Borough Rural State Highway Law" adding a new route in Chester County.

Referred to the Committee on Highways.

SENATE BILL No. 704.

An Act returning to the local authorities a route in West Goshen, Chester County.

Referred to the Committee on Highways.

SENATE BILL No. 740.

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Indiana County.

Referred to the Committee on Highways.

SENATE BILL No. 809

An Act amending the act of May 18, 1945 (P. L. 809) entitled "An act removing certain roads or sections of road from the State highway system . . ." removing an additional road from the State highway system.

Referred to the Committee on Highways.

SENATE BILL No. 810.

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" changing a route in Lancaster County.

Referred to the Committee on Highways.

SENATE BILL No. 865.

An Act to amend the act approved the twenty-ninth day of July one thousand nine hundred fifty-three (P. L. 1050) entitled "The Intra-State Tunnel Revenue Bond Act" by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenue of the commission including tolls or from such funds as may be available to the commission for such purposes providing for the securing of such notes

or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds.

Referred to the Committee on Rules.

SENATE BILL No. 904.

An Act amending the act of June 22, 1931 (P. L. 720) entitled "City State Highway Law" adding new routes in the city of Titusville.

Referred to the Committee on Highways.

SENATE BILL No. 934.

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Crawford County.

Referred to the Committee on Highways.

SENATE BILL No. 967.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in or near White Haven Foster Township Luzerne County for the use of the Department of Welfare in the treatment of mentally retarded children and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 984.

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Delaware County.

Referred to the Committee on Highways.

SENATE BILL No. 993.

An Act amending the act of June 22, 1931 (P. L. 594) entitled "Rural State Highway Law" adding a new route in Armstrong County.

Referred to the Committee on Highways.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 647.

An Act amending the act June 12, 1951 (P. L. 533) entitled "An act relating to mental health including mental illness mental defect epilepsy and inebriety and amending revising consolidating and changing the laws relating thereto" fixing the date for liability of costs of patient care.

HOUSE BILL No. 1432.

An Act amending the act of June 24 1937 (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" changing provisions relating to children eligible for assistance

HOUSE BILL No. 1733.

An Act amending the act of September 29 1951 (P. L. 1652) entitled "An act providing for the construction by The General State Authority of an addition of a medical and surgical hospital building to the Philadelphia State Hospital on lands heretofore or about to be conveyed to it by the Mercy-Douglass Hospital and authorizing the Department of Property and Supplies to sublease said lands and building to the Mercy-Douglass Hospital" clarifying the word hospital

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 258.

An Act amending the act of May 11 1921 (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" providing for free license tags for guide dogs for the blind

HOUSE BILL No. 647.

An Act amending the act June 12, 1951 (P. L. 533) entitled "An act relating to mental health including mental illness mental defect epilepsy and inebriety and amending revising consolidating and changing the laws relating thereto" fixing the date for liability of costs of patient care

HOUSE BILL No. 1432.

An Act amending the act of June 24, 1937 (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund. and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance. pensions for the blind, old age assistance, and the

State Emergency Relief Board," changing provisions relating to children eligible for assistance.

HOUSE BILL No. 1666.

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

HOUSE BILL No. 1667.

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

HOUSE BILL No. 1668.

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

HOUSE BILL No. 1669.

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

HOUSE BILL No. 1670.

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

HOUSE BILL No. 1671.

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement system with respect ot State employes receiving compensation from the State Workmen's Insurance Fund

HOUSE BILL No. 1672.

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

HOUSE BILL No. 1705.

An Act transferring money from the Banking Fund to the General Fund

HOUSE BILL No. 1732.

An Act lapsing unexpended and unencumbered balances of certain appropriations from the Motor License Fund

HOUSE BILL No. 1733.

An Act amending the act of September 29, 1951 (P. L. 1652) entitled "An act providing for the construction by The General State Authority of an addition of a medical and surgical hospital building to the Philadelphia State Hospital on lands heretofore or about to be conveyed to it by the Mercy-Douglass Hospital and authorizing the Department of Property and Supplies to sublease said lands and building to the Mercy-Douglass Hospital" clarifying the word hospital

HOUSE BILL No. 1908.

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 39.

An Act amending the act of July eleven one thousand and seventeen (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof . . ." further defining drugs coming within the scope of said act and changing the penalties for the illegal sale dispensing or giving away of drugs.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 188.

An Act relating to the practice of Ophthalmic Dispensing providing for the licensure and registration of Dispensing Opticians authorizing the issuance of certificates to registered qualified Ophthalmic Dispensers creating a State Board of Examiners for Dispensing Opticians to determine the respective qualifications of applicants and defining specific powers and duties thereof providing for penalties for violations of the provisions thereof and providing for appeals to Court.

Referred to the Committee on Professional Licensure.

SENATE BILL No. 415.

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "Local Tax Enabling Law" requiring the filing of bonds for appeals to act as a supersedeas.

Referred to the Committee on Judiciary.

SENATE BILL No. 817.

An Act relating to the lien and operation of mortgages and their accompanying bonds and imposing duties on recorder of deeds.

Referred to the Committee on Judiciary.

SENATE BILL No. 972.

An Act to amend the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "The Third Class City Code" by further regulating forests and watersheds.

Referred to the Committee on Cities—Third Class.

SENATE BILL No. 977.

An Act amending the act of June 1, 1945 (P. L. 1242) entitled "State Highway Law" authorizing the department to provide for certain work on public utilities owned by municipality authorities.

Referred to the Committee on Highways.

SENATE BILL No. 985.

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code" further fixing qualifications of members of the board of health.

Referred to the Committee on Cities—Third Class.

SENATE BILL No. 987.

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code" further regulating the payment by cities and boroughs for certain improvements and facilities in portions of the township annexed by them.

Referred to the Committee on Townships.

SENATE BILL No. 988.

An Act amending the act of August 9, 1955 (P. L. 323) entitled "The County Code" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

Referred to the Committee on Counties.

SENATE BILL No. 989.

An Act amending the act of July 28, 1953 (P. L. 723) entitled "Second Class County Code" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

Referred to the Committee on Counties.

REPORT OF DELAWARE RIVER PORT AUTHORITY

The SPEAKER laid before the House the report of the Delaware River Port Authority to the Governors and Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey for 1955.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 1282 AND 1294

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 1, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1282, Printer's No. 636, entitled "An Act authorizing the sale of vacant land located in areas certified as conservation areas in counties of the first class under a judgment obtained on a tax claim by the sheriff of the county providing for the discharge of all liens mortgages ground rents estates and claims against the property by sale and limiting the right of redemption."

GEORGE M. LEADER.

March 1, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1294, Printer's No. 1350, entitled "An Act amending the act of June 24, 1939 (P. L. 872) entitled 'An act to consolidate amend and revise the penal laws of the Commonwealth, regulating the advertising and offering for sale of merchandise commodities and services."

GEORGE M. LEADER.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 407 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 1, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 407, Printer's No. 624, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1514 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 1, 1956.

To the Honorable, the House of Representatvies of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1514, Printer's No. 600, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

COMMUNICATION AND BILL LAID ON TABLE

Mr. ROVANSEK. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. bell for Mr. CONNELLY for today because of illness.

Mrs. Anderson for Mrs. MONROE because of illness.

Mr. Kolankiewicz for Mr. McKEEVER because of illness.

Mr. Kolankiewicz for Mr. HEAVEY because of illness.

Mr. Wheeler for Mr. KORNICK because of death in the family.

Mr. Helm for Mr. ERB.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2044, entitled:

An Act amending the "Civil Service Act" * * * by decreasing the size of the grouping for purposes of furlough.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2049, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class * * *" further regulating payments to certain beneficiaries under the fund.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

CHURCH DELEGATES WELCOMED

The CHAIR notes the presence in the gallery of thirty-five delegates from Protestant churches in various parts of the Commonwealth. These delegates are attending the Christian Citizenship Seminar. The Seminar is sponsored by the Pennsylvania Council of Churches.

BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 53, as follows:

An Act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting throwing of certain material from motor vehicles and further limiting and regulating certain actions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May one one thousand nine hundred twenty-nine (P. L. 905) known as "The Vehicle Code" is amended by adding after section 1023 a new section to read

Section 1023.1 Thowing Material from Motor Vehicle No person shall throw or permit to be thrown from a motor vehicle any garbage bottles cans rubbish wire glass or cardboard or wood cartons or boxes

In any prosecution under this section the throwing of barbage bottles rubbish wire glass or cardboard or wood cartons or boxes from a motor vehicle shall be prima facie evidence that they were thrown or permitted to be thrown from the motor vehicle by the operator

If at any hearing or proceeding the operator shall testify under oath or affirmation that he did not throw garbage bottles rubbish wire glass or cardboard or wood cartons or boxes from the motor vehicle and shall submit himself to an examination as to who did the throwing and reveal the name of such person if known to him or if the information is made in a court other than that of his own residence shall forward to the magistrate an affidavit setting forth these facts then the prima facie evidence arising as above set forth shall be overcome and removed and the burden of proof shifted

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 2 Subsection (A) of Section 1201 of said act as last amended by the act of August nineteen one thousand nine hundred fifty-three (P. L. 1084) is further amended to read

Section 1201 Limitations of actions

(a) Informations charging violations of any of the summary provisions of this act shall be brought before the nearest available magistrate within the city borough incorporated town or township in the county where the alleged violation occurred except informations charging any such violations upon any turnpike or highway under the supervision of the Pennsylvania Turnpike Commission which shall be brought before the available magistrate within the county where the alleged violation occurred who is nearest to the first exit from that part of the turnpike or highway where the alleged violation occurred where there is no substantial difference between the respective distances from the place where the alleged violation occurred or the exit from a turnpike to the offices of more than one magistrate any such prosecution may be brought before any one of such magistrates or if there is no person holding the office of magistrate in such city borough incorporated town or township then such information shall be brought before such nearest available magistrate in any adjoining city borough incorporated town or township in the county within fifteen (15) days after the commission of the alleged offense and not there after except that where an information is filed against a person prima facie guilty of a summary offense and it subsequently appears that a person other than the person named in the information was the offender any information may be filed against such other person within fifteen (15) days after his or her identity shall have been discovered and excepting further that informations charging violations of the provisions of sections 205 207 210 212 213 406.1 506(a) 511 610.1 620(b) (c) (j) 813 823.1 1023.1 and 1025(d) of this act may be brought within fifteen (15) days after it is discovered that a violation of any of these sections has been committed

* * *

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—187

Adam,	Garlock,	McCann,	Sarraf,
Amarando,	Gelfand,	McCormack,	Scarcelli,
Anderson, M. S.,	George,	McGee,	Schuster,
Anderson, S. A.,	Gibson,	McInroy,	Sherman,
Ashton,	Goldstein,	McLaughlin,	Sigman,
Auker,	Gramlich.	McWherter,	Smith, C. C.,
Banker.	Greenwood,	Meholchick,	Smith, Wm. B.,
Barnatovich,	Guss,	Metz,	Snider,
Bazin,	Guthrie,	Mihm,	Stank,

Bell,	Hamilton, R. K.,	Mikula,	Stebbins,
Blair,	Hass,	Miller,	Steckel,
Boles,	Haudenshield,	Mills,	Stephens,
Bonner,	Helm,	Moody,	Stevenson,
Boory,	Henzel,	Moran,	Stone,
Bower,	Hewitt,	Moscrip,	Stoner,
Branca,	Hocker,	Muldowney,	Strausser,
Breisch,	Holt,	Mullen,	Stroup,
Brennan, A. P.,	Horst,	Munley,	Swartz,
Brennan, J. J.,	Houk,	Murphy,	Taylor,
Brenninger,	Isaacs,	Murray, H. P.,	Thomas,
Brown,	Jenkins,	Murray, J. J.,	Toll,
Bucchin,	Johnson,	Murray, P. G.,	Tompkins,
Bullen,	Jones, T. H. W.,	Musto,	Toomey,
Capano,	Jump,	Naugle,	Varallo,
Cianfrani,	Kamyk,	Needham,	Varner,
Cioffi,	Kehler,	Ogilvie,	Vaughan,
Cochran,	Keller,	Olsen,	Verona,
Cooper,	Kent,	O'Neil,	Wall,
Curwood,	Kline,	Pacchioli,	Wallace,
Davis,	Knecht,	Parry,	Walsh,
Donahue,	Kolankiewicz,	Pashley,	Wargo,
Dougherty,	Kooker,	Paulhamus,	Waterhouse,
Down,	Kromer,	Petrosky,	Weidner,
Ehrgood,	Lafore,	Pettigrew,	Welsh,
Eilberg,	Leiby,	Polaski,	Wheeler,
Eshleman,	Leisey,	Polen,	Whitenight,
Farabaugh,	Leonard,	Pomeroy,	Willaredt,
Fineman,	Leven,	Price,	Williams,
Filo,	Light,	Pursley,	Wilt,
Flint,	Limper,	Readinger,	Wood,
Floyd,	Lippincott,	Reibman,	Worley,
Flynn,	Lopresti,	Reidenbach,	Yetzer,
Foster,	Lovett,	Renwick,	Yetter,
Frank,	Lutty,	Rigby,	Young,
Frascella,	Magee,	Rovansek,	Ziegler,
Frost	Markley,	Rudisill,	Andrews,
Gaffney,	Maxwell,	Royer,	Speaker

NAYS—2

Ewing,	Thompson,

NOT VOTING—18

Agnew,	Erb,	Kornick,	McKeever,
Breth,	Gibb,	Kratz,	Monroe,
Comer,	Heavey,	Lawyer,	Rosen,
Connelly,	Jones, G. E.,	Mahan,	Rubin,
Donaldson,			Wescott,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 641, Printer's No. 1430,

was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1319 as follows:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" clarifying the effect of certain provisions of the act with respect to powers granted by other laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article XI act of May 1, 1933 (P. L. 103) known as "The Second Class Township Code" reenacted and amended July 10, 1947 (P. L. 1481) is amended by adding at the end thereof a new subdivision to read

Article XI

Roads Streets and Highways

* * *

(r) Legislative Intent

Section 1197 Powers and Exercise Thereof Supplemental to Other Laws The foregoing sections in this Article XI shall be deemed to provide an additional and alternative method to any local or special existing laws for the doing of things authorized by Article XI and shall be regarded as supplemental and additional to powers conferred by such local or special existing laws

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—194

Adam,	Frost,	Mahan,	Rudisill,
Agnew,	Gaffney,	Markley,	Sarraf,
Amarando,	Garlock,	Maxwell,	Scarcelli,
Anderson, M. S.,	Gelfand,	McCann,	Schuster,
Anderson, S. A.,	George,	McCormack,	Sherman,
Ashton,	Gibb,	McGee,	Sigman,
Auker,	Gibson,	McInroy	Smith, C. C.,
Banker,	Goldstein,	McLaughlin,	Smith, Wm. B.,
Barnatovich,	Gramlich,	McWherter,	Snider,
Bazin,	Greenwood,	Meholchick,	Stank,
Bell,	Guss,	Metz,	Stebbins,
Blair,	Guthrie,	Mihm,	Steckel,
Boles,	Hamilton, R. K.,	Mikula,	Stephens,
Bonner,	Hass,	Miller,	Stevenson,
Boory,	Haudenshield,	Mills,	Stone,
Bower,	Helm,	Moody,	Stoner,
Branca,	Henzel,	Moran,	Strausser,
Breisch,	Hewitt,	Moscrip,	Stroup,
Brennan, A. P.,	Hocker,	Muldowney,	Swartz,
Brennan, J. J.,	Holt,	Mullen,	Taylor,
Brenninger,	Horst,	Munley,	Thomas,
Breth,	Houk,	Murphy,	Thompson,
Brown,	Isaacs,	Murray, H. P.,	Toll,
Bucchin,	Jenkins,	Murray, J. J.,	Tompkins,
Bullen,	Johnson,	Murray, P. G.,	Toomey,
Capano,	Jones, T. H. W.,	Musto,	Varallo,
Cianfrani,	Jump,	Naugle,	Varner,
Cioffi,	Kamyk,	Needham,	Vaughan,
Cochran,	Kehler,	Ogilvie,	Verona,
Cooper,	Keller,	Olsen,	Wall,
Curwood,	Kent,	O'Neil,	Wallace,
Davis,	Kline,	Pacchioli,	Walsh,
Donahue,	Knecht,	Parry,	Wargo,
Donaldson,	Kolankiewicz,	Pashley,	Waterhouse,
Dougherty,	Kooker,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wheeler,
Eilberg,	Leiby,	Polaski,	Whitenight,
Eshleman,	Leisey,	Polen,	Willaredt,
Ewing,	Leonard,	Pomeroy,	Williams,
Farabaugh,	Leven,	Price,	Wilt,
Filo,	Light,	Pursley,	Wood,
Fineman,	Limper,	Readinger,	Worley,
Flint,	Lippincott,	Reibman,	Yetzer,
Floyd,	Lopresti,	Reidenbach,	Yetter,
Flynn,	Lovett,	Renwick,	Young,
Foster,	Lutty,	Rigby,	Ziegler,
Frank,	Magee,	Rovansek,	Andrews,
Frascella,		Royer,	Speaker

NAYS—0

NOT VOTING—13

Comer,	Heavey,	Kratz,	Monroe,
Connelly,	Jones, G. E.,	Lawyer,	Rosen,
Erb,	Kornick,	McKeever,	Rubin,
			Wescott,

The majority required by the Constitution having voted in the affirmative. the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1174 as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by providing for military leaves of absence for public school employes who are inducted for military service at any time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of Section 1176 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" amended July 19, 1951 (P. L. 1063) is amended to read

Section 1176 Leave of absence

(a) Any employe of any school district who shall have been regularly employed by [said] any school district or vocational school district for any period and who shall volunteer [or be called] for military or naval service [by] in the armed forces of the United States of America in time of war or during a state of national emergency or who shall be inducted for military service in the armed forces of the United States of America at any time shall within thirty (30) days after the receipt of notice to [said effect] report for duty send a copy of such notice to the secretary of the school board by which he is employed

Section 2 Section 1177 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" is amended to read

Section 1177 Reinstatement in former school position

Upon termination of the military or naval service of such an employe [in time of war or during a state of national emergency] the school board shall immediately return said employe to the same position in the same school or schools from which said employe was granted leave of absence or if this is impracticable in the opinion of the board then to a similar position of the board then to a similar position

Section 3 The provisions of this amendatory act shall be construed to include all public school employes inducted for military service in the armed forces of the United States on or after February 1 1955

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—194

Adam,	Frost,	Mahan,	Rudisill,
Agnew,	Gaffney,	Markley,	Sarraf,
Amarando,	Garlock,	Maxwell,	Scarcelli,
Anderson, M. S.,	Gelfand,	McCann,	Schuster,
Anderson, S. A.,	George,	McCormack,	Sherman,
Ashton,	Gibb,	McGee,	Sigman,
Auker,	Gibson,	McInroy,	Smith, C. C.,
Banker,	Goldstein,	McLaughlin,	Smith, Wm. B.,
Barnatovich,	Gramlich,	McWherter,	Snider,
Bazin,	Greenwood,	Meholchick,	Stank,
Bell,	Guss,	Metz,	Stebbins,
Blair,	Guthrie,	Mihm,	Steckel,
Boles,	Hamilton, R. K.,	Mikula,	Stephens,
Bonner,	Hass,	Miller,	Stevenson,
Boory,	Haudenshield,	Mills,	Stone,
Bower,	Helm,	Moody,	Stoner,
Branca,	Henzel,	Moran,	Strausser,
Breisch,	Hewitt,	Moscrip,	Stroup,
Brennan, A. P.,	Hocker,	Muldowney,	Swartz,
Brennan, J. J.,	Holt,	Mullen,	Taylor,
Brenninger,	Horst,	Munley,	Thomas,
Breth,	Houk,	Murphy,	Thompson,
Brown,	Isaacs,	Murray, H. P.,	Toll,
Bucchin,	Jenkins,	Murray, J. J.,	Tompkins,
Bullen,	Johnson,	Murray, P. G.,	Toomey,
Capano,	Jones, T. H. W.,	Musto,	Varallo,
Cianfrani,	Jump,	Naugle,	Varner,
Cioffi,	Kamyk,	Needham,	Vaughan,
Cochran,	Kehler,	Ogilvie,	Verona,
Cooper,	Keller,	Olsen,	Wall,
Curwood,	Kent,	O'Neil,	Wallace,
Davis,	Kline,	Pacchioli,	Walsh,
Donahue,	Knecht,	Parry,	Wargo,
Donaldson,	Kolankiewicz,	Pashley,	Waterhouse,
Dougherty,	Kooker,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wheeler,
Eilberg,	Leiby,	Polaski,	Whitenight,
Eshleman,	Leisey,	Polen,	Willaredt,
Ewing,	Leonard,	Pomeroy,	Williams,
Farabaugh,	Leven,	Price,	Wilt,
Filo,	Light,	Pursley,	Wood,
Fineman,	Limper,	Readinger,	Worley,
Flint,	Lippincott,	Reibman,	Yetter,
Floyd,	Lopresti,	Reidenbach,	Yetzer,
Flynn,	Lovett,	Renwick,	Young,
Foster,	Lutty,	Rigby,	Ziegler,
Frank,	Magee,	Rovansek,	Andrews,
Frascella,		Royer,	Speaker

NAYS—0

NOT VOTING—13

Comer,	Jones, G. E.,	Lawyer,	Rosen,
Connelly,	Kornick,	McKeever,	Rubin,
Erb,	Kratz,	Monroe,	Wescott,
Heavey,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1623 as follows:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" extending retirement benefits to veterans of armed conflicts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (d) of Section 1710 of Article XVII of the act of July 28, 1953 (P. L. 723) known as "The Second Class County Code" is amended to read

Section 1710 Employes entitled to retirement allowances

* * *

(d) Any county employe who on and after the sixteenth day of September one thousand nine hundred forty has been employed by the county or county institution district for a period of six or more months and who on or subsequent to such date shall have enlisted or been inducted into military service of the United States in time of war or national emergency so proclaimed by the President or the Congress of the United States or any police action in which the United States is engaged or shall serve in the military service of the United States during any armed conflict shall have credited to his employment record for retirement benefits all of the time spent by him in such military service during the continuance of such war armed conflict national emergency or police action if such person returns or has heretofore returned to his employment within one year after his separation from military service and such payments as are required to be made by such county employe into the county employes' retirement fund shall be paid into such fund by the county or county institution district upon application by such county employe for retirement benefits any county employe who has been in military service and returned to the employ of the county or county institution district shall within one year after the effective date of this article file with the board a record of the time spent by him in such military service any county employe who has been in military service prior to the effective date of this article and has made payments into the county employes' retirement fund to secure for his employment record credit for his military service shall be reimbursed to the full extent of such payments by the board

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—194

Adam,	Frost,	Mahan,	Rudisill,
Agnew,	Gaffney,	Markley,	Sarraf,
Amarando,	Garlock,	Maxwell,	Scarcelli,
Anderson, M. S.,	Gelfand,	McCann,	Schuster,
Anderson, S. A.,	George,	McCormack,	Sherman,
Ashton,	Gibb,	McGee,	Sigman,
Auker,	Gibson,	McInroy,	Smith, C. C.,
Banker,	Goldstein,	McLaughlin,	Smith, Wm. B.,
Barnatovich,	Gramlich,	McWherter,	Snider,
Bazin,	Greenwood,	Meholchick,	Stank,
Bell,	Guss,	Metz,	Stebbins,
Blair,	Guthrie,	Mihm,	Steckel,
Boles,	Hamilton, R. K.,	Mikula,	Stephens,
Bonner,	Hass,	Miller,	Stevenson,
Boory,	Haudenshield,	Mills,	Stone,
Bower,	Helm,	Moody,	Stoner,
Branca,	Henzel,	Moran,	Strausser,
Breisch,	Hewitt,	Moscrip,	Stroup,
Brennan, A. P.,	Hocker,	Muldowney,	Swartz,
Brennan, J. J.,	Holt,	Mullen,	Taylor,
Brenninger,	Horst,	Munley,	Thomas,
Breth,	Houk,	Murphy,	Thompson,
Brown,	Isaacs,	Murray, H. P.,	Toll,
Bucchin,	Jenkins,	Murray, J. J.,	Tompkins,
Bullen,	Johnson,	Murray, P. G.,	Toomey,
Capano,	Jones, T. H. W.,	Musto,	Varallo,
Cianfrani,	Jump,	Naugle,	Varner,
Cioffi,	Kamyk,	Needham,	Vaughan,
Cochran,	Kehler,	Ogilvie,	Verona,
Cooper,	Keller,	Olsen,	Wall,
Curwood,	Kent,	O'Neil,	Wallace,
Davis,	Kline,	Pacchioli,	Walsh,
Donahue,	Knecht,	Parry,	Wargo,
Donaldson,	Kolankiewicz,	Pashley,	Waterhouse,
Dougherty,	Kooker,	Paulhamus,	Weidner,
Down,	Kromer,	Petrosky,	Welsh,
Ehrgood,	Lafore,	Pettigrew,	Wheeler,
Eilberg,	Leiby,	Polaski,	Whitenight,
Eshleman,	Leisey,	Polen,	Willaredt,
Ewing,	Leonard,	Pomeroy,	Williams,
Farabaugh,	Leven,	Price,	Wilt,
Filo,	Light,	Pursley,	Wood,
Fineman,	Limper,	Readinger,	Worley,
Flint,	Lippincott,	Reibman,	Yetter,
Floyd,	Lopresti,	Reidenbach,	Yetzer,
Flynn,	Lovett,	Renwick,	Young,
Foster,	Lutty,	Rigby,	Ziegler,
Frank,	Magee,	Rovansek,	Andrews,
Frascella,		Royer,	Speaker

NAYS—0

NOT VOTING—13

Comer,	Jones, G. E.,	Lawyer,	Rosen,
Connelly,	Kornick,	McKeever,	Rubin,
Erb,	Kratz,	Monroe,	Wescott,
Heavey,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

The SPEAKER. All bills on the final passage calendar and all bills on the third reading calendar, with the exception of House Bill No. 885, if there is no objection, will be passed over. The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 885, entitled:

An Act relating to plumbing providing for certification registration and regulation of persons engaged in plumbing creating a State Public Health Plumbing Board in the Department of Health prescribing its powers and duties and those of local governments with respect thereto and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of amendment.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2009.

An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 1, line 2, by striking out after the word "the" the word "sale" and inserting in lieu thereof the word "purchase"; line 3, by inserting after the word "property" the following: "and utility services herein defined as tangible personal property";

Amend Article 1, page 2, line 4, by striking out after the word "Selective" the word "Retail" and inserting in lieu thereof the following: "Sales and Use"; Line 14, by striking out after the word "thereof" the following: "(c) "Prepaid tax receipts" Evidence of payment and collection of the tax imposed by this act consisting of a vendor's and a consumer's portions";

Page 3, line 3, by striking out the first letter in line "(d)" and inserting in lieu thereof the letter "(c)"; line 7, by striking out after the word "means" the word "and"; Line 9, by striking out the first letter in line "(c)" and inserting in lieu thereof the letter "(d)"; line 9, by striking out after the word "user" the words "or purchase"; line 10, by strinking out after the word "property" the following: "there shall be deducted an allowance actually made for any tangible personal property taxable under this act which is actually taken in trade or exchange for the whole or any part of the sale price of the property"

and inserting in lieu thereof the following: "excluding only any consideration received for returnable containers materials labor or service in delivering installing applying or warranting the property sold if such consideration is stated separately from the consideration paid for the purchase lease or transfer of the tangible personal property there shall be deducted any allowance actually made for any tangible personal property as here-

in defined actually taken in trade or exchange for the whole or any part of the purchase price"

Page 4, line 9, by striking out the first letter in line "(f)" and inserting in lieu thereof the letter "(e)"; line 11, by striking out the first letter in line "(g)" and inserting in lieu thereof the letter "(f)"; line 11, by striking out after the word "mean" the following: "(i) Automobiles trucks trailers aircraft and all accessories parts and equipment used in the maintenance and repair of such vehicles or aircraft

(ii) All tangible personal property used as building or construction material in the construction reconstruction remodeling repair and maintenance of any real estate including but not limited to buildings roads dams and swimming pools This shall not be construed to apply to tangible personal property to be incorporated into real estate pursuant to a construction agreement heretofore entered into which is a fixed price agreement not subject to change or modification by reason of the tax imposed by this act nor shall it apply to tangible property to be incorporated into real estate pursuant to a construction bid heretofore submitted upon which a contract is awarded within sixty days after the effective date of this act and is not subject to change or modification by reason of the tax imposed by this act

(iii) Home furnishings including but not limited to draperies rugs and similar fittings or ornaments and furniture and equipment used in or in conjunction with the home

(iv) Office furniture equipment and supplies

(v) Radios television receiving sets and receiving equipment including but not restricted to antennae phonographs sound recorders musical instruments records and sheet music and parts and accessories for the same

(vi) Photographic equipment sporting goods athletic equipment pleasure boats and equipment and parts and accessories used in conjunction therewith

(vii) Cosmetics furs fur coats luggage and jewelry"

and inserting in lieu thereof the following: 1 Motor vehicles trailers semi-trailers and aircraft and all accessories parts and equipment used in the maintenance operation or repair of such motor vehicles trailers semi-trailers and aircraft except gasoline

2 Formal day or evening apparel and articles made of fur on the hide or pelt and articles of which such fur is the component material of chief value but only if such value is more than three times the value of the next most valuable component material

3 All materials supplies and equipment used in the construction reconstruction remodeling repair and maintenance of any real estate

4 Furnishings appliances supplies fittings ornaments furniture equipment and accessories for home business industrial or commercial use for indoor or outdoor purposes

5 Business industrial professional and commercial supplies equipment and machines of all types including parts and accessories purchased on or used in connection therewith

6 Cosmetics toilet preparations toilet articles drugs and medical supplies except when sold on prescription

7 All tobacco products except such products already subject to tax under the laws of this Commonwealth

8 Luggage leather goods and related articles including fittings and accessories

9 Jewelry watches clocks and related articles

10 Books stationery and stationery supplies

11 Toys games hobby supplies photographic and projection equipment and supplies sporting goods and athletic equipment and supplies therefor pleasure boats equipment parts and accessories used in conjunction therewith regardless of the use made of such property

12 Flowers plants shrubbery trees fertilizer sprays and insecticide bulbs and seeds and supplies and equipment used in connection therewith

13 Fuel oil and petroleum products for heating purposes natural manufactured and bottled gas steam electricity telephone and telephone service and telegraph service

14 Hardware tools paint and painting materials and equipment

15 Live animals fish and birds and supplies and equipment used in connection therewith

16 Radios television receiving sets and receiving equipment phonographs sound recorders musical instruments or any combination of the foregoing and parts components and accessories for the same and records and sheet music

17 Food and beverages when purchased for consumption on the premises (i) from persons engaged in the business of operating public restaurants cafes lunch counters other eating places and clubs except when purchased from a school church or hospital in the ordinary course of the activities of such organizations (ii) from persons engaged in the business of catering when in either case the purchase price of the total transaction is more than fifty cents (50c) beverages shall not include soft drinks malt and brewed beverages and spirituous and vinous liquors

Page 9, line 11, by inserting after the word "subdivision" the following: "public authority"; line 12, by inserting after the word "organization" the following: "(H) "Manufacture" the performance of manufacturing or operations which place tangible personal property in a form different from that in which it is acquired and shall include but not be limited to building repairing and making additions to or replacements in or upon vessels designed for commercial use of registered tonnage of fifty tons or more when produced upon special order of the purchaser or when repaired or enlarged or when replacements are made upon order of or for the account of the owner publishing of books newspapers magazines or other periodicals refining exploring mining and quarrying for or otherwise extracting from the earth any natural resources but shall not include constructing altering repairing or improving real estate or repairing or installing tangible personal property."

Page 10, line 12, by striking out the first letter in line "(h)" and inserting in lieu thereof the letter "(i)"; line 14, by striking out the first letter in line "(i)" and inserting in lieu thereof the letter "(j)";

Page 11, line 8, by inserting after the word "Commonwealth" the following: "Nor shall use mean the use of tangible personal property used or consumed directly (i) in the manufacture of tangible personal property or (ii) in farming agriculture horticulture or floriculture engaged in as a business enterprise or (iii) in the producing delivering or rendering of a public utility service use shall not include the interim storage or transportation of tangible personal property purchased outside the Commonwealth of Pennsylvania for use outside the Commonwealth of Pennsylvania."

Page 11, line 19, by striking out the first letter in line "(j)" and inserting in lieu thereof the letter "(k)";

Amend Article 11, page 12, line 10, by striking out after the word "of" the word "two" and inserting in lieu thereof the word "three"; line 11, by striking out after the word "the" the word "sales" and inserting in lieu thereof the word "purchase"; line 11, by striking out after the second word "the" the word "sale"; line 11, by striking out after the word "use" the words "storage or other consumption"; line 13, by striking out after the word "purchased" the words "at retail"; line 14, by striking out after the word "person" the following: "making the purchase" and inserting in lieu thereof the following: "who uses such property"; line 18, by striking out after the word "collected" the following: "If the purchase price is more than ten cents (10¢) two per centum of the purchase price shall be collected" and inserting in lieu thereof the following: "if the purchase price is eleven cents (11¢) or more but less than forty-one cents (41¢) one cent (1¢) shall be collected

(3) If the purchase price is forty-one cents (41¢) or more but less than seventy-one (71¢) two cents (2¢) shall be collected

(4) If the purchase price is seventy-one cents (71¢) or more but less than one dollar and one cent ($1.01) three cents (3¢) shall be collected

(5) If the purchase price is more than one dollar ($1) three per centum of each dollar of purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected

Section 202 Exclusions from tax the tax imposed by section 201 shall not apply with respect to

(a) The use of tangible personal property other than motor vehicles trailers and semi-trailers purchased in an isolated transaction from a person not a seller or from a person who is a seller but is not a seller with respect to the article acquired

(b) The use of tangible personal property purchased by a nonresident person outside of and brought into this Commonwealth for temporary use therein not to exceed a period of five days or while passing therethrough

(c) The use after the effective date of this act of tangible personal property in the fulfillment of contracts for the construction reconstruction remodeling repairing or maintenance of real estate entered into prior to that date which are fixed price agreements not subject to change or modification by reason of the tax imposed by this act provided however that notice of such contract is given by the taxpayer to the department within sixty days after the effective date of this act"

Amend Article, 111, page 15, line 5, by striking out after the word "the" the word "sale"; line 5, by striking out after the word "use" the following: "storage or other consumption"; line 6, by inserting after the word "before" the following: "the thirtieth day after"; line 16, by striking out after the word "after" the following: "the effective date of this act" and inserting in lieu thereof the following: "May 1, 1956"; line 18, by striking out after the word "the" the word "sale"; line 18, by striking out after the word "use" the following: "storage or other consumption";

Amend the Bill, page 16, line 9, by striking out all of Article IV as follows:

Article IV

Prepaid Tax Receipts

Section 401 Cancelling Prepaid Tax Receipts On and after the effective date of this article the payment of the tax shall be evidenced by cancelling prepaid tax receipts equal in face value to the amount of the tax in the manner provided by this article No profit other than the compensation provided for by this act shall accrue to a vendor or other person from the collection of any tax imposed by this act Any person collecting any such tax shall cancel the proper amount of prepaid tax receipts equal in face value to the tax collected for each purchase at retail If the total amount of taxes so collected in any period shall be in excess of two per centum of the sale price of the sales by the person collecting taxes during such period the person shall nevertheless account to the department for the total amount of taxes collected as well as the total amount of prepaid tax receipts cancelled without deducting the amount by which the taxes collected exceed two per centum of the sale price of his sales during such period and without making any other deduction other than the compensation allowed by this act

Section 402 Issuance of Prepaid Tax Receipts The department shall issue prepaid tax receipts in such demominations and classifications as it deems necessary and it shall adopt and promulgate such rules and regulations as it may deem necessary in order to carry out the provisions of this act

Section 403 Distributors The department shall distribute the prepaid tax receipts to any bank or trust company in this Commonwealth which applies for a permit to act as a distributor of prepaid tax receipts to vendors As a commission for handling and distributing the prepaid tax receipts each distributor shall be allowed a commission of one per centum of the total value of stamps sold to vendors Each distributor shall also furnish to the Departments of Revenue and of the Auditor General a semiannual report showing an accounting of such sales It shall be the duty of the Auditor General to conduct audits and make investigations to determine whether or not each distributor makes a proper accounting of the distribution of prepaid tax receipts

Section 404 Purchase by Vendors Each vendor making taxable sales shall purchase and have on hand at all times prepaid tax receipts in suitable denominations and in amounts sufficient to supply the normal requirements of his business A vendor shall procure prepaid tax receipts only from authorized distributors licensed as such by the Commonwealth For the purpose of compensating vendors for the keeping of prescribed records and the proper accounting of taxes and prepaid tax receipts by them such vendors shall be allowed to purchase prepaid tax receipts at a discount of two per centum upon each purchase amounting to twenty-five dollars ($25.00) or more

Section 405 Redemption To encourage the assistance of health welfare charitable religious educational fraternal patriotic and volunteer firemen's organizations and the general public in the collection of the tax the department shall redeem the consumer's or purchaser's portion of prepaid tax receipts at two per centum of the face value when presented in accordance with rules and regulations prescribed by the department in amounts aggregating one hundred dollars ($100) or more

Page 19, line 6, by striking out after the word "Article" the numeral "V" and inserting in lieu thereof the numeral "IV"; line 10, by striking out after the words "Section" the figures "501" and inserting in lieu thereof the figures "401"; line 10, by striking out after the word "Every" the word "licensee"; line 12, by striking out after the word "Section" the figures "502" and inserting in lieu thereof the figures "402"; line 12, by striking out after the second word "section" the figures "501" and inserting in lieu thereof the figures "401"; line 18, by striking out after the word "Section" the figures "502" and inserting in lieu thereof the figures "420";

Page 20, line 11, by striking out after the word "tax" the following: Section 521 Other Times for Returns The department may upon written request authorize a licensee whose books and records are not kept on a calendar basis to file returns at other times than those specified in section 520 and in lieu thereof In no event shall a licensee be permitted to make less than one return during any five week period Except as to the time of filing all the requirements with respect to returns otherwise filed with the department shall be applicable to returns filed under this section."

Page 20, line 20, by striking out after the word "Section" the figures "522" and inserting in lieu thereof the figures "421";

Page 21, line 5, by striking out after word "Section" the figures "523" and inserting in lieu thereof the figures "422"; line 10, by striking out after the word "Section" the figures "530" and inserting in lieu thereof the figures "430"; line 13, by striking out after the word "Section" the figures "531" and inserting in lieu thereof the figures "431"; line 14, by inserting after the word "act" the following: "and collected by a licensee"; line 16, by striking out after the third word "the" the following: "sales or purchase" and inserting in lieu thereof the following: "purchases";

Page 22, line 4, by inserting after the word "year" the following: "(c) Other payments Any person other than a licensee liable to pay any tax under this act shall remit the tax at the time of filing the return required by this act."

Page 22, line 9, by striking out after the word "Section" the figures "532" and inserting in lieu thereof the figures "432"; line 11, by striking out after the word "section" the figures "520" and inserting in lieu thereof the figures "420"; line 13, by striking out after the word "Section" the figures "533" and inserting in lieu thereof the figures "433"; line 15, by inserting after the word "return" the following: Section 434 Commissions The licensee shall be entitled to apply and credit against the amount of tax payable by him an amount equal to two per centum of the gross tax collected by him to cover his expense in the collection and remittance of said tax provided however that nothing contained in this section shall apply

to any licensee who shall fail or refuse to file his return with and pay the tax to the department within the time prescribed

Page 23, line 8, by striking out after the word "Section" the figures "540" and inserting in lieu thereof the figures "440"; line 11, by striking out after the word "Section" the figures "541" and inserting in lieu thereof the figures "441";

Page 24, line 12, by inserting after the word "licensee" the following: "(d) Authority to establish effective rates by business classifications if a return required by this act is not filed or a return when filed is incorrect or insufficient the amount of tax due shall be determined by the department from such information as may be obtainable

"The department is authorized to make the studies necessary to compute effective rates by business classification based upon the ratio between the tax required to be collected and taxable sales and to use such rates in arriving at the tax liability of a licensee

"Any assessment based upon effective rates established by the department shall be binding upon the taxpayer unless such assessment is appealed in accordance with the provisions of this act."

Page 25, line 10, by striking out after the word "Section" the figures "542" and inserting in lieu thereof the figures "442"; line 12, by striking out after the word "petition" the following: "or to appear and be heard"; line 17, by striking out after the word "reassessment" the following: "or to appear and be heard";

Page 26, line 4, by striking out after the word "petition" the following: "If no petition for reassessment has been filed with the department but the licensee has given due notice of an intention to appear and be heard he may appear at the hearing and present his petition orally in which event all statements of fact at the hearing shall be made under oath or affirmation."

Page 26, line 15, by striking out after the word "Section" the figures "543" and inserting in lieu thereof the figure "443";

Page 27, line 14, by striking out after the word " Section" the figures "544" and inserting in lieu thereof the figures "444";

Page 28, line 3, by striking out after the word "Section" the figures "545" and inserting in lieu thereof the figures "445"; line 6, by striking out after the word "Section" the figures "546" and inserting in lieu thereof the figures "446"; line 11, by striking out after the word "the" the word "sale"; line 12, by striking out after the word "use" the following: "storage or other consumption";

Page 29, line 17, by striking out after the word "Section" the figures "547" and inserting in lieu thereof the figures "447";

Page 30, line 15, by striking out after the word "Section" the figures "548" and inserting in lieu thereof the figures "448";

Page 32, line 8, by striking out after the word "Section" the figures "550" and inserting in lieu thereof the figures "450"; line 13, by striking out after the word "Section" the figures "551" and inserting in lieu thereof the figures "451"; line 14, by striking out after the word "section" the figures "550" and inserting in lieu thereof the figures "450"; line 18, by striking out after the word "Section" the figures "560" and inserting in lieu thereof the figures "460";

Page 33, line 1, by striking out after the second word "the" the word "annual"; line 2, by striking out after the word "section" the figures "520" and inserting in lieu thereof the figures "420"; line 7, by striking out after the word "Section" the figures "561" and inserting in lieu thereof the figures "461"; line 10, by striking out after the word "Section" the figures "562" and inserting in lieu thereof the figures "462"; line 14, by striking out after the word "Section" the figures "563" and inserting in lieu thereof the figures "463";

Page 34, line 4, by striking out after the word "Section" the figures "564" and inserting in lieu thereof the figures "464"; line 15, by striking out after the word "Section" the figures "570" and inserting in lieu thereof the figures "470";

Page 35, line 6, by striking out after the word "Section" the figures "571" and inserting in lieu thereof the figures "471"; line 7, by striking out after the word "section" the figures "501" and inserting in lieu thereof the figures "401"; line 9, by striking out after the word "filing" the following: "unless it is shown that such failure is due to reasonable cause and not due to wilful neglect";

Page 36, line 7, by striking out after the word "section" the figures "541" and inserting in lieu thereof the figures "441"; line 10, by striking out after the word "section" the figures "531" and inserting in lieu thereof the figures "431"; line 12, by inserting after the word "assessment" the following: "(d) Uncollectible checks whenever any check issued in payment of any tax assessment or for any other purpose shall be returned to the department as uncollectible the secretary shall charge a fee of five dollars ($5) plus all protest fees to the person presenting such check to him to cover the cost of its collection."

Page 36, line 20, by striking out after the word "Section" the figures "572" and inserting in lieu thereof the figures "472";

Page 37, by inserting after the word "evade" the word "circumvent"; line 12, by striking out after the word "section" the figures "571" and inserting in lieu thereof the figures "471"; line 14, by striking out after the word "Section" the figures "573" and inserting in lieu thereof the figures "473";

Page 39, line 13, by striking out after the word "Section" the figures "580" and inserting in lieu thereof the figures "480";

Page 40, by striking out after the word "Section" the figures "581" and inserting in lieu thereof the figures "481"; line 10, by striking out after the word "Section" the figures "582" and inserting in lieu thereof the figures "482"; line 12, by striking out after the word "any" the word "lincensee" and inserting in lieu thereof the word "taxpayer"; line 17, by striking out after the word "such" the word "licensee" and inserting in lieu thereof the word "taxpayer";

Page 41, line 8, by striking out after the word "Section" the figures "583" and inserting in lieu thereof the figures "483"; line 17, by striking out after the word "Section" the figures "584" and inserting in lieu thereof the figures "484";

Page 42, line 1, by striking out after the word "section" the figures "583" and inserting in lieu thereof the figures "483"; line 11, by inserting after the word "act" the following: "Section 485 Bonds (a) where the secretary in his discretion deems it necessary to protect the revenues to be obtained under the provisions of this act he may require any taxpayer to file with him a bond issued by a surety company authorized to do business in this Commonwealth and approved by the Insurance Commissioner as to solvency and responsibility in such amounts as the secretary may fix to secure the payment of any tax or penalties due or which may become due from such taxpayer in the event that the secretary determines that a taxpayer is to file such a bond he shall give notice to such taxpayer to that effect specifying the amount of the bond required the taxpayer shall file such bond within five days after the giving of such notice unless within such five days the taxpayer shall request in writing a hearing before the secretary at which hearing the necessity property and amount of the bond shall be determined by the secretary such determination by the secretary shall be final and shall be complied with within fifteen days after the taxpayer is given notice thereof."

"(b) In lieu of the bond required by this section securities approved by the secretary or cash in such amount as he may prescribe may be deposited which shall be kept in the custody of the secretary who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due and for that purpose the securities may be sold by the secretary at public or private sale without notice to the depositor."

Page 44, line 10, by striking out after the word "Article" the numeral "VI" and inserting in lieu thereof the numeral "V"; line 12, by striking out after the word "Section" the figures "601" and inserting in lieu thereof the figures "501";

Page 45, line 1, by striking out after the word "Section" the figures "602" and inserting in lieu thereof the figures "502"; line 7, by striking out after the word "Section" the figures "603" and inserting in lieu thereof the figures "503"; line 11, by striking out after the word "Section" the figures "604" and inserting in lieu thereof the figures "504" line 12, by striking out after the word "effect" the words "immediately upon" and inserting in lieu thereof the word "the day following"; line 12, by striking out after the word "enactment" the following: "but the provisions of Article IV shall not be operative until ninety days after final enactment" inserting in lieu thereof the following:

The rate of tax imposed by section 201 Shall be two per centum of the purchase price on and after June 1, 1957 and shall be computed as follows

(1) If the purchase price is ten cents (10¢) or less no tax shall be collected

(2) If the purchase price is eleven cents (11¢)) or more but less than sixty-two (62¢) one cent (1¢) shall be collected

(3) If the purchase price is sixty-two cents (62¢) or more but less than one dollar and one cent ($1.01) two cents (2¢) shall be collected

(4) If the purchase price is more than one dollar ($1) two per centum of each dollar of the purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House concur in the amendments made by the Senate

On the question,

Will the House agree to the motion?

Mr. READINGER. Mr. Speaker, the bill before us for concurrence in Senate amendments is the Senate-written version of the sales tax bill.

The estimated yield from this bill is about $322 million. As you know, the Senate added several categories of taxable items to this bill as it had passed the House. It also removed from the bill the Ohio stamp tax plan method of collection.

The House, when it originally passed this bill, had given it a lot of thought. It was, as you know, a part of the compromise tax package. The rest of that package has now been scrapped by the Senate and they have seen fit to write the bill as it now appears before us for concurrence in their amendments.

We have been here about fourteen months now, and the state is certainly on the verge of bankruptcy, if it is not already bankrupt, in a broad sense.

I am asking the Members of the House today to vote for these amendments. We do not like the bill, we said so before, but apparently it is the best we can get from the State Senate and we have to have money.

I do not know what the actual amount of loss is per day every day we do not have this bill, or some bill like it, on the books. I am told it runs somewhere in the vicinity of $750 thousand per day, and, as you well know, you cannot go back and tax people for a past period under a sales tax. It can only be collected while it is in effect.

I say we do not like this bill any more than we like any sales tax bill before. Our party has taken a very definite position against raising this kind of money with a sales tax, but I am not going to repeat, and repeat, and repeat, what has been said before. I think the public knows our position on it, and since this is apparently all we are going to get from the state Senate by way of a tax measure to raise some $322 million, I am asking the Democrats and the Republicans to vote for these amendments and get this bill on the Governor's desk.

Mr. CHARLES C. SMITH. Mr. Speaker, I must apologize today for my voice because it has been breaking. It is not breaking because of emotion and I would like that definitely understood.

If the Majority Leader thinks that we like this tax plan he has another think coming his way. Where he got his idea that it was the best that the Senate would produce and the only one that the Senate would produce, must have come from the Minority Leader in the Senate in his conference with the Chair. If that is a fact, no man in the Senate to this point as a Republican, has notified me that we either take this or else. I think if that was their attitude they would tell me, at least I am the Minority Leader of the Republican party. There has been no Republican at this point saying "It is going to be this or else".

We do not like this plan. We do not like it for two reasons. We do not like it because it is placing a tax on consumer's bills. If you can tell me how this bill is written that it is a tax on tangible property, I wish you would do so. If a telephone call in your estimation is tangible property, I do not know what tangible property is. It is no more tangible property than air or something else is tangible property that you cannot touch.

We are only suggesting two things. We are going to ask this House and you Members on that side of the House to non-concur for only two reasons, to make it a bill that at least you might like a little bit better, and to make it a bill that we feel is a much fairer bill for the people of Pennsylvania.

As far as loss of revenue is concerned let me assure you that in our plan definitely the tax will bring in approximately $2.5 million more than the way it is written today.

Let me just go into what we are proposing so that the Members of this House may understand. We are proposing a very simple change. It definitely will not cost the administration one penny, as I said, it is going to actually bring in $2 million more revenue than the present bill.

First, we are completely opposed to placing a tax on the necessities of life, such as fuel, electric light, telephone and telegraph service in a sales tax bill. It is not tang ible property as far as telephones, electric light or telegrams are concerned. I ask you who can touch a telephone call? Can you? You touch the instrument, you do not touch the call. Who in God's name believes that a telephone call is tangible property? In the first place you people on the other side of the House, I am rather amazed that you would ask to concur in such a tax, because if you do not want a broad base tax, you are certainly getting it in this.

There is nobody, who doesn't find it necesesary to have a telephone, to have electric service, to have gas service. If they are not necessities of life, let me say to you, I do not know what is. You do not have to go out and

buy an article that has a sales tax on it if you do not want to, but let me see you do it in any of those categories. It is impossible.

The Economy League gave us these figures. They are not our figures. We would like to drop that entire section. We do not believe it is fair to the people of the Commonwealth to impose a tax such as that, that is, Section 13 of the present bill.

These figures were given to us by the Pennsylvania Economy League. They say that dropping this one section will reduce the revenue by approximately $25 million in the next fourteen months. They are not our figures. They are the figures of the Economy League, of whom you spoke so highly, of whom the Governor spoke so highly, and which certainly is an unbiased party.

How will we make that $24 million or $25 million up? Well, here is the way we will make it up. We are not going to tax something else to make it up. We are going to insert the Ohio plan of collection. It is a modified Ohio plan. What would this do? All right, let me explain it.

Under the bill as it passed the Senate, sales tax collections for the last month in this biennium will be paid into the State Treasury in the next biennium. That is under the present tax bill. If we go along with the plan that is now in the bill, you do not collect the tax, as you well know, until a month later. Therefore, you are losing a month in this biennium.

That month's take, if we want to call it that, will be approximately $23 million. Under the Ohio plan of a prepaid stamp, and keep that in mind, the stamps are prepaid by the vendor and the state would receive the money in this biennium. The state would not receive it in June, they would get it in this biennium. More than that, the stores and the merchants will have to have a supply of stamps on hand at all times. They have to be open for business as of the first of the month, so they buy more stamps for June 1st. So you are not only pushing some of June collections in there but you are also pushing in all of May's collections. So you are saving the same $25 million and you are not putting it on the people of the Commonwealth in a tax on telephones.

We estimate conservatively that at least one third of the tax will be paid by the public in June of 1957. This will be prepaid in this biennium. This is approximately another $8 million or a complete total of about $31 million.

I know somebody is going to come up and tell me how costly the Ohio plan is. Let me give you what the additional costs are. You have the cost of printing, and these figures came from the Economy League, of approximately $500 thousand for stamps; you have the cost of redeeming the tax stamps for one year at two per cent.

If every stamp is turned in that would be approximately $5 million that the Economy League says, and by experience in Ohio only fifty per cent of the stamps are redeemed. Therefore, you would have a cost of $2,500 thousand, approximately on that.

In addition to that we believe that the percentage of collections will go up. So that your collection will total five to ten per cent better. Many people have said, how do I know that that money is going to the state under the old plan? How do they know that it is going to the state under the plan sent to us by the Senate? They do not know that now any more than they did a year ago when the old tax plan was in effect.

Today with the Ohio tax plan, when that merchant gives you a stamp, you know that money is going into the state; you have no doubt in your mind. So your collections are bound to go up—I do not know, maybe one per cent, two per cent, but they are certainly not going down. I can assure you of that.

We like this plan because it is what the people of Pennsylvania have been talking about, if they get a sales tax. We like it because it eliminates a tax on the people to heat their homes, to light their homes with electricity, to operate their home appliances, and to cook their food, and also there will be no state tax on telephone service and telegram service. We do not know how it even would be collected. As you know, the telephone service cannot collect a tax on toll calls because of a court decision. You are going to put an additional burden on industry. You do not know what it is going to bring in and the people of the state do not want a tax on those services. Believe me, it is not a sales tax.

I can say to you if we put through today this Ohio plan with the 13th Section out, you will not lose a cent of money. You are going to gain money.

It is to your advantage to vote for it. Send it to a Conference Committee. They will solve it at a Conference Committee and you will have a decent tax bill that perhaps some of you would be able to vote for.

Mr. READINGER. Mr. Speaker, the gentleman's amazement that I should ask the Membership to concur in these amendments is only equaled by my delight in hearing him criticize something that his colleagues in the Senate have foisted upon us.

None of us in the House knew to the best of my knowledge, that the state Senate was going to amend this bill to include a tax on some of the basic necessities of life such as electricity and gas.

Let me assure him that we do not like that feature any better than he does, but when somebody does not like part of a bill which raises a very substantial amount of money, he should be prepared to suggest some substitute for it.

The gentleman suggests as a substitute the change to the Ohio stamp plan. Many of us on this side in the past have opposed the use of a stamp plan. We voted for the bill, some of us, with that plan in it because it was the only way to get the bill passed.

Sometime ago I stated that I had written to the Ohio State Tax Commission, Stanley Bowers, asking for information concerning the operation of the plan in Ohio. By the way, Ohio is the only one in about thirty-six states with sales taxes that uses that plan. Mr. Bowers did send me a lot of information on it indicating that over the years they have found it was a very costly way of collecting their sales tax, and furthermore, that the self-policing aspect of it, the whole basic philosophy back of it, was not being carried out.

The Minority Leader has just stated that only about fifty per cent of the stamps which are purchased by the sellers and apparently handed out to the buyers are ever turned in for redemption. That is probably true, but the facts in Ohio also show that for a period of four or five months the purchase of stamps by the sellers will run along in accordance with the national trend of the market,

and then in June and December the purchase of those stamps will skyrocket five or more times out of the ordinary course. This indicates that when the merchants file their semi-annual reports they look over their records and see they sold $100,000 worth of merchandise, but during that time they have only bought $50,000 worth of stamps, so they run down and buy the stamps. The state gets the money, sure, because the merchants want to be honest, they want their stamps to match the amount of sales they have made, but it must necessarily indicate that the merchants are not handing the stamps out to the people as the sales are made. If they were handing them out, there would not be any skyrocketing of purchases in June and December.

We know too from the Ohio state records that the cost of collection out there has been between five and one-half and six per cent of the amount collected, and we know by comparison with other sales tax states that the average cost of their collection is two per cent.

The gentleman may be right in saying this will only cost us $2.5 million for redemption, and so forth, but I do not think we should adopt a plan which even Ohio's officials are trying to reject if we are going to have a sales tax in Pennsylvania. The Ohio Tax Commissioner very emphatically states that the best method of collection is to have a lot of good field auditors to check the merchants who are supposed to pay these taxes and to set up the most efficient method of collection.

There are some of us on this side, including myself, who would have been willing to substitute as a means of offsetting the revenue loss we would suffer if we took the utility consumers out a tax on some clothing, but I remember the gentleman from Philadelphia, the Minority Leader, very emphatically stating if clothing were included in the sales tax there would not be any votes on that side for a sales tax bill.

So there we have the dilemma. We need a certain amount of money. The Senate says in order to get it we are going to impose a tax on the consumers of utilities, and now the gentleman on the other side tells us there will be no votes for this bill as it is now written unless we take the utility consumers out. So we are back in the same old dilemma we were in before.

I have suggested we concur in these amendments because to the best of my knowledge the Senate is going to insist they be kept in the picture and they are also going to insist that the Ohio stamp plan be kept out.

If the gentleman in the minority decide to vote against these amendments and there is no concurrence, this bill of necessity will go into a conference committee. I certainly hope that we can iron out our differences if it does go there, because we do not want to lose money at the rate of $750,000 a day.

Mr. CHARLES C. SMITH. Mr. Speaker, I just cannot quite go along with the Majority Leader's thinking.

I think he has been around these legislative halls a few more years than I have. He is telling us all about the state officials in Ohio and he is telling us about the Revenue Department in Ohio, that they do not like it and the Governor does not like it. I do not give a darn and neither do the people of Ohio. They have a legislature in Ohio, why don't they change it? You know why. They do not dare change it. What do they care what the officials think, the people like the tax. That is the only reason it is not changed. He knows that.

If this is such an obnoxious tax plan, their Legislature acts the same as we do, they are people like we are, but the pressure is so great on the Legislature they do not dare change it. That is the truth and he knows it. They do not dare change the tax plan in Ohio because the people like it.

The gentleman says they run down and purchase stamps. Well, perhaps they do. But what difference does it make when they purchase the stamps as long as the state gets the money? I do not care when they purchase the stamps, if they do it before they audit or after they audit, as long as the state does not lose the money, and I do not think you do either. That is what we are after, isn't it? We are trying to have the state get as much of a 100 per cent dollar as we can. What do you want, a fifty per cent dollar, a forty per cent dollar, or a 100 per cent dollar? Let us try and get them a 100 per cent dollar. That is what we are after. This bill, regardless of what the gentleman says, with the Ohio plan will bring in more money than as it is written today, and he knows it.

He says that the Senate is going to insist on their amendments. Well, I have no news from the Senate, evidently the Majority Leader is better informed than I am, but I am going on record right now and state that the Republican House Caucus gave me permission to say that we are going to insist on the Ohio plan with Section 13 taken out. That is what we are insisting on. Forget the Senate.

Mr. READINGER. Mr. Speaker, I do not want to belabor the point relative to the method of collection, but since the Minority Leader has raised the question of why they do not get rid of the stamp plan in Ohio, I think I can tell him why.

Over the years they have had it, I think since 1935, stamps have been redeemed to the extent of many, many mililons of dollars, at first by charitable and educational institutions, and I think now under their present law by anybody who brings in a hundred dollars worth of stamps or units of a hundred dollars. Who would not want to keep that plan if they were getting the money?

I imagine there is a very powerful lobby in the state of Ohio now to influence people and legislators to keep the plan because of the beneficial results to the various organizations. If we get into the position where we can give out five, six, seven, eight million dollars to institutions of that kind, I think we should give it to them. But today when we are trying to find money to finance schools, hospitals and other things, I do not like to see us enter into any agreement whereby we are going to subsidize various other groups.

However, I dare say if the amendments to this bill are not concurred in and it goes into a conference committee, I think the gentleman on the minority side, the Minority Leader, will find that we on this side will be inclined to take the bill any way your party wants to write it.

Mr. LOVETT. Mr. Speaker, I would like to interrogate the Minority Leader.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Smith, permit himself to be interrogated?

Mr. CHARLES C. SMITH. I shall, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, I will be very fair with the gentleman. His voice is not in very good shape and

my own it not in very good shape, so let's be fair with one another today.

I would like to ask the gentleman why he feels he can get the Senate to agree in a conference report, when it seems to me he is not on speaking terms with the Senate of Pennsylvania? What grounds does he have to assure the Members on this side of the House, or the people of Pennsylvania that we will be able to carry on the duties of the state of Pennsylvania if we allow this bill to go to a conference committee?

Mr. CHARLES C. SMITH. I think, Mr. Speaker, in answer to the gentleman, under the legislative processes in the House and the Senate under which we operate it is not necessary for either house to know what is going to happen. I believe a conference committee is appointed for that one purpose, to sit down and discuss things across the table. I believe that is a method of arbitration which is being used and it works for labor. It certainly has worked in the past here. We have gone into conference committee and come out with ideal bills, as the gentleman knows. The only reason I think the people might be on our side is exactly what the Majority Leader just said, that evidently in Ohio they have a very excellent people's lobby. I am quite sure, when the people of Pennsylvania know what this Republican House is fighting for, the people's lobby will be on our side.

Mr. LOVETT. Mr. Speaker, may I ask the gentleman as to the amendments he is suggesting in this bill, does he think it would have been possible to have those very simple amendments agreed to over in the Senate of Pennsylvania? Has he tried at all to have these amendments taken care of in the Senate of Pennsylvania?

Mr. CHARLES C. SMITH. Mr. Speaker, it is rather difficult to answer that because the bill which was sent to the Senate—I believe I am right—had these amendments in it, at least, it had the Ohio tax plan, and we did not tax consumers' services.

Mr. LOVETT. Mr. Speaker, did the gentleman talk with the Senators on the amendments they made to our bill, your bill, I might say, that was sent to the Senate of Pennsylvania? Did they call the gentleman in, or did they call in any of his Republican colleagues?

Mr. CHARLES C. SMITH. Mr. Speaker, all I can do is speak for myself. I was not informed as to what the Senate was going to do, and I believe that is right. I believe we act as independent bodies. At least, if we did not in the past, I think it is about time this House stood on its feet and acted as one.

Mr. LOVETT. Mr. Speaker, the gentleman would not say there were not any Members of his party consulted on the changes?

Mr. CHARLES C. SMITH. Mr. Speaker, I cannot speak for the Members of my party any more than the gentleman can. I can only speak for myself. I was not consulted on any of these changes.

Mr. LOVETT. Mr. Speaker, is it quite plain to the gentleman now that this is a sales tax bill?

Mr. CHARLES C. SMITH. I would say definitely it is a selective sales tax bill, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, we have agreed on that then. At least, the Governor did not write this bill. The Senate, the Republican Senate of Pennsylvania, wrote the sales tax bill and the gentleman agrees it is a sales tax bill.

Mr. CHARLES C. SMITH. I think the gentleman can carry his statements a little bit further, Mr. Speaker, and say that the Republican House did not write this bill either.

Mr. LOVETT. May I say to the gentleman that I think the Republican House wrote quite a bit of this bill?

Mr. CHARLES C. SMITH. Will the gentleman be a little more explicit and pinpoint the parts that we wrote?

Mr. LOVETT. Mr. Speaker, I don't know whether I could pinpoint so much.

Mr. CHARLES C. SMITH. We have plenty of time, Mr. Speaker. We can listen.

Mr. LOVETT. Mr. Speaker, I want to say to the membership on my side and on the other side of this House that I am not faking. I am being perfectly honest and fair in my decision on this concurrence in the Senate amendment to this bill.

For many months we have labored to try to get some form of a tax bill to protect the people and the institutions of Pennsylvania. I am certainly not pleased with what the Senate accomplished in your sales tax bill you sent to the Senate of Pennsylvania. I certainly am not pleased that they buried our part of the program over in the Senate of Pennsylvania, but they did. They made it a sales tax. The protected the money interests of Pennsylvania, as they have over the years.

Do you recall the last election? Was the sales tax an issue in the last election in Pennsylvania? You recall that it was an issue in Pennsylvania, and it will be an issue again, the sales tax in Pennsylvania. Let that be as it may. Let the people decide whether it is right to put the entire burden of a sales tax on the people of Pennsylvania, whether it should be divided, or whether it should be placed on those best able to pay.

But we will lay that all aside today. After fourteen months we now are faced with a bill amended by the Senate of Pennsylvania and we we find the Members on the other side, who got up and asked us to be statesmen and vote for the legislation, refusing today to concur in the amendments made by their colleagues in the Senate. For what reason?

Day after day the state of Pennsylvania comes nearer and nearer to bankruptcy; day after day the teachers will go without pay. Sooner or later it will happen. That is the problem we are faced with today. I am going to act as a statesman today. Since we find ourselves in this position I plead with you Members on the other side of this House to be statesmen because you have no guarantee when this bill goes to a conference committee that you will get any agreement.

Our Floor Leader stated he has been informed by someone that the Senate will insist on the very things being in the bill that you are trying to take out and on the stamp plan not being in the bill.

Day after day we continue to lose revenue. I say to you that over the years I have fought to get some form of taxation in Pennsylvania other than a sales tax which would put the burden on the backs of the people of Pennsylvania. Today I am forced, I am forced, to concur in the Senate amendments and send this bill to the Governor so that the state of Pennsylvania will be able

to keep its head up and do the things that it should for its people.

Mr. CHARLES C. SMITH. Mr. Speaker, between speaking and some Vick's cough drops I am doing much better.

I enjoyed hearing the statesman, Mr. Lovett, make his very eloquent speech. If he has been taken in and believes that consumers' electric light bills, telephone bills and fuel bills should be taxed, that is certainy his prerogative. I admire him for that, but we do not think that. If he has been taken in by that he could have made that very eloquent speech in his caucus, because if there are 105 more statesmen on his side of the House the bill will not even have to go to a conference committee. Make your speech and convert your 105 statesmen and we will not send it to a conference committee. You have the vote.

The SPEAKER. He tried.

Mr. LOVETT. Mr. Speaker, I want to thank the Speaker for informing the gentleman that I tried, and I tried pretty hard. I am not so sure if some of you boys over on that side got off their high horse I could get a lot of my friends over here to maybe agree and go along.

The gentleman said that if I have changed my mind and I would like to put the tax on the gas that the people use, and the phone calls that the people make, and the electricity that the people use, he knows well enough that I do not like it. Over the years he knows that I do not like it because I have continually stood here and shouted: "Let's be fair!" "Let's put the tax on the people best able to pay in Pennsylvania." But his colleagues in the Senate are those who control—his colleagues in the Senate do not agree, and as I said, only in the last ditch stand must I now bow before that power that be and say to them, "Yes, you put the tax on the people of Pennsylvania, those least able to pay." We will find out at the next election whether or not you were wrong or whether you were right.

I want everybody to understand that I am pleading for you to do this, to concur in these amendments of the Senate so that we can get the revenue to help the state of Pennsylvania keep its head up and take care of its institutions and do the things that it should do.

Mr. LIPPINCOTT. Mr. Speaker, I desire to interrogate the Majority Leader.

The SPEAKER. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. LIPPINCOTT. Mr. Speaker, does the gentleman take the position that the bill as amended by the Senate is a bill for which the Republican party in the Senate alone is responsible?

Mr. READINGER. I do.

Mr. LIPPINCOTT. Then do we assume that as far as the responsibility in the House is concerned, since the Democratic party apparently is not willing to permit the Republican party to have any say in it in the House, that the Democrats are assuming full responsibility for the bill as amended in the House?

Mr. READINGER. We are not.

Mr. LIPPINCOTT. Well, then, if you are not assuming the responsibility for it, why are we not permitted to have our share in the responsibility?

Mr. READINGER. You are permitted to, you can vote against the motion, as I expect you will.

Mr. LIPPINCOTT. Has the gentleman any indication as to whether the Governor will sign the bill as amended by the Senate?

Mr. READINGER. I have no information on that subject.

Mr. LIPPINCOTT. I thank the gentleman, Mr. Speaker.

The SPEAKER. Does the gentleman from Berks, Mr. Readinger desire to be recognized again?

Mr. READINGER. I do, Mr. Speaker.

The SPEAKER. The gentleman from Berks, Mr. Readinger, will proceed.

Mr. READINGER. Mr. Speaker, as I look around and see no statesman here, I suggest we vote on the question before the House.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—29

Boles,	Hass,	Ogilvie,	Stank,
Cianfrani,	Kamyk,	Olsen,	Swartz,
Cochran,	Leiby,	Paulhamus,	Thompson,
Cooper,	Lovett,	Petrosky,	Wargo,
Flynn,	McCann,	Renwick,	Wheeler,
Frank,	McWherter,	Rudisill,	Ziegler,
Garlock,	Mihm,	Snider,	Andrews,
Goldstein,			Speaker

NAYS—163

Adam,	Frascella,	Lutty,	Royer,
Agnew,	Frost,	Magee,	Sarraf,
Amarando,	Gaffney,	Markley,	Scarcelli,
Anderson, M. S.,	Gelfand,	Maxwell,	Schuster,
Anderson, S. A.,	George,	McCormack,	Sherman,
Ashton,	Gibb,	McGee,	Sigman,
Auker,	Gibson,	McInroy,	Smith, C. C.,
Banker,	Gramlich,	McLaughlin,	Smith, Wm. B.,
Barnatovich,	Greenwood,	Meholchick,	Stebbins,
Bazin,	Guss,	Metz,	Steckel,
Bell,	Guthrie,	Mikula,	Stephens,
Blair,	Hamilton, R. K.,	Miller,	Stevenson,
Bonner,	Haudenshield,	Mills,	Stone,
Boory,	Helm,	Moody,	Stoner,
Bower,	Henzel,	Moran,	Strausser,
Branca,	Hewitt,	Moscrip,	Stroup,
Breisch,	Hocker,	Muldowney,	Taylor,
Brennan, A. P.,	Holt,	Mullen,	Thomas,
Brennan, J. J.,	Horst,	Munley,	Toll,
Brenninger,	Houk,	Murphy,	Tompkins,
Breth,	Isaacs,	Murray, H. P.,	Toomey,
Brown,	Jenkins,	Murray, J. J.,	Varallo,
Bucchin,	Johnson,	Murray, P. G.,	Varner,
Bullen,	Jones, T. H. W.,	Musto,	Vaughan,
Capano,	Jump,	Naugle,	Verona,
Cioffi,	Kehler,	Needham,	Wall,
Curwood,	Keller,	O'Neil,	Wallace,
Davis,	Kent,	Pacchioli,	Walsh,
Donahue,	Kline,	Parry,	Waterhouse,
Donaldson,	Knecht,	Pashley,	Weidner,
Dougherty,	Kolankiewicz,	Pettigrew,	Welsh,
Down,	Kooker,	Polaski,	Whitenight,
Ehrgood,	Kromer,	Polen,	Willaredt,
Ellberg,	Lafore,	Pomeroy,	Williams,
Eshleman,	Leisey,	Price,	Wilt,
Ewing,	Leonard,	Pursley,	Wood,
Farabaugh,	Leven,	Readinger,	Worley,
Filo,	Light,	Reibman,	Yetter,
Fineman,	Limper,	Reidenbach,	Yetzer,
Flint,	Lippincott,	Rigby,	Young,
Foster,	Lopresti,	Rovansek,	

NOT VOTING—15

Comer,	Heavey,	Lawyer,	Rosen,
Connelly,	Jones, G. E.,	Mahan,	Rubin,
Erb,	Kornick,	McKeever,	Wescott,
Floyd,	Kratz,	Monroe,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETUTNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2010.

An Act imposing a tax on the occupancy of rooms in hotels inns motels tourist homes houses or courts lodging houses and rooming houses defined herein as hotels prescribing the manner of collecting the tax providing for licenses imposing duties on and prescribing powers of the Department of Revenue and fixing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 1, line 1, by striking out after the word "on" the following: "persons engaged in the business of operating" and inserting in lieu thereof the following: "the occupancy of rooms in"; line 2, by striking out after the word "inns" the words "apartment hotels"; line 3, by striking out after the word "homes" the following: "restaurants cafes public eating places public drinking places clubs and catering establishments" and inserting in lieu thereof the following: "houses or courts lodging houses and rooming houses defined herein as hotels"; line 7, by striking out after the word "tax" the following: "measured by gross receipts from sales of food drinks and lodgings" and inserting in lieu thereof the words "providing for licenses";

Page 2, by striking out all of lines 1 to 17 inclusive and pages 3, 4, 5, 6, 7, 8, 9, and page 10, lines 1 to 8 inclusive as follows: "Section 1 This act shall be known and may be cited as the "Gross Receipts Tax on Hotels Eating and Drinking Places"

Section 2 For the purpose of this act

(1) "Person" means any natural individual firm partnership association joint stock company corporation or a receiver trustee executor conservator or other representative appointed by order of any court

(2) "Department" means the Department of Revenue of this Commonwealth

(3) "Taxable" or "taxpayer" means any person upon whom a tax is imposed under the provisions of this act

Section 3 (a) A tax is imposed upon the persons engaged in the business of operating hotels inns apartment hotels motel tourist homes public restaurants cafes lunch counters and other public eating or drinking places and clubs and those engaged in the business of caterers The rate of tax shall be two per centum upon the gross receipts from the retail sales of lodgings and of beverages and food sold for consumption on the premises

(b) Each person subject to the tax shall pay the same to the department in accordance with the provisions of this act and at his discretion may collect from each purchaser the proportionate part of the tax calculated on the price of the purchase

(c) The tax imposed by this act shall not apply to gross receipts of colleges schools hospitals or churches from sales made in the ordinary course of their business or activities including school cafeterias and church suppers

Section 4 On and after July 1 1956 it shall be unlawful for any person to engage or continue to engage in any business taxable under the provisions of this act in this Commonwealth without a certificate of registration from the department Application for a certificate of registration shall be made to the department upon forms furnished by it

Section 5 On or before the fifteenth day of April 1956 and on or before the fifteenth day of each third month thereafter every person engaged in a business taxable under the provisions of this act shall make quarterly a return to the department signed by him and stating

(1) His name and the name under which the business is conducted

(2) His address and the address of his place of business

(3) Total amount of gross receipts from sales made during the preceding three calendar months or that part thereof following the date this act became effective

(4) Total amount of gross receipts from sales made during the preceding three calendar months on which no tax is imposed under the provisions of this act

(5) Total amount of gross receipts from sales made during the preceding three calendar months on which a tax is imposed under the provisions of this act

(6) The amount of tax due on the gross receipts from sales made during the quarterly period covered by the report

(7) Such other information with respect to the business as the department may reasonably require

Where the taxable is a corporation the return made on behalf of such corporation shall be signed by the president vice president secretary or treasurer or by the properly accredited agent of such corporation

The person making the return herein provided for shall at the time of making such return pay to the department the amount of tax herein imposed

Any person making a false return shall be guilty of perjury to the same extent as though the return had been sworn to

Section 6 Any person engaged in a business taxable under this act who is at the same time engaged in any other kind of business occupation or profession not taxable under this act shall keep books to show separately the transaction used in determining the tax base herein taxed In the event of such person failing to keep such separate books or records there shall be levied upon him a tax based upon the entire gross receipts of both or all of his business

Section 7 The department may upon written request authorize a taxpayer whose books and records are not kept on a calendar month basis or whose business is operated only during certain seasons of the year to file returns at other times than those herein specified and in lieu of such returns Except in the case of a seasonal business no taxpayer shall be permitted to make less than four returns during a year

Section 8 The department may on written application and for good cause shown extend the time for making any return required by this act The time for making any return shall not be extended more than one month

Section 9 A tax due and unpaid under this act shall be a debt due the Commonwealth It shall be a personal obligation of the taxpayer and shall be a lien upon all of the property of the taxpayer The lien shall have priority over all other liens and obligations except those due the United States

A taxpayer who fails to file his return and remit the tax at the time required by this act shall in addition to all other penalties pay a penalty of six per centum of the amount of the tax due for the period reported For each succeeding thirty days elapsing before payment there shall be added an additional penalty of one per centum If the taxpayer is an association or corporation the officers thereof whose duty it is to make the return and pay the tax shall personally be liable jointly and severally for any default on the part of the corporation

Section 10 A lien for taxes under this act shall attach when the obligation to pay the tax to the department accures The lien shall be enforceable by the department as any other lien against the property of a debtor

Section 11 In the distribution voluntary or compulsory in receivership bankruptcy or otherwise of the property or estate of any persons all taxes due and unpaid under

this act shall be paid from the first money available for distribution in priority to all claims and liens except taxes and debts due the United States Any person charged with the administration or distribution of any such property or estate who shall violate the provisions of this section shall be personally liable for any taxes accrued and unpaid under this act which are chargeable against the person whose property or estate is in administration or distribution

Section 12 A person engaging at two or more locations in the same business or businesses of like character taxable hereunder shall file consolidated returns covering all such business activities engaged in within this Commonwealth

Section 13 A person liable for the tax imposed hereunder shall keep records render statements make returns and comply with the rules and regulations that the department may from time to time prescribe The department may require such records statements or returns upon notice from any person in order to determine whether he is liable to the tax hereunder The department may require preservation of records for a period not to exceed five years and may at any time through its authorized agents inspect all books and accounts of the taxpayers including banking accounts which in any way enter into the record of the business out of which the tax imposed herein arise

Section 14 If the department has reason to believe that the tax imposed by this act is insufficiently returned by a taxpayer either because the taxpayer has failed or refused to make a return or has made an incomplete return or has made a return which is deficient or otherwise erroneous it may proceed to determine the amount of the tax for which the taxpayer is liable The department may make such audits and investigations and take such evidence and testimony as it shall deem necessary for the purpose of its investigation

As a result of its investigation the department may assess the amount of tax which it finds to be due After ten day's notice in writing to the persons assessed the department may proceed to collect the tax

Section 15 A nonresident person or foreign corporation engaged in a business within this Commonwealth in the conduct of which the tax levied by this act becomes due shall keep within this Commonwealth adequate records concerning the operation of the business

Section 16 The department shall keep full and accurate records of all moneys received by it It shall preserve all returns filed hereunder for five years

Section 17 Unless in compliance with a judicial order or as may be required by the proper administration hereof the department its agents and employes shall not divulge facts or information obtained in the administration hereof

Section 18 The department shall have the authority to promulgate and enforce reasonable rules and regulations necessary to the administration and enforcement of this act

Section 19 Except as herein otherwise provided a person who wilfully violates any of the provisions of this act or any lawful rule or regulation promulgated under it shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not less than fifty dollars ($50) nor more than three hundred dollars ($300) for the first offense and for any second or subsequent offense shall be sentenced to pay a fine not less than five hundred dollars ($500) nor more than five thousand dollars ($5000) and to undergo imprisonment not to exceed two years either such fine or imprisonment or both in the discretion of the court

Section 20 All taxes interest and penalties received recovered paid or collected under the provisions of this act shall be paid by the department into the General Fund of the State Treasury for use for general State purposes

Section 21 The tax herein imposed shall be in addition to all other occupation or privilage taxes imposed by the Commonwealth of Pennsylvania or by any political subdivision thereof

Section 22 This act shall take effect immediately."

and inserting in lieu thereof the following:

Article I

Preliminary Provisions

Section 101 Short title this act shall be known and may be cited as "The Hotel Occupancy Tax Act"

Section 102 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

(1) "Department" the Department of Revenue of this Commonwealth

(2) "Hotel" a building or buildings in which the public may for a consideration obtain sleeping accommodations the term shall include inns motels tourists homes houses or courts lodging houses and rooming houses

(3) "Occupant" a person who for a consideration uses possesses or has a right to use or possess any room or rooms in a hotel under any lease concession permit right of access license or agreement the term shall not include a permanent resident

(4) "Occupancy" the use or possession or the right to the use or possession of any room or rooms in a hotel for any purpose or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms the term shall not include occupancy by a permanent resident

(5) "Operator" Any person operating a hotel

(6) "Permanent Resident" any occupant who has accupied or has had the right to occupancy of any room or rooms in a hotel for at least thirty consecutive days

(7) "Person" any natural person firm partnership association corporation fiduciary or other entity operating a hotel whenever used in any provision of this act which prescribes or imposes a fine or imprisonment or both the term "person" as applied to a firm partnership or association shall include the members thereof and as applied to a corporation the officers thereof a firm partnership association of a corporation may be subjected as an entity to the payment of a fine

(8) "Rent" the consideration received for occupancy valued in money whether received in money or otherwise including all receipts cash credits and property or services of any kind or nature and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever

(9) "Tax" any tax interest or penalty imposed or levied under the provisions of this act

(10) "Taxpayer" any operator of a hotel renting room taxable under this act

Article II

Imposition and Collection of Tax

Section 201 Imposition of tax an excise tax of three per centum of the rent thereof is hereby imposed upon every occupancy of a room or rooms in a hotel in this Commonwealth which tax shall be collected by the operator from the occupant and paid over to the Commonwealth as herein provided

Section 202 Occupant to pay accounting by operators the operator shall in each case demand the tax from the occupant and the occupant shall pay the same to the operator the operator shall keep the amount of all of the taxes so paid to him by all occupants in a fund separate and apart from all his other funds unless the department otherwise directs if the department shall authorize any operator to commingle the proceeds of the tax with other funds the claim of the Commonwealth for the tax shall be enforceable against and shall take precedence over all other claims against the commingled fund each operator shall account to the Commonwealth for the entire amount of all taxes collected from occupants

Section 203 Tax to be paid by occupants it is hereby stated as the legislative intent that the tax imposed hereby shall be paid by the occupant the amount of the tax shall be added to the rent and shall constitute a part of the rent price (though a separate item as hereinbefore provided) and shall be collectible as such

Section 204 Records every operator shall keep separate books or records of his business as an operator so as to show the rent and occupancies taxable under this act separately from his transactions not taxable hereunder if any such operator fails to keep such separate books or records he shall be liable to tax at the rate designated in Section 201 hereof upon the entire proceeds of his hotel

Section 205 Compensation to operator for collection and return for the purpose of compensating operators for the keeping of prescribed records and the proper accounting and remitting of taxes by them such operators shall be allowed a commission of two per centum of the amount of the tax due and accounted for and remitted to the department which commission shall be allowed in the form of a deduction in submitting the report of such operator and the payment of the amount due by him such compensation commisison or allowance shall not be granted nor shall any deduction be permitted with respect to any taxes not paid on or before the due date thereof or where there is a mainfest failure to maintain proper records or make proper prescribed reports

Article III

Returns and Payment

Section 301 Returns and payment (a) the taxes imposed by this act shall be due and payable in quarterly installments on or before the twentieth day of the calendar month succeeding the quarters ending the last day of April July October and January of each year

(b) Each taxpayer shall make out and sign a return for each quarter such return shall be mailed to the department in time so that it will reach the department in the ordinary course of the mails on or before the twentieth day of the month succeeding the quarter with respect to which the return is made

(c) The return shall be on a form prescribed by the department the department shall distribute return forms to taxpayers but no taxpayer shall be excused from liability for failure to file a return or pay the tax because he has failed to receive a form

Each such return shall show

(1) The total number of rooms available for occupancy during the quarter with respect to which the return is filed

(2) The total number of occupancies during such quarter and the total rents charged therefor

(3) The amount of tax due

(4) Such other information with respect to the business the amount of occupancies or rents or related matters as the department may reasonably require

Any such return may be signed by a duly authorized agent of the taxpayer with the same effect as if signed by the taxpayer himself

Any person making a false return shall be guilty of perjury to the same extent as though the return had been sworn to

(d) A remittance for the amount of the tax shall accompany each quarterly return

Section 302 Other times for returns and payment the department may upon written request authorize a taxpayer whose books and records are not kept on a calendar month basis or whose hotel is operated only during certain seasons of the year to file returns at other times than those specified in the preceding section and in lieu of such returns except in the case of seasonal hotels no taxpayer shall be permitted to make less than four returns during a year except as to the time of filing and the period covered all the provisions as to returns required by Section 301 shall be applicable to returns made under this section and a remittance for the tax shall accompany any return made under this section

Section 303 Annual returns (a) on or before the last day of February in each year every taxpayer shall file with the department in the manner heretofore specified for quarterly returns an annual return covering the entire preceding calendar year or such part thereof as the taxpayer was engaged in a business as a hotel operator such return shall be in addition to and not in lieu of returns required to be filed under the provisions of Section 301 or Section 302

(b) Each such annual return shall include all items required for quarterly returns for the entire calendar year with respect to which it is made and shall be signed by the taxpayer or his authorized agent any person making a false return shall be guilty of perjury to the same extent as though the return had been sworn to

(c) If the amount of tax due for the preceding year as shown by the annual return of any taxpayer is greater than the amount already paid by him in connection with his quarterly returns he shall send with such annual return a remittance for the unpaid amount of tax for the year

Section 304 Extension of time for making returns the department may on written application and for good cause shown extend the time for making any return required or permitted by any of the preceding sections of this article Provided however That the time for making any return other than an annual return shall not be extended more than one month and the time for making an annual return shall not be extended more than three months

Article IV

Procedure

Section 401. Department of Revenue to administer the Department of Revenue shall administer and enforce this act and collect the tax hereby imposed

Section 402. Examination of Returns Settlement of Tax Credits (a) As soon as practicable after any return is filed the Department shall examine it and if the return shows a greater tax due than the amount of the remittance sent with such return the Department shall forthwith settle the difference Such difference shall be paid to the Department within ten days after notice of its settlement if so paid there shall be no interest or penalty if not so paid there shall be added to such amount five per centum thereof and in addition interest at the rate of one-half of one per centum per month for each month or fraction thereof from the date of such notice to the date of payment no taxpayer shall have any right of appeal from such a settlement

(b) If the Department determines that any return or returns of any taxpayer understates the amount of tax due the Department shall settle the proper amount and shall determine the difference between the amount of tax shown in the return and the amount settled such difference being hereafter sometimes referred to as the "deficiency" such deficiency shall be paid to the Department within ninety days after a notice of the settlement thereof shall be mailed to the taxpayer by the Department unless notice of an intention to file a petition for a resettlement or to appear and be heard as herein provided shall be given within ninety days after notice of the settlement of such deficiency be mailed to the taxpayer there shall be added to the amount of the deficiency five per centum thereof and in addition interest at the rate of one-half of one per centum per month for each month or fraction thereof from the date of such notice to the date of payment if any understatement in any of such returns is false or fraudulent with intent to evade the tax the deficiency resulting from such understatement shall be doubled and in addition thereto an additional one-half of one per centum of such doubled deficiency shall be added for each such month or fraction of a month from the date the tax was originally due to the date of payment

(c) If the amount of the tax as settled by the Department shall be less than the amount already paid by the taxpayer the Department shall so notify the taxpayer and the amount so overpaid may be taken by such taxpayer as a credit on the tax shown as due in any subsequent return or returns filed in accordance with the provisions of this act

Section 403. Estimated settlements (a) If any person believed by the department to be liable for tax under the provisions of this act shall have failed to file a return

in accordance with and within the time prescribed by this act and if the Department shall deem it more conducive to the public interest because of the supposed smallness of the tax or for any other reason not to proceed to compel the exhibition of the accounts of such person it may make an estimated settlement of the probable amount of tax owing by such person but in every such case the Department shall add to such estimated settlement a penalty of ten per centum thereof and the Department shall proceed to collect such estimated tax and penalty as in other cases if the amount is not paid when due

(b) The estimated settlement thus determined together with the penalty of ten per centum specified above and interest at the rate of one-half of one per centum per month or fractional part thereof until paid shall be due and payable ten days after notice of such settlement shall have been mailed by the Department to the person against whom the estimated settlement has been made

Section 404 Limitation of Settlement (a) Any settlement or estimated settlement shall be made by the department within five years of the date when the annual return required by this act should have been filed as prescribed in this act whether the date originally prescribed or pursuant to any extensions of the time for filing such return duly granted by the department and not after any such settlement or estimated settlement may be made at any time during such period notwithstanding that the department may have made one or more previous settlements or estimated settlements or both against the taxpayer for the year in question or for any part of such year in any such case no credit shall be given for any penalty previously settled or paid

(b) If the taxpayer shall have died Any taxes interest and penalties due under this act for years prior to his death or for the year of his death and whether based on original settlements additional or estimated settlements or otherwise may be presented by the department at audit of his estate in the orphans' court and such court shall give full effect to the priorities and equitable interest given to the commonwealth by this act

Section 405 Resettlement review appeal (a) Any taxpayer against whom a settlement or estimated settlement is made may petition the department for a resettlement notice of an intention to file such a petition or to appear and be heard shall be given to the department prior to the time the settlement or estimated settlement becomes due and payable the department shall hold such hearings as may be necessary for the purpose at such times and places as it may determine and each taxpayer who has duly notified the department of an intention to file a petition for resettlement or to appear and be heard shall be notified by the department of the time when and the place where such hearing in his case will be held a petition for resettlement if filed shall set forth explicity and in detail the grounds upon which the taxpayer claims that the settlement or estimated settlement is erroneous or unlawful in whole or in part and shall be accompanied by an affidavit under oath or affirmation certifying to the facts stated in the petition if no petition for resettlement has been filed with the department but the taxpayer has given due notice of an intention to appear and be heard the taxpayer may appear at the hearing and present his petition orally in which event all statements of fact at the hearing shall be made under oath or affirmation

(b) Within sixty days after the date of mailing of notice by the department of the action taken on any petition for resettlement filed with it the person against whom such settlement was made may by petition request the board of finance and revenue to review such action every petition for review filed hereunder shall state specifically the reason on which the petitioner relies or shall incorporate by reference the petition for resettlement in which the reasons are stated the petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true the board of finance and revenue shall act finally in disposing of petitions filed with it within six months after they have been received in the event of the failure of the board to dispose of any petition within six months the action taken by the department upon the petition for resettlement shall be sustained the board of finance and revenue may sustain the action taken on the petition for resettlement or it may resettle the tax due on such basis as it deems according to law and equity the board shall give notice of its action by mail to the department and to the petitioner

(c) Any person or the Commonwealth aggrieved by the decision of the board of finance and revenue or by the board's failure to act upon a petition for review within six months may within sixty days appeal to the court of common pleas of Dauphin County from the decision of the board or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

Section 406 Rules and Regulations Inquisitorial Powers of the Department (a) The department shall have the authority to prescribe adopt promulgate and enforce rules and regulations in conformity with this act and relating to any matter or thing pertaining to the administration of the taxes imposed by this act the department may from time to time alter or amend such rules and regulations in any manner it considers advisable

(b) The department or any of its authorized agents is hereby authorized to examine the books papers and records of any taxpayer or supposed taxpayer including his bank accounts or similar items in order to verify the accuracy and completeness of any return made or if no return was made to ascertain and settle the tax imposed by this act the department may require the preservation of all such books papers and records for any period deemed proper by it not to exceed six years from the end of the calendar year to which the records relate every such taxpayer is hereby required to give to the department or its agent the means facilities and opportunity for such examinations and investigation the department is further authorized to examine any person under oath concerning taxable occupancies by any taxpayer or concerning any other matter relating to the enforcement or administration of this act and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes to have knowledge of such matters the procedure for such hearings or examinations shall be the same as that provided by "the fiscal code" relating to inquisitorial powers of fiscal officers

(c) Any information gained by the department as a result of any return investigation hearing or verification required or authorized by this act shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law and any person unlawfully divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment for not more than one year or both in the discretion of the court

Section 407 Records of Nonresident (a) A nonresident person including a foreign corporation who is engaged in one or more businesses in this Commonwealth as a hotel operator shall keep adequate records of such business or businesses and of the taxes due with respect thereto which records shall at all times be retained within this Commonwealth no taxes collected from occupants shall be sent outside the Commonwealth without the written consent of and in accordance with conditions prescribed by the department

(b) Any person who shall violate or assist in the violation of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment not exceeding one year or both in the discretion of the court

Section 408 Tax held in trust for the Commonwealth All taxes collected by any operator from occupants in accordance with this act shall constitute a trust fund for the Commonwealth and such trust shall be enforceable against such taxpayer his representatives and any person receiving any part of such fund without consideration or knowing that the taxpayer is committing a

breach of trust provided however that any person receiving payment of a lawful obligation of the taxpayer from such fund shall be presumed to have received the same in good faith and without knoweldge of the breach of trust any person other than a taxpayer against whom the department makes any claim under this section shall have the same rights to petition and appeal as are given taxpayers by any provisions of this article

Section 409 Priority of tax in the distribution voluntary or compulsory in receivership bankruptcy or otherwise of the property or estate of any taxpayer all taxes imposed by this act which are due and unpaid and are not collectible under the provisions of section 408 shall be paid from the first money available for distribution in priority to all other claims and liens except in so far as the laws of the United States may give a prior claim to the federal government any person charged with the administration or distribution of any such property or estate who shall violate the provisions of this section shall be personally liable for any taxes imposed by this act which are accrued and unpaid and are chargeable against the taxpayer whose property or estate is being administered or distributed

Section 410 lien of taxes imposed by this act together with all penalties and interest shall be considered a public account after being settled in the manner provided in this act and as such shall be a lien upon all real estate within the Commonwealth of any taxpayer resident or non-resident but only after the same has been entered and docketed of record by the prothonotary of the county where such real estate is situated as hereafter provided

The department may at any time transmit to the prothonotaries of the respective counties certified copies of all liens for taxes imposed by this act and penalties and interest it shall be the duty of each prothonotary receiving such lien to enter and docket the same of record in his office which lien shall be indexed as judgments are now indexed all such liens shall have priority to and be fully paid and satisfied out of the judicial sale of said real estate before any other obligation judgment claim lien or estate with which said real estate may subsequently become charged or for which it may subsequently become liable subject however to mortgage or other liens existing and duly recorded at the time such tax lien is recorded save and except the cost of sale and of the writ upon which it is made and real estate taxes imposed or assessed upon said property the lien of said taxes interest and penalties shall continue for five years from the date of entry and may be revived and continued in the manner now or hereafter provided for renewal of judgments and it shall be lawful for a writ of scire facias to issue and be prosecuted to judgment in the manner in which such writs are ordinarily employed

Any wilful failure of any prothonotary to carry out any duty imposed upon him by this section shall be a misdemeanor and upon conviction he shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment not exceeding one year or both in the discretion of the court

Article V

Violation and Penalties

Section 501 Penalty for fraudulent annual return any person who shall wilfully make or cause to be made an annual return required by this act which is false and fradulent shall be giulty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law such penalty shall be in addition to all other penalties imposed by any or the preceding provisions of this act

Section 502 Other penalties except as otherwise provided by section 501 any person who shall wilfully fail neglect or refuse to file any return or report required by this act or any taxpayer who shall wilfully fail to preserve his books papers and records as directed by the department in accordance with section 406 hereof or any person who shall refuse to permit the department or any of its authorized agents to examine his books records or papers or who shall knowingly make any incomplete false or fraudulent return or report or who shall do or attempt to do anything whatever to prevent the full disclosure of the amount or character of taxable occupancies made by himself or any other person shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or undergo imprisonment not exceeding one year or both in the discretion of the court the penalties imposed by this section shall be in addition to any penalties imposed by any provision of this act other than section 501

Article VI

Licenses

Section 601 Licenses (a) Every operator shall on or before the thirtieth day after the effective date of this act or prior to the beginning of business thereafter make application to the department on a form prescribed by the department for a license and pay to the department the sum of two dollars ($2) therefor if such person maintains more than one place of business in this Commonwealth such license shall be issued for the principle place of business in this Commonwealth

(b) The department shall either prior to May 1 1956 or the tenth day after the receipt of an application whichever shall last occur issue the license applied for under subsection (a) of this section such license shall be nonassignable and of permanent duration

(c) Any person who after May 1 1956 shall operate a hotel without having first been licensed by the department pursuant to the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both together with costs of prosecution the penalties imposed by this section shall be in addition to any other penalties imposed by this act

(d) Failure of any person to obtain a license shall not relieve him of liability to pay the tax imposed by this act

Article VII

Disposition of Tax Penalties Interest

Section 701 Disposition of Proceeds All taxes collected under the provisions of this act together with any penalties and interest thereon shall be paid into the general fund

Article VIII

Miscellaneous

Section 801 Saving Clause Nothing contained in this act shall be construed to repeal any other law of this Commonwealth imposing any tax for any purpose

Section 802 Effective Date This act shall become effective ten days after final enactment

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—151

Adam,	George,	Mahan,	Rudisill,
Agnew,	Goldstein,	Markley,	Sarraf,
Amarando,	Gramlich,	Maxwell,	Scarcelli,
Anderson, S. A.,	Greenwood,	McCann,	Schuster,
Ashton,	Guthrie,	McCormack,	Sigman,
Banker,	Hamilton, R. K.,	McGee,	Smith, C. O.,
Barnatovich,	Hass,	McInroy,	Snider,
Bell,	Haudenshield,	McLaughlin,	Stank,
Blair,	Helm,	Mihm,	Stebbins,
Boies,	Henzel,	Miller,	Steckel,
Bonner,	Hewitt,	Mills,	Stephens,

Boory,	Hocker,	Moody,	Stevenson,
Bower,	Holt,	Moran,	Stoner,
Breisch	Horst,	Moscrip,	Strausser,
Brenninger,	Houk,	Muldowney,	Stroup,
Brown,	Isaacs,	Mullen,	Swartz,
Bullen,	Jenkins,	Munley,	Thomas,
Capano,	Johnson,	Murphy,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Cochran,	Jump,	Murray, J. J.,	Toomey,
Cooper,	Kamyk,	Murray, P. G.,	Varallo,
Davis,	Kehler,	Naugle,	Varner,
Donahue,	Keller,	Needham,	Vaughan,
Donaldson,	Kent,	Ogilvie,	Walsh,
Dougherty,	Kline,	Olsen,	Wargo,
Down,	Knecht,	Parry,	Waterhouse,
Ehrgood,	Kolankiewicz,	Paulhamus,	Weidner,
Eshleman,	Kooker,	Petrosky,	Wheeler,
Ewing,	Kromer,	Pettigrew,	Whitenight,
Filo,	Lafore,	Polaski,	Willaredt,
Flint,	Leiby,	Polen,	Williams,
Flynn,	Leisey,	Pomeroy,	Wilt,
Foster,	Leonard,	Pursley,	Wood,
Frank,	Light,	Readinger,	Yetzer,
Frascella,	Lippincott,	Reidenbach,	Young,
Frost,	Lovett,	Renwick,	Ziegler,
Gibb,	Lutty,	Rigby,	Andrews,
Gibson,	Magee,	Royer,	Speaker

NAYS—43

Anderson, M. S.,	Farabaugh,	Meholchick,	Smith, Wm. B.,
Auker,	Fineman,	Metz,	Stone,
Bazin,	Floyd,	Mikula,	Taylor,
Branca,	Gaffney,	Musto,	Toll,
Brennan, A. P.,	Garlock,	O'Neil,	Verona,
Brennan, J. J.,	Gelfand,	Pacchioli,	Wall,
Breth,	Guss,	Pashley,	Wallace,
Bucchin,	Leven,	Price,	Welsh,
Cioffi,	Limper,	Reibman,	Worley,
Curwood,	Lopresti,	Rovansek,	Yetter,
Eilberg,	McWherter,	Sherman,	

NOT VOTING—13

Comer,	Jones, G. E.,	Lawyer,	Rosen,
Connelly,	Kornick,	McKeever,	Rubin,
Erb,	Kratz,	Monroe,	Wescott,
Heavey,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 941

An Act amending the act of May sixteen one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" changing formula for determining gross receipts where entire business is not transacted in the Commonwealth modifying the manner of imposing tax on certain corporations engaged in business or owning property outside of the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 1, by striking out at the beginning of the line the words "Reenacting and amending the title and" and inserting in lieu thereof the word "amending"; page 2, line 3 by striking out after the word "penalties" the following: "extending its provisions for an unlimited period of time changing the deduction of dividends received or paid the gross receipts fraction penalties and the definition of corporation and of net income retroactively modifying the manner of imposing tax on certain corporations engaged in business or owning property outside of the Commonwealth and clarifying provisions as to settlements imposing the tax on certain corporations companies and associations not heretofore taxed under this act eliminating certain deductions of reserves for bad debts and increasing the rate of tax" and inserting in lieu thereof the following: "changing formula for determining gross receipts where entire business is not transacted in the Commonwealth modifying the manner of imposing tax on certain corporations engaged in business or owning property outside of the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time"

Amend Section 1, page 3, line 1 by striking out after the word and figure "Section 1" the words "The title and all the sections of the" and inserting in lieu thereof the words: "Subdivision 2 of the definition of "Net Income" of Section 2 and Sections 3 and 4"; line 5, by striking out after the word "amended" the words "July twenty one thousand nine hundred fifty three (Pamphlet Laws 534)" and inserting in lieu thereof the words "September twenty-seven one thousand nine hundred fifty-five (P. L. 609)"; line 8 by striking out at the beginning of the line the words "reenacted and" and by striking out all of line 9 to 17 inclusive, as follows: An Act to provide revenue for State purposes by imposing an excise tax [for a limited period of time] on the net incomes of certain corporations joint stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties

page 4 by striking out all of lines 1 and 2 inclusive as follows: Section 1 Short Title Be it enacted &c That this act shall be known and may be cited as the "Corporate Net Income Tax Act"

and by striking out all of line 7 to 20 inclusive as follows: "Corporation" A corporation [having capital stock] joint-stock association or limited partnership either organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency and doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation The word "corporation" shall [not] include building and loan associations Federal savings and loans associations banks bank and trust companies national banks saving institutions savings banks mutual savings funds cooperative banking associations trust companies and title insurance companies but shall not include beneficial life and limited life insurance companies mutual fire mutual casualty and mutual life insurance companies and foreign stock companies registered in this Commonwealth and therein

page 5, by striking out lines 1 2 and 3 as follows: engaged in doing business as life fire and casualty insurance companies and surety companies

"Department" The Department of Revenue of this Commonwealth

line 4, by striking out after the words "Net Income" the following: [Except as hereinafter provided in the case of stock life insurance companies in] In case the entire business of the corporation is transacted within this Commonwealth (a) For any taxable year which begins before the first day of January one thousand nine hundred fifty-four or ends before the sixteenth day of August one thousand nine hundred fifty-four except as hereinafter provided in the case of stock life insurance companies net income for the calendar year or fiscal year as returned to and ascertained by the Federal Government or in the case of a corporation participating in the filing of consolidated returns to the Federal Government the net income which would have been returned to and ascertained by the Federal Government if separate returns had been made to the Federal Government for the current and prior taxable years subject however to any correction thereof for fraud evasion or error as finally ascertained by the Federal Government Provided That except as hereinafter otherwise provided additional deductions shall be allowed from net income on account of any Federal income or excess profits taxes paid after deducting therefrom an amount equivalent

and by striking out all of pages 6, 7, 8 and lines 1 to 9 inclusive on page 9 as follows: "to any postwar refunds applicable to any such taxes during such calendar or fiscal year for the preceding calendar or fiscal year or accrued during such calendar or fiscal year for such year as the case may be and on account of any dividends received from any other corporation And provided further That in the case of a corporation participating in the filing of consolidated Federal returns the additional deduction allowed from net income on account of any Federal income or excess profits taxes paid or accrued shall be an amount which bears the same ratio to the total Federal income or excess profits taxes of the group after deducting therefrom an amount equivalent to any post-war refunds applicable to any such taxes as the net income of the corporation computed without a deduction for such Federal taxes bears to the sum of the net incomes of the several members of the group computed with out a deduction for such Federal taxes And provided further That on reports filed for the calendar year one thousand nine hundred forty-three for any fiscal year beginning in such calendar year or any calendar or fiscal year thereafter no deduction shall be allowed for any Federal income or excess profits taxes whatsoever except the declared value excess profits tax And provided further That on reports filed for the calendar year one thousand nine hundred forty-six or for any fiscal year beginning in such calendar year or any calendar or fiscal year thereafter no deduction shall be allowed for net operating losses sustained by the corporation during any other fiscal or calendar year nor shall any net operating loss sustained by the corporation during the calendar year one thousand nine hundred forty-six or during any fiscal year beginning in such calendar year or in any calendar or fiscal year thereafter be allowed as a deduction for any prior calendar or fiscal year And provided further That in the case of stock life insurance companies "net income" shall be the adjusted normal tax net income as returned to and ascertained by the Federal Government And provided further That in the case of stock life fire casualty and indemnity insurance companies doing business on the mutual or participating plan the term "net income" shall not include the dividends paid to policyholders out of net income

(b) For any taxable year beginning after the thirty-first day of December one thousand nine hundred fifty-three and ending after the fifteenth day of August one thousand nine hundred fifty-four except as hereinafter provided in the case of stock life insurance companies taxable income for the calendar year or fiscal years as returned to and ascertained by the Federal Government or in the case of a corporation participating in the filing of consolidated returns to the Federal Government the taxable income which would have been returned to and ascertained by the Federal Government if separate returns had been made to the Federal Government for the current and prior taxable years subject however to any correction thereof for fraud evasion or error as finally ascertained by the Federal Government Provided That an additional deduction shall be allowed in an amount equal to the difference between eighty-five percent of the aggregate amount of all dividends received from all other corporations and the amount of the deduction allowed by the Federal Government for dividends received and provided further that no deduction shall be allowed to a public utility for dividends paid by it on its preferred stock and provided further that in the case of building and loan associations federal savings and loans associations banks bank and trust companies national banks savings institutions savings banks mutual savings funds cooperative banking associations trust companies and title insurance companes no deduction shall be allowed for any addition to a reserve for bad debts but a deduction may be allowed for any debt which becomes worthless within the taxable year and provided further that no deduction shall be allowed for net operating losses sustained by the corporation during any other fiscal or calendar year and Provided further That in the case of stock life insurance companies "net income" for taxable years beginning in one thousand nine hundred fifty-four shall be 1954 life insurance company taxable income as returned to and ascertained by the Federal Government and for taxable years beginning in one thousand nine hundred fifty-five and there-after shall be life insurance company taxable income as returned to and ascertained by the Federal Government and Provided further That in the case of stock life fire casualty and indemnity insurance companies doing business on the mutual or participating plan the term "net income" shall not include the dividends paid to policy holders out of net income

Page 11, line 7, by inserting after the word "receipts" the words "heretofore or hereafter received"; page 14, line 6, by striking out at the beginning of the line the words "Provided however"; line 8 by striking out at the beginning of the line the word "three" and inserting in lieu thereof the word "six"; and by inserting after line 15 the following: "The deduction allowed by this section for dividends received from any other corporation shall be limited to those dividends which remain in the net income after the exclusion hereinbefore authorized in this paragraph the net income which remains after the exclusion and deductions authorized in this paragraph shall be subject to allocations and apportionments as provided in this section using only those factors which pertain to that portion of the net income being allocated and apportioned".

Page 15, by striking out after the word "apportioned" the following: "the deduction allowed by this section for dividends received from any other corporation shall be limited to those dividends which remain in the net income after the exclusion hereinbefore authorized in this paragraph the net income which remains after the exclusion and deductions authorized in this paragraph shall then be subject to allocations and apportionments as provided in this section using only those factors which pertain to that portion of the net income being allocated and apportioned

3 In case the entire business of any corporation engaged in doing business as an insurance or surety company is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as shall be attributed to business transacted within this Commonwealth by multiplying such net income by a fraction of which the numerator is the gross premiums" and by striking out all of page 16 and lines 1 to 7 inclusive on page 17 as follows: "received from business transacted within this Commonwealth as hereinafter defined and of which the denominator is the amount of the gross premiums received from all its business "Gross Premiums" shall mean the amount of dues fees and premium stated in the policy contracts and shall include gross premiums of every character and description received during the taxable year from all underwriting activities whether said premiums were received in money or in the form of notes

credits or any other substitute for money less the following deductions

"(a) All premiums returned on policies cancelled or not taken

"(b) In the case of stock companies with participating features an additional deduction for that portion of the premiums returned to the policyholders

"(c) In the case of life insurance companies an additional deduction for dividends declared and actually used by policyholders in payment of renewal premiums

" 'Gross premiums received from business transacted in the Commonwealth' shall mean gross premiums received from policies and annuities written on property or risks located or resident in this Commonwealth whether such premiums were collected in this Commonwealth or elsewhere

" 'Person' Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"The singular shall include the plural and the masculine shall include the feminine and neuter"

Page 20, line 10, by striking out after the word "fifty-three" the word "and" and by inserting after the word "fifty-four" the words "and one thousand nine hundred fifty-five"; line 18, by striking out after the word "fifty-three" the word "and"; line 19 by inserting after the word "fifty-four" the words "and one thousand nine hundred fifty-five"; page 21, line 3, by striking out the bracket before the word "years" and by striking out after the word "fifty-four" the words "and) year"; line 4, by striking out after the word "fifty-five" the words "and each calendar year thereafter" and inserting in lieu thereof the following: "one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; line 12, by striking out the bracket before the word "year"; line 13, by striking out after the part word "four" the following: "and) year", and striking out after the word "fifty-five" the following: "and in each calendar year thereafter" and inserting in lieu thereof the following: "one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; page 22, line 1, by striking out the bracket at the beginning of the line and the words "and one thousand nine hundred fifty-five" and the bracket after the word "fifty-five"; line 7, by striking out after the word "fifty-four" the bracket and the words "and one thousand nine hundred fifty-five" and the bracket after the word "fifty-five"; and

Page 23, line 5, by striking out after the word "fifty-five" the words "and each year thereafter"; by striking out the bracket before the word "one"; line 6, by striking out the bracket after the word "six" and inserting the following: "one thousand nine hundred fifty-seven and one thousand nine hundred fifty-eight"; page 24, line 4, by striking out after the word "fifty-four" the word "and" and the bracket before and after the word "and"; line 5, by striking out after the word "fifty-five" the following: "one thousand nine hundred fifty-six and each year thereafter" and inserting in lieu thereof the following: "one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; line 10, by striking out after the word "fifty-four" the word "and" and the bracket before and after the word "and"; line 11, by striking out after the word "fifty-five" the following: "one thousand nine hundred fifty-six and each year thereafter"; and inserting in lieu thereof the following: "one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; page 25, line 16, by inserting after the word "fifty-four" the word "and" and striking out after the first word "and" the second word "and"; line 17, by inserting after the word "fifty-five" the following: "one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; page 26, line 9, by inserting after the word "applicable" the following: "For the taxable years one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven every corporation upon the date its tentative report is required herein to be made shall pay on account of the tax due for the current year at its election (1) not less than three per centum upon each dollar of net income of such corporation last reported as received or accrued during an entire preceding year or of such multiple of the net income last reported for a portion of such year as the entire year bears to the portion of the year for which the net income had been reported or (2) not less than twelve per centum upon each dollar of net income of such corporation received or accrued during the first three months of the current calendar or fiscal year whichever is applicable."

Page 27, line 6 by striking out after the word "applicable" the following: "For the taxable year one thousand nine hundred fifty-six and each year thereafter every corporation upon the date its tentative report is required herein to be made shall pay on account of the tax due for the current year at its election (1) not less than three per centum upon each dollar of net income of such corporation last reported as received or accrued during an entire preceding year or of such multiple of the net income last reported for a portion of such year as the entire year bears to the portion of the year for which the net income had been reported or (2) not less than twelve per centum upon each dollar of net income of such corporation received or accrued during the first three months of the current calendar or fiscal year whichever is applicable"

Page 29, by striking out all of lines 17, 18 and 19 and pages 30, 31, 32, 33, 34, 35, 36, 37, 38 and lines 1 to 15 on page 39 as follows:

"Section 5 Consolidated Reports The department shall not permit any corporation owning or controlling directly or indirectly any of the voting capital stock of another corporation or of other corporations subject to the provisions of this act to make a consolidated report showing the combined net income

Section 6 Extension of Time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any annual report and upon proper cause shown grant to the corporation required to file such report an extension of not more than sixty (60) days within which such report may be filed and in case the Federal income tax authorities at any time grant a longer extension of time for filing such reports with the Federal Government the department may grant an additional extension of time for filing the annual report under this act of not more than thirty (30) days after the termination of the Federal extension but the amount of tax due shall in such cases nevertheless be subject to interest from the due dates and at the rates fixed by this act

Section 7 Changes Made by Federal Government (a) If the amount of the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States such corporation within thirty (30) days after the receipt of such final change or correction shall make a corrected report under oath or affirmation to the department showing such finally changed or corrected net income upon which the tax is required to be paid to the United States In case a corporation fails to file a report of such correction which results in an increase in net income within the time prescribed there shall be added to the tax a penalty of five dollars ($5.00) for every day during which such corporation is in default but the department may abate any such penalty in whole or in part

(b) If as a result of such final change or correction there should be any change made in the amount of the net income of any corporation upon which tax is imposed by this act the department shall have the power and its duty shall be to resettle such taxes Whenever a resettlement shall have been made hereunder the department shall resettle the account according to law and shall credit or charge as the case may be the amount resulting from such resettlement upon the current accounts of the corporation with which it is made The resettlement shall be subject to audit and approval by the Department of the Auditor General as in the case of

original settlements and in case of the failure of the two departments to agree the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

(c) Where a report of change correction or determination of Federal income or Federal tax has been filed after a petition for review or an appeal has been taken such report shall be deemed a part of the original annual report upon petition of the taxpayer at any subsequent proceeding as though it had been filed with such original report and no separate petition for review or appeal from the resettlement resulting from such report of change correction or redetermination shall be necessary

(d) The provisions of this section shall not be construed so as to permit a resettlement based upon the allowance of any deduction on account of net operating losses sustained in other fiscal or calendar years that are not allowed as deductions under the definition of "Net Income" as contained in section two of this act

Section 8 Settlement and Resettlement (a) All taxes due under this act shall be settled by the department and such settlement shall be subpect to audit and approval by the Department of the Auditor General and shall so far as possible be made so that notice thereof may reach the taxpayer before the end of a year after the tax report was required to be made where notice of the settlement has not reached or does not reach the taxpayer before the end of a year after the tax report was required to be made the settlement shall nevertheless be valid and binding upon the taxpayer

(b) Promptly after the date of any such settlement the department shall send by mail or otherwise a copy thereof to such corporation The tax imposed by this act shall be settled resettled and otherwise imposed and adjusted in the same manner within the same periods of time and right of resettlement review appeal and refund as provided by law in the case of capital stock and franchise taxes imposed upon corporations

(c) If within a period of two years after the date of any settlement the department is not satisfied with such settlement or if at any time the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States with the result that tax in addition to the amount paid is due under this act the department is hereby authorized and empowered to make a resettlement of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

Whenever a resettlement shall have been made hereunder the department shall resettle the account according to law and shall credit or charge as the case may be the amount resulting from such resettlement upon the current accounts of the corporation with which it is made

The resettlement shall be subject to audit and approval by the Department of Auditor General as in the case of original settlement and in case of the failure of the two departments to agree the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

(d) If any corporation shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such corporation and subject to audit and approval by the Department of the Auditor General settle the amount due by it for taxes penalties and interest thereon as prescribed herein from which settlement there shall be no right of review or appeal but the department with the approval of the Auditor General may require a report to be filed and thereupon make a settlement based upon such report and cancel the estimated settlement

Section 9 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the previsions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act The department is hereby required to have such rules and regulations promulgated and adopted printed and shall distribute the same to any person upon request

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records and to investigate the character of the business of any corporation in order to verify the accuracy of any report made or if no report was made by such corporation to ascertain and settle the tax imposed by this act Every such corporation is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

(c) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 10 Retention of Records by Corporations Penalty Each corporation shall maintain and keep for a period of three (3) years after any report is filed under this act such record or records of its business within this Commonwealth for the period covered by such report and other petinent papers as may be required by the department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 11 Penalties (a) Any person who shall wilfully make a false and fraudulent return of net income made taxable by this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalty shall be in addition to any other penalties imposed by this act

(b) Any person who wilfully fails neglects or refuses to make a report or to pay the tax as herein prescribed or who shall refuse to permit the department to examine the books papers and records of any corporation liable to pay tax under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the discretion of the court Such penalty shall be in addition to any other penalties imposed by this act

Section 12 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 13 Effective Date This act shall become effective immediately upon its final enactment and shall remain in force [only] for the imposition and collection of taxes on net income of corporations for the calendar years one thousand nine hundred thirty-five one thousand

nine hundred thirty-six one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty one thousand nine hundred forty-one one thousand nine hundred forty two one thousand nine hundred forty-three one thousand nine hundred forty-four one thousand nine hundred forty-five one thousand nine hundred forty-six one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four [and] one thousand nine hundred fifty-five and each calendar year thereafter or for the fiscal years ending in the calendar years one thousand nine hundred thirty-six one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty one thousand nine hundred forty-one one thousand nine hundred forty-two one thousand nine hundred forty-three one thousand nine hundred forty-four one thousand nine hundred forty-five one thousand nine hundred forty-six one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five [and] one thousand nine hundred fifty-six and in each calendar year thereafter

Amend Section 2, page 39, line 16, by striking out after the word "This" the words "reenacting and"; line 17, by striking out after the word "hundred" the words "fifty-five" and inserting in lieu thereof the words "fifty-six"; page 40, line 1, by striking out after the word "hundred" the words "fifty-five" and inserting in lieu thereof the word "fifty-six"; line 3, by striking out all of lines 3 to 6 inclusive as follows:

Section 3 The foregoing amendment to Section 8 (a) being intended as a clarification of existing law and as an expression of legislative intent shall apply to all tax settlements heretofore made as well as to those hereafter made

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Mr. AUKER. Mr. Speaker, may I interrogate the Majority Floor Leader for just a minute, please?

The SPEAKER. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. AUKER. Mr. Speaker, I would like to ask the gentleman if I am correct that this is the bill generally known as the Corporate Net Income Tax bill?

Mr. READINGER. That is correct.

Mr. AUKER. Mr. Speaker, whether or not this bill does not provide for accelerating the receipts from corporate net income taxes by six months, or three months, or whatever it is? Will the gentleman inform me?

Mr. READINGER. It does accelerate the additional one per cent. It raises the rate from five per cent, which has already been accelerated to six per cent and accelerates the additional one per cent.

Mr. AUKER. That is all I want to know.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Garlock,	McCormack,	Schuster,
Agnew,	Gelfand,	McGee,	Sherman,
Amarando,	George,	McInroy,	Sigman,
Anderson, M. S.,	Gibb,	McLaughlin,	Smith, C. C.,
Anderson, S. A.,	Gibson,	McWherter,	Smith, Wm. B.,
Ashton,	Goldstein,	Meholchick,	Snider,
Banker,	Guss,	Metz,	Stank,
Barnatovich,	Gramlich,	Mihm,	Stebbins,
Bazin,	Greenwood,	Mikula,	Steckel,
Bell,	Guthrie,	Miller,	Stephens,
Blair,	Hamilton, R. K.,	Mills,	Stevenson,
Boles,	Hass,	Moody,	Stone,
Bonner,	Haudenshield,	Moran,	Stoner,
Boory,	Helm,	Moscrip,	Strausser,
Bower,	Henzel,	Muldowney,	Stroup,
Branca,	Hewitt,	Mullen,	Swartz,
Breisch,	Hocker,	Munley,	Taylor,
Brennan, A. P.,	Holt,	Murphy,	Thomas,
Brennan, J. J.,	Horst,	Murray, H. P.,	Thompson,
Brenninger,	Houk,	Murray, J. J.,	Toll,
Breth,	Jenkins,	Murray, P. G.,	Tompkins,
Brown,	Johnson,	Musto,	Toomey,
Bucchin,	Jones, T. H. W.,	Naugle,	Varallo,
Bullen,	Jump,	Needham,	Varner,
Capano,	Kamyk,	Ogilvie,	Vaughan,
Cianfrani,	Kehler,	Olsen,	Verona,
Cochran,	Keller,	O'Neil,	Wall,
Cooper,	Kent,	Pacchioli,	Wallace,
Curwood,	Kline,	Parry,	Walsh,
Davis,	Knecht,	Pashley,	Wargo,
Donahue,	Kolankiewicz,	Paulhamus,	Waterhouse,
Donaldson,	Kooker,	Petrosky,	Weidner,
Dougherty,	Kromer,	Pettigrew,	Welsh,
Down,	Lafore,	Polaski,	Wescott,
Ehrgood,	Leiby,	Polen,	Wheeler,
Eilberg,	Leisey,	Pomeroy,	Whitenight,
Eshleman,	Leonard,	Price,	Willaredt,
Ewing,	Leven,	Pursley,	Williams,
Farabaugh,	Light,	Readinger,	Wilt,
Filo,	Limper,	Reibman,	Wood,
Fineman,	Lopresti,	Reidenbach,	Yetzer,
Floyd,	Lovett,	Renwick,	Yetter,
Flynn,	Luttv,	Rigby,	Young,
Foster,	Magee,	Rovansek,	Worley,
Frank,	Manan,	Royer,	Ziegler,
Frascella,	Markley,	Rudisill,	Andrews,
Frost,	Maxwell,	Sarraf,	Speaker
Gaffney,	McCann,	Scarcelli,	

NAYS—5

Auker,	Flint,	Isaacs,	Lippincott,
Cioffi,			

NOT VOTING—12

Comer,	Heavey,	Kratz,	Monroe,
Connelly,	Jones, G. E.,	Lawyer,	Rosen,
Erb,	Kornick,	McKeever,	Rubin,

The majority required by the Constitution having voted in the affrmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1591.

An Act amending the act of June 1, 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" postponing the manufacturing exemption with regard to capital stock tax and the franchise tax on domestic and foreign corporations joint-stock associations partnerships and companies and changing the gross receipts fraction in the franchise tax

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

Amend the Title, lines 1 and 2, and part of line 3, by striking out the following: "To further amend section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws 420)" and inserting in lieu thereof the following: "amending the act of June 1, 1889 (P. L. 420)"; line 7, by striking out after the word "seventy-nine" the words "by removing" and inserting in lieu thereof the word "postponing"; page 2, line 1 of the title, by inserting after the word "companies" the words "and changing the gross receipts fraction in the franchise tax";

Amend Section 1, page 2, line 1, by striking out after the second word "Section" the following: "twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws 420)" and inserting in lieu thereof the following: "21 of the act of June 1, 1889 (P. L. 420)"; line 6, by striking out after the word "as" the following: "last amended by the act approved the seventeenth day of July one thousand nine hundred fifty-three (Pamphlet Laws 495) is hereby further amended to read as follows and inserting in lieu thereof the following: "amended September 27, 1955 (P. L. 643) is amended to read"; page 3, line 4, by striking out the bracket before the word "Provided"; line 10, by striking out the word "and" at the beginning of the line, and inserting after the word "fifty-four" the following: "one thousand nine hundred fifty-five (and) one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; line 17, by striking out after the word "fifty-three" the word "and"; line 18, by inserting after the word "fifty-four" the following: "one thousand nine hundred fifty-five (and) one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven" and striking out the bracket after the word "fifty-seven"; page 4, line 1, by striking out the bracket before the word "shall"; line 4, by striking out after the word "said" the word "eight" and inserting in lieu thereof the words "(ten) eleven"; line 19, by striking out the bracket after the part-word "ness"; page 5 line 13, by striking out the bracket before the word "not" and after the word "manufacturing"; line 20, by striking out the bracket before the word "not" and after the part word "Common"; page 6, line 1, by striking out the brackets before and after the part word "wealth"; line 7, by striking out the bracket before the word "not"; line 8, by striking out the bracket after the word "Commonwealth"; line 10, by inserting after the word "business" the following: "for the purpose of this section gross receipts shall not include receipts from the sale redemption maturity or exchange of securities except those held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business."

Page 9, line 12, by striking out the bracket before the word "notwithstanding"; line 18, by striking out after the word "fifty-three" the word "and" and by inserting after the word "fifty-four" the following: "one thousand nine hundred fifty-five (and) one thousand nine" and striking out the brackets after the second word "nine"; page 10, line 1, by striking out the bracket at the beginning of the line before the word "hundred" and inserting the following: "hundred fifty-six and one thousand nine hundred fifty-seven"; line 7, by striking out after the word "three" the word "and" and inserting after the word "fifty-four" the following: "one thousand nine hundred fifty-five (and) one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; line 17, by striking out after the word "said" the word "eight" and inserting in lieu thereof the words "(ten) eleven"; line 20, by striking out the bracket after the part word "poses"; page 12, line 13, by striking out after the word "shall" the following: "become effective as of the first day of January one thousand nine hundred fifty-five for corporations reporting on a calendar year basis or as of the first day of any fiscal year beginning in the calendar year one thousand nine hundred fifty-five for corporations reporting on a fiscal year basis."

and inserting in lieu the following: "take effect immediately."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Mr. AUKER. Mr. Speaker, I have no wish to hold up the proceedings of the House, but I do not find the copy of this Senate bill on my desk. However, if the gentleman from Berks—

The SPEAKER. It is a House bill.

Mr. AUKER. I still do not find it. It has been passed by the Senate, hasn't it? Aren't we—

The SPEAKER. It should be in the House file on the Member's desk, House Bill 1591, Printer's No. 1445. Will some Member who has the bill give the gentleman from Blair a copy?

Mr. AUKER. It might save time Mr. Speaker, if the Majority Floor Leader, or somebody, can tell me what the bill provides without my looking through it.

The SPEAKER. Does the gentleman from Blair desire to interrogate the Majority Leader.

Mr. AUKER. That will be all right, just so somebody can tell me. I think it is the corporate stock tax, that is what I want to know.

The SPEAKER. Will the gentleman from Berks, Mr. Readinger, the Majority Leader, permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. AUKER. Mr. Speaker, I might say I would rather apologize to the gentleman from Berks, Mr. Readinger, but I just have not had a chance to look at all these bills this afternoon. It has been a pretty busy afternoon.

I should like to ask the gentleman if this is the tax bill known as the corporation stock tax bill?

Mr. READINGER. I am sorry, I did not hear the gentleman's question.

Mr. AUKER. I should like to ask the Majority Leader, Mr. Speaker, if this bill is known as the corporate stock tax bill?

Mr. READINGER. The capital stock tax bill.

Mr. AUKER. The capital stock tax bill?

Mr. READINGER. Yes, it is.

Mr. AUKER. Is the rate increased?

Mr. READINGER. No, the rate is not increased. The normal time of payment is advanced for the payment of the capital stock tax.

Mr. AUKER. In other words, this is another acceleration tax bill, is that correct?

Mr. READINGER. Yes. This one is estimated to yield about $52 million for the balance of the biennium by virtue of moving up the payments, part of which would fall in the next biennium.

Mr. AUKER. Mr. Speaker, I just want to say a word. I again say to the membership of this House as I said in the 1953 session, that this kind of financing is definitely deficit financing. We are not solving anything by passing this kind of bill. I do not approve of it as a principle of financing. As I said before, it is not sound financing, it is not sound business. We are just putting ourselves in the hole for the next biennium.

Therefore, that is my reason for voting against it. I think it is very poor legislation.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—194

Adam,	Gaffney,	Maxwell,	Scarcelli,
Agnew,	Garlock,	McCann,	Schuster,
Amarando,	Gelfand,	McCormack,	Sherman,
Anderson, M. S.,	George,	McGee,	Sigman,
Anderson, S. A.,	Gibb,	McInroy,	Smith, C. C.,
Ashton,	Gibson,	McLaughlin,	Smith, Wm. B.,
Banker,	Goldstein,	McWherter,	Snider,
Barnatovich,	Gramlich,	Meholchick,	Stank,
Bazin,	Greenwood,	Metz,	Stebbins,
Bell,	Guss,	Mihm,	Steckel,
Blair,	Guthrie,	Mikula,	Stephens,
Boies,	Hamilton, R. K.,	Miller,	Stevenson,
Bonner,	Hass,	Mills,	Stone,
Boory,	Haudenshield,	Moscrip,	Stoner,
Bower,	Helm,	Moody,	Strausser,
Branca,	Henzel,	Moran,	Stroup,
Breisch,	Hewitt,	Muldowney,	Swartz,
Brennan, A. P.,	Hocker,	Mullen,	Taylor,
Brennan, J. J.,	Holt,	Munley,	Thomas,
Brenninger,	Horst,	Murphy,	Thompson,
Breth,	Houk,	Murray, H. P.,	Toll,
Brown,	Isaacs,	Murray, J. J.,	Tompkins,
Bucchin,	Jenkins,	Murray, P. G.,	Toomey,
Bullen,	Johnson,	Musto,	Varallo,
Capano,	Jones, T. H. W.,	Naugle,	Varner,
Cianfrani,	Jump,	Needham,	Vaughan,
Cioffi,	Kamyk,	Ogilvie,	Verona,
Cochran,	Kehler,	Olsen,	Wall,
Cooper,	Keller,	O'Neil,	Wallace,
Curwood,	Kent,	Pacchioli,	Walsh,
Davis,	Kline,	Parry,	Wargo,
Donahue,	Knecht,	Pashley,	Waterhouse,
Donaldson,	Kolankiewicz,	Paulhamus,	Weidner,
Dougherty,	Kooker,	Petrosky,	Welsh,
Down,	Kromer,	Pettigrew,	Wescott,
Ehrgood,	Lafore,	Polaski,	Wheeler,
Eilberg,	Leiby,	Polen,	Whitenight,
Eshleman,	Leisey,	Pomeroy,	Willaredt,
Ewing,	Leonard,	Price,	Williams,
Farabaugh,	Leven,	Pursley,	Wilt,
Filo,	Limper,	Readinger,	Wood,
Fineman,	Light,	Reibman,	Worley,
Flint,	Lippincott,	Renwick,	Yetter,
Floyd,	Lopresti,	Reidenbach,	Yetzer,
Flynn,	Lovett,	Rigby,	Young,
Foster,	Lutty,	Rovansek,	Ziegler,
Frank,	Magee,	Royer,	Andrews,
Frascella,	Mahan,	Rudisill,	Speaker
Frost,	Markley,	Sarraf,	

NAYS—1

Auker,

NOT VOTING—12

Comer,	Heavey,	Kratz,	Monroe,
Connelly,	Jones, G. E.,	Lawyer,	Rosen,
Erb,	Kornick,	McKeever,	Rubin,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1880.

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine" by requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax changing the gross receipts fraction applicable to foreign corporations and further providing for the computation and payment of the tax by domestic corporations joint-stock associations limited partnerships and companies

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 1, line 8, by striking out after the word "tax" the word "and"; page 2, line 1, by inserting after the word "corporations" the following "and further providing for the computation and payment of the tax by domestic corporations joint-stock associations limited partnerships and companies";

Amend Section 1, page 7, line 5, by striking out after the word "be" the following "limited to an amount equal to" and inserting in lieu thereof the following: "computed on the";

Amend Section 2, page 8, line 10, by inserting after the part word "tion" the following: "except that if any domestic corporation limited partnership joint-stock association or company subject to the tax prescribed herein shall carry on business outside of the commonwealth of Pennsylvania it may elect to compute and pay its tax under and in accordance with the provisions of subsection (b) of this section"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—194

Adam,	Gaffney,	Markley,	Sarraf,
Agnew,	Garlock,	Maxwell,	Scarcelli,
Amarando,	Gelfand,	McCann,	Schuster,
Anderson, M. S.,	George,	McCormack,	Sherman,
Anderson, S. A.,	Gibb,	McGee,	Sigman,
Ashton,	Gibson,	McInroy,	Smith, C. C.,
Banker,	Goldstein,	McLaughlin,	Smith, Wm. B.,
Barnatovich,	Gramlich,	McWherter,	Snider,
Bazin,	Greenwood,	Meholchick,	Stank,
Bell,	Guss,	Metz,	Stebbins,
Blair,	Guthrie,	Mihm,	Steckel,
Boies,	Hamilton, R. K.,	Mikula,	Stephens,
Bonner,	Hass,	Miller,	Stevenson,
Boory,	Haudenshield,	Mills,	Stone,
Bower,	Helm,	Moody,	Stoner,
Branca,	Henzel,	Moran,	Strausser,
Breisch,	Hewitt,	Moscrip	Stroup,
Brennan, A. P.,	Hocker,	Muldowney,	Swartz,
Brennan, J. J.,	Holt,	Mullen,	Taylor,
Brenninger,	Horst,	Munley,	Thomas,
Breth,	Houk,	Murphy,	Thompson,
Brown,	Isaacs,	Murray, H. P.,	Toll,
Bucchin,	Jenkins,	Murray, J. J.,	Tompkins,
Bullen,	Johnson,	Murray, P. G.,	Toomey,
Capano,	Jones, T. H. W.,	Musto,	Varallo,
Cianfrani,	Jump,	Naugle,	Varner,
Cioffi,	Kamyk,	Needham,	Vaughan,
Cochran,	Kehler,	Ogilvie,	Verona,
Cooper,	Keller,	Olsen,	Wall,
Curwood,	Kent,	O'Neil,	Wallace,
Davis,	Kline,	Pacchioli,	Walsh,
Donahue,	Knecht,	Parry,	Wargo,
Donaldson,	Kolankiewicz,	Pashley,	Waterhouse,
Dougherty,		Paulhamus,	Weidner,

Down,	Kooker,	Petrosky,	Welsh,
Ehrgood,	Kromer,	Pettigrew,	Wescott,
Eilberg,	Lafore,	Polaski,	Wheeler,
Eshleman,	Leiby,	Polen,	Whitenight,
Ewing,	Leisey,	Pomeroy,	Willaredt,
Farabaugh,	Leonard,	Price,	Williams,
Filo,	Leven,	Pursley,	Wilt,
Fineman,	Light,	Readinger,	Wood,
Flint,	Limper,	Reibman,	Worley,
Floyd,	Lippincott,	Reidenbach,	Yetter,
Flynn,	Lopresti,	Renwick,	Yetzer,
Foster,	Lovett,	Rigby,	Young,
Frank,	Lutty,	Rovansek,	Ziegler,
Frascella,	Magee,	Royer,	Andrews,
Frost,	Mahan,	Rudisill,	Speaker

NAYS—1

Auker,

NOT VOTING—12

Comer,	Heavey,	Kratz,	Monroe,
Connelly,	Jones, G. E.,	Lawyer,	Rosen,
Erb,	Kornick,	McKeever,	Rubin,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 2009 entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation

And has appointed Messrs. KESSLER, MAHANY and DENT a committee of conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences between the two Houses in relation to said bill.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 2009

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. READING, POLEN and GIBSON.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 728

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 2, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 728, Printer's No. 1317, entitled "An Act amending the act of April 9, 1929 (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park Areas situate within the city."

GEORGE M. LEADER.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 941.

An Act amending the act of May sixteenth one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" changing formula for determining gross receipts where entire business is not transacted in the Commonwealth modifying the manner of imposing tax on certain corporations engaged in business or owning property outside of the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time.

HOUSE BILL No. 1591.

An Act amending the act of June 1, 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" postponing the manufacturing exemption with regard to capital stock tax and the franchise tax on domestic and foreign corporations joint-stock associations partnerships and companies and changing the gross receipts fraction in the franchise tax.

HOUSE BILL No. 1880.

An Act to further amend sections twenty and twenty-one of the act, approved the first day of June, one thou-

sand eight hundred eighty-nine (P. L. 420), entitled "A further suplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred seventy-nine," by requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax; and changing the gross receipts fraction applicable to foreign corporations.

HOUSE BILL No. 2010.

An Act imposing a tax on the occupancy of rooms in hotels inns motels tourist homes houses or courts lodging houses and rooming houses defined herein as hotels prescribing the manner of collecting the tax providing for licenses imposing duties on and prescribing powers of the Department of Revenue and fixing penalties.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMITTEE MEETINGS

AGRICULTURE AND DAIRY INDUSTRIES, Mr. Snider, Chairman, Room 331, Tuesday, March 6, 1956, 12:00 noon.

COUNTIES, Mr. Wheeler, Chairman, Room 323, Tuesday, March 6, 1956, 11:30 a. m.

EDUCATION, Mr. McCann, Chairman, Room 324, Tuesday, March 6, 1956, 11:00 a. m.

JUDICIARY, Mr. Lopresti, Chairman, Room 145, Tuesday, March 6, 1956, 10:00 a. m.

STATE GOVERNMENT, Mr. Polaski, Chairman, Room 324, Tuesday, March 6, 1956, 12:45 p. m.

WELFARE, Mrs. Varallo, Chairman, Room 330, Tuesday, March 6, 1956, 12:00 noon.

The Legislative Service Club will meet for breakfast tomorrow morning, March 6, 1956 at 8:30 a. m. in the private dining room of the Capitol Cafeteria.

ADJOURNMENT

Mr. KRAMER. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 6, 1956 at 1:00 p. m.

The motion was agreed to, and (at 6:38 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., TUESDAY, MARCH 6, 1956. No. 149.

SENATE

TUESDAY, March 6, 1956

The Senate met at 1:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

Almighty God, Everlasting Father, again we come into Thy presence and we pray that Thy Spirit will help us to realize in this great game of life that if we expect to receive, we also have to give, and that we may think with the poet when he said:

"How many pleasant dreams we spin of fortunes when our ship comes in,

Forgetting meanwhile all about the fact we never sent one out."

Guide us in our Session today that we may do Thy will. We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. FLEMING and Mr. MULLIN, further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

AMENDMENT TO HOUSE BILL NO. 53, RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence, House Bill No. 53, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) prohibiting the throwing of certain material from motor vehicles and further limiting and regulating certain actions.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 1174, RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 1174, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by providing for military leaves of absence for public school employes who are called for military service at any time

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 1319, RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 1319, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" clarifying the effect of certain provisions of the act with respect to powers granted by other laws

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 1623, RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 1623, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" extending retirement benefits to veterans of armed conflicts.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 258, entitled:

An Act amending the act of May 11, 1921 (P. L. 522), entitled as amended "Dog Law of 1921," providing for free license tags for guide dogs for the blind.

House Bill No. 647, entitled:

An Act amending the act of June 12, 1951 (P. L. 533), entitled "The Mental Health Act of 1951," extending liability for the costs of care of patients, in certain cases; and the right of recovery thereof.

Senate Bill No. 655, entitled:

An Act amending the act of December 27, 1951 (P. L. 1742), entitled as amended "The Realty Transfer Tax Act," exempting from the tax certain straw transactions.

Senate Bill No. 929, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

House Bill No. 1432, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051), entitled "Public Assistance Law," changing provisions relating to children elegible for assistance.

House Bill No. 1666, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

House Bill No. 1667, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

House Bill No. 1668, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

House Bill No. 1669, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

House Bill No. 1670, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

House Bill No. 1671, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

House Bill No. 1672, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

House Bill No. 1705, entitled:

An Act transferring money from the Banking Fund to the General Fund.

House Bill No. 1732, entitled:

An Act lapsing unexpended and unencumbered balances of certain appropriations from the Motor License Fund.

House Bill No. 1733, entitled:

An Act amending the act of September 29, 1951 (P. L. 1652), entitled "An act providing for the construction by The General State Authority of an addition of a medical and surgical hospital building to the Philadelphia State Hospital on lands heretofore or about to be conveyed to it by the Mercy-Douglass Hospital, and authorizing the Department of Property and Supplies to sublease said lands and building to the Mercy-Douglass Hospital," clarifying the word hospital.

House Bill No. 1908, entitled:

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood, or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. FLEMING, from the Committee on Highways reported as amended, House Bill No. 984, entitled:

An Act amending the act of May 28 1937 (P. L. 1053) entitled "Public Utility Law," excluding buses owned by or under contract with private or parochial schools for the transportation of school children and children to Sunday school from the definition of common carrier by motor vehicle and contract carrier by motor vehicle.

He also, from the Committee on Highways reported as amended, House Bill No. 1311, entitled:

An Act providing a permanent allocation of a part of the fuels and liquid fuels tax preceeds to cities boroughs incorporated towns and townships for their road street and bridge purposes conferring powers and imposing duties on local officers and the Department of Highways and making an appropriation out of the Motor License Fund.

He also, from the Committee on Highways reported as amended, House Bill No. 1848, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code," excluding the weight of safety devices in determining gross and axle weights.

Mr. HARNEY, from the Committee on Agriculture, reported as committed, House Bill No. 1987, entitled:

An Act amending the act of May 2, 1925 (P. L. 448) entitled "The Fish Law of 1925," authorizing in certain cases fishing in farm ponds without licenses and regulating the transportation of fish from such ponds during closed seasons.

BILL RE-REFERRED

Mr. WOLFE, from the Committee on Military Affairs and Aeronautics, returned to the Senate, Senate Bill No. 347, entitled:

An Act making an appropriation to the Department of Commerce, City of Philadelphia for the promotion of helicopter service between Philadelphia International Airport and nearby points.

Which was rereferred to the Committee on Appropriations.

REPORTS OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 215

Mr. KESSLER. Mr. President, I submit the report of the Committee of Conference on Senate Bill No. 215, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority, municipality authorities and nonprofit corporations.

The PRESIDENT. This Report of Committee of Conference will appear on tomorrow's Calendar.

BILLS INTRODUCED AND REFERRED

Messrs. FLACK, BERGER and WADE read in place and presented to the Chair Senate Bill No. 1016, entitled:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "The County Code," further regulating the payment of sheriff's salaries in certain counties.

Which was committed to the Committee on Local Government.

Messrs. MAHANY and DENT read in place and presented to the Chair Senate Bill No. 1017, entitled:

An Act amending the act of March 31, 1949 (P. L. 372) entitled "The General State Authority Act of 1949," authorizing the issuance of bonds for refunding purposes.

Which was committed to the Committee on State Government.

Messrs. McPHERSON, JR. and SCHMIDT read in place and presented to the Chair Senate Bill No. 1018, entitled:

An Act amending the act of July 25, 1955 (P. L. 273), entitled "An act authorizing counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law; . . ." extending the time during which political subdivisions may act under the provisions thereof.

Which was committed to the Committee on Judiciary General.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 2009

Mr. MAHANY. Mr. President, I submit the report of the Committee of Conference on House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale use storage or other consumption of certain tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation.

The PRESIDENT. The report will lie over for printing under the rules.

SENATE CONCURRENT RESOLUTION REFERRED TO COMMITTEE

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO DEVELOP AND ASSEMBLE CURRENT AND COMPREHENSIVE DATA RELATING TO THE IMPACT AND INCIDENCE OF ALL STATE AND LOCAL TAXES IN PENNSYLVANIA

Messrs. MAHANY and DENT offered the following resolution which was twice read and referred to the Committee on Rules:

In the Senate, March 6, 1956.

Whereas, It is frequently represented that Pennsylvania state and local taxes combined impose different burdens upon different types of business activity and different forms of business organization and place Pennsylvania at a relative disadvantage as compared to other states in encouraging business activity; and

Whereas, It is frequently alleged that the burden of state and local taxes in Pennsylvania is distributed inequitably among individuals in different economic circumstances and falls unequally upon similarly circumstanced individuals; and

Whereas, Data currently available are inadequate to permit realistic and conclusive evaluation of these contentions; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission be directed to develop and assemble current and comprehensive data relating to the impact and incidence of all State and local taxes in Pennsylvania and such data on tax systems in other States as will facilitate valid comparisons with Pennsylvania, and report its findings to the General Assembly.

RECESS

Mr. LANE. Mr. President, I move that the Senate do now take a recess until 5:00 o'clock, p. m., Eastern Standard Time, for the purpose of holding a Democratic Caucus.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT pro tempore (M. Harvey Taylor) in the Chair.

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

RECESS

Mr. FLEMING. Mr. President, I move that the Senate do now take a recess until 10:30 o'clock, p. m., Eastern Standard Time.

Mr. BARR. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDING OFFICER (Robert D. Fleming) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 68, entitled:

An Act amending the "Liquor Code" of April 12 1951 (P. L. 90) authorizing the transfer of certain retail licenses to clubs without effecting the number of licenses thereafter granted in any municipality.

Which was committed to the Committee on Law and Order.

House Bill No. 2023, entitled:

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employes mileage of members and payment of postage and expenses.

Which was committed to the Committee on Appropriations.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 2009

He also informed the Senate that the House has adopted the Report of Committee of Conference on House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the sale use storage or other consumption of certain tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation.

RULE 21 SUSPENDED

Mr. MAHANY. Mr. President, I move that Rule 21, which requires Reports of Committees of Conference to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the foregoing Report of Committee of Conference.

Mr. TAYLOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The roll was called and was as follows:

YEAS—46

Barr,	Hays,	Miller,	Taylor,
Berger,	Kessler,	Mullin,	Van Sant,
Blass,	Kopriver, Jr.,	Pechan,	Wade,
Camiel,	Lane,	Peelor,	Wagner,
Chapman,	Madigan,	Propert,	Watkins,
Dent,	Mahany,	Ruth,	Watson,
Diehm,	Mallery,	Schmidt,	Weiner,
DiSilvestro,	McCreesh,	Scott,	Whalley,
Donolow,	McGinnis,	Seyler,	Wolfe,
Flack,	McMenamin,	Silvert,	Yosko,
Haluska,	McPherson, Jr.,	Stevenson,	Fleming,
Harney,		Stiefel,	Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 2009

The Senate proceeded to the consideration of the report of Committee of Conference on House Bill No. 2009, as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 2009, entitled "An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and utility services herein defined as tangible personaly property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation"

Respectfully submit the following bill as our report.

EDWARD J. KESSLER,
ROWLAND B. MAHANY,
(Committee on the Part of the Senate)

ALBERT R. READINGER,
J. DEAN POLEN,
ALLEN M. GIBSON,
(Committee on the Part of the House of Representatives)

An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property providing for licenses reports payments and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers corporations partnerships associations and individuals and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Short Title and Definitions

Section 1 Short Title This act shall be known and may be cited as the "Selective Sales and Use Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

(a) "Department" The Department of Revenue of this Commonwealth

(b) "Person" Any natural person association partnership or corporation Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment or both the term "person" as applied to an association shall include the members thereof and as applied to a corporation the officers thereof

(c) "Purchase" Acquiring tangible personal property for a consideration whether the transaction was effected by a transfer of title or of possession or of both or a license to use or consume whether such transfer shall have been absolute or conditional and by whatsoever means the same shall have been effected whether such

consideration be a price or rental in money or by way of exchange or barter

(d) "Purchase price" (1) The total consideration paid by a user for the purchase of tangible personal property excluding only any consideration received for returnable containers materials labor or service in delivering installing applying or warranting the property sold if such consideration is stated separately from the consideration paid for the purchase lease or transfer of the tangible personal property there shall be deducted any allowance actually made for any tangible personal property as herein defined actually taken in trade or exchange for the whole or any part of the purchase price

(2) In any transaction not at arm's length the sale price shall not be less than the prevailing market price for similar tangible personal property

(e) "Storage" Any keeping or retention of tangible personal property within this Commonwealth

(f) "Tangible personal property" shall mean

1 Motor vehicles trailers semi-trailers and aircraft and all accessories parts and equipment used in the maintenance operation or repair of such motor vehicles trailers semi-trailers and aircraft except gasoline

2 Formal day or evening apparel and articles made of fur on the hide or pelt and articles of which such fur is the component material of chief value but only if such value is more than three times the value of the next most valuable component material

3 All materials supplies and equipment used in the construction reconstruction remodeling repair and maintenance of any real estate

4 Furnishings appliances supplies fittings ornaments furniture equipment and accessories for home business industrial or commercial use for indoor or outdoor purposes

5 Business industrial professional and commercial supplies equipment and machines of all types including parts and accessories purchased on or used in connection therewith

6 Cosmetics toilet preparations toilet articles drugs and medical supplies except when sold on prescription

7 All tobacco products except such products already subject to tax under the laws of this Commonwealth

8 Luggage leather goods and related articles including fittings and accessories

9 Jewelry watches clocks and related articles

10 Books stationery and stationery supplies

11 Toys games hobby supplies photographic and projection equipment and supplies sporting goods and athletic equipment and supplies therefor pleasure boats equipment parts and accessories used in conjunction therewith regardless of the use made of such property

12 Flowers plants shrubbery trees fertilizer sprays and insecticides bulbs and seeds and supplies and equipment used in connection therewith

13 Fuel oil and petroleum products for heating purposes natural manufactured and bottled gas steam

14 Hardware tools paints and painting materials and equipment

15 Live animals fish and birds and supplies and equipment used in connection therewith

16 Radios television receiving sets and receiving equipment phonographs sound recorders musical instruments or any combination of the foregoing and parts components and accessories for the same and records and sheet music

17 Food and beverages when purchased for consumption on the premises (i) from persons engaged in the business of operating public restaurants cafes lunch counters other eating places and clubs except when purchased from a school church or hospital in the ordinary course of the activities of such organization (ii) from persons engaged in the business of catering when in either case the purchase price of the total transaction is more than fifty cents (50c) beverages shall not include soft drinks malt and brewed beverages and spirituous and vinous liquors

(g) "Tangible personal property" shall not include any tangible personal property purchased by the United States the Commonwealth of Pennsylvania a political subdivision public authority or by any charitable education or religious organization

(h) "Manufacture" the performance of manufacturing or operations which place tangible personal property in a form different from that in which it is acquired and shall include but not be limited to building repairing and making additions to or repalcements in or upon vessels designed for commercial use of registered tonnage of fifty tons or more when produced upon special order of the purchaser or when repaired or enlarged or when replacements are made upon order of or for the account of the owner publishing of books newspapers magazines or other periodicals refining exploring mining and quarrying for or otherwise extracting from the earth any natural resources but shall not include constructing altering repairing or improving real estate or repairing or installing tangible personal property

(i) "Taxpaper" Any person required to pay or collect the tax imposed by this act

(j) "Use" The exercise of any right or power incidental to the ownership or leasing of tangible personal property and shall include but not be limited to transportation storage and consumption except that it shall not include the use for demonstration by a person of the property in any form as tangible personal property in the regular course of business "Use" shall not mean the interim use of tangible personal property by a manufacturer wholesaler or retailer before he sells such tangible personal property and shall not mean the physical incorporation of tangible personal property as an ingredient or constituent into other tangible personal property (1) which is sold in the regular course of business or (2) which the person incorporating such ingredient or constituent therein has undertaken at the time of purchase to cause to be transported in interstate commerce to destinations outside the Commonwealth nor shall use mean the use of tangible personal property used or consumed directly (i) in the manufacture of tangible personal property or (ii) in farming agriculture horticulture or floriculture engaged in as a business enterprise or (iii) in the producing delivering or rendering of a public utility service use shall not include the interim storage or transportation of tangible personal property purchased outside the Commonwealth of Pennsylvania for use outside the Commonwealth of Pennsylvania

(k) "Maintaining place of business in Commonwealth" Any person having or maintaining within this Common? wealth directly or by a subsidiary an office distribution house sales house warehouse or other place of business or any agent operating within this Commonwealth under the authority of the person or its subsidiary irrespective of whether the place of business or agent is located here permanently or temporarily or whether such person or subsidiary is authorized to do business within this Commonwealth

Article II

Imposition of Tax and Credits

Section 201 (a) There is hereby imposed an excise tax of three per centum of the purchase price upon the use within the Commonwealth of all tangible personal property as defined in this act purchased after the effective date of this act the tax shall be payable by the person who uses such property

(b) The tax shall be computed as follows

(1) If the purchase price is ten cents (10¢) or less no tax shall be collected

(2) If the purchase price is eleven cents (11¢) or more but less than forty-one cents (41¢) one cent (1¢) shall be collected

(3) If the purchase price is forty-one cents (41¢) or more but less than seventy-one cents (71¢) two cents (2¢) shall be collected

(4) If the purchase price is seventy-one cents (71¢) or more but less than one dollar and one cent ($1.01) three cents (3¢) shall be collected

(5) If the purchase price is more than one dollar ($1) three per centum of each dollar of purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected

Section 202 Exclusion from Tax The tax imposed by section 201 shall not apply with respect to

(a) The use of tangible personal property other than motor vehicles trailers and semi-trailers purchased in an isolated transaction from a person not a seller or from a person who is a seller but is not a seller with respect to the article acquired

(b) The use of tangible personal property purchased by a nonresident person outside of and brought into this Commonwealth for temporary use therein not to exceed a period of five days or while passing therethrough

(c) The use after the effective date of this act of tangible personal property in the fulfillment of contracts for the construction reconstruction remodeling repairing or maintenance of real estate entered into prior to that date which are fixed price agreements not subject to change or modification by reason of the tax imposed by this act provided however that notice of such contract is given by the taxpayer to the department within sixty days after the effective date of this act

Article III

Licenses

Section 301 Licenses (a) Every person maintaining a place of business in this Commonwealth selling or leasing tangible personal property the use of which is subject to tax shall on or before the thirtieth day after the effective date of this act or prior to the beginning of business thereafter make application to the department on a form prescribed by the department for a license and pay to the department the sum of two dollars ($2) therefor If such person maintains more than one place of business in this Commonwealth the license shall be issued for the principal place of business in this Commonwealth

(b) The department shall after the receipt of an application issue the license applied for under subsection (a) of this section The license shall be nonassignable and of permanent duration

(c) Any person who after May 1 1956 shall maintain a place of business in this Commonwealth for the purpose of selling or leasing tangible personal property the use of which is subject to tax without having first been licensed by the department pursuant to the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both together with costs of prosecution The penalties imposed by this section shall be in addition to any other penalties imposed by this act

(d) Failure of any person to obtain a license shall not relieve him of liability to pay the tax imposed by this act

Article IV

Prepaid Tax Receipts

Section 401 Cancelling Prepaid Tax Receipts On and after the effective date of this article the payment of the tax shall be evidenced by cancelling prepaid tax receipts equal in face value to the amount of the tax in the manner provided by this article No profit other than the compensation provided for by this act shall accrue to a vendor or other person from the collection of any tax imposed by this act Any person collecting any such tax shall cancel the proper amount of prepaid tax receipts equal in face value to the tax collected for each purchose at retail If the total amount of taxes so collected in any period shall be in excess of two per centum of the sale price of the sales by the person collecting taxes during such period the person shall nevertheless account to the department for the total amount of taxes collected as well as the total amount of prepaid tax receipts cancelled without deducting the amount by which the taxes collected exceed two per centum of the sale price of his sales during such period and without making any other deduction other than the compensation allowed by this act

Section 402 Issuance of Prepaid Tax Receipts The department shall issue prepaid tax receipts in such denominations and classifications as it deems necessary and it shall adopt and promulgate such rules and regulations as it may deem necessary in order to carry out the provisions of this act

Section 403 Distributors The department shall distribute the prepaid tax receipts to any bank or trust company in this Commonwealth which applies for a permit to act as a distributor of prepaid tax receipts to vendors As a commission for handling and distributing the prepaid tax receipts each distributor shall be allowed a commission of one-half of one per centum of the total value of stamps sold to vendors Each distributor shall also furnish to the Department of Revenue a semiannual report showing an accounting of such sales It shall be the duty of the Department of Revenue to conduct audits and make investigations to determine whether or not each distributor makes a proper accounting of the distribution of prepaid tax receipts

Section 404 Purchase by Vendors Each vendor making taxable sales shall purchase and have on hand at all times prepaid tax receipts in suitable denominations and in amounts sufficient to supply the normal requirements of his business A vendor shall procure prepaid tax receipts only from authorized distributors licensed as such by the Commonwealth For the purpose of compensating vendors for the keeping of prescribed records and the proper accounting of taxes and prepaid tax receipts by them such vendors shall be allowed to purchase prepaid tax receipts at a discount of two per centum upon each purchase amounting to twenty-five dollars ($25.00) or more

Section 405 Redemption To encourage the assistance of health welfare charitable religious educational fraternal patriotic and volunteer firemen's organizations and the general public in the collection of the tax the department shall redeem the consumer's or purchaser's portion of prepaid tax receipts at two per centum of the face value when presented in accordance with rules and regulations prescribed by the department in amounts aggregrating one hundred dollars ($100) or more

Article V

Procedure and Administration

Part I

Returns

Section 501 Persons Required to Make Returns Every taxpayer shall file returns with respect to such tax

Section 502 Form of Returns The returns required by section 501 shall be on forms prescribed by the department and shall show such information with respect to the taxes imposed by this act as the department may reasonably require

Part II

Time and Place for Filing Returns

Section 520 Time for Filing Returns (a) Monthly Returns A return shall be filed monthly with respect to the preceding month by every licensee Such return shall be filed on or before the last day of the month succeeding the month with respect to which the return is made

(b) Annual Return In addition to the return required by subsection (a) a return shall be filed annually with respect to the preceding calendar year by every licensee Such return shall be filed by the thirty-first day of January in the year succeeding the year with respect to which the return is made

(c) Other Returns Any person other than a licensee liable to pay to the department any tax under this act shall file a return on or before the last day of the month succeeding the month in which such person becomes liable for the tax

Section 521 Extension of Time for Filing Returns The department may on written application and for good cause shown grant a reasonable extension of time for filing any return required under this article However the time for making a return shall not be extended for more than three months

Section 522 Place for Filing Returns Returns shall be filed with the department at its main office or at any branch office which it may designate for filing returns

Part III

Payment of Tax

Section 530 Payment When a return of tax is required under this article the person required to make the return shall pay the tax to the department

Section 531 Time of Payment (a) Monthly Payments The tax imposed by this act and collected by a licensee shall be due and payable in monthly installments on or before the last day of the month succeeding the month during which the purchases subject to the tax were made and shall accompany the return for such preceding month

(b) Annual Payments If the amount of tax due for the preceding year as shown by the annual return of any taxpayer is greater than the amount already paid by him in connection with his monthly returns he shall send with such annual return a remittance for the unpaid amount of tax for the year

(c) Other payments Any person other than a licensee liable to pay any tax under this act shall remit the tax at the time of filing the return required by this act

Section 532 Other Times for Payment In the event that the department authorizes a taxpayer to file a return at other times than those specified in section 520 the tax due shall be paid at the time such return is filed

Section 533 Place for Payment of Tax The tax imposed by this act shall be paid to the department at the place fixed for filing the return

Section 534 Commissions The licensee shall be entitled to apply and credit against the amount of tax payable by him an amount equal to two per centum of the gross tax collected by him to cvoer his expense in the collection and remittance of said tax provided however that nothing contained in this section shall apply to any licensee who shall fail or refuse to file his return with and pay the tax to the department within the time prescribed

Part IV

Assessment and Collection of Tax

Section 540 Assessment The department is authorized and required to make the inquiries determinations and assessments of the tax (including interest additions and penalties) imposed by this act

Secton 541 Mode and Time of Assessment (a) Underpayment of Tax Within a reasonable time after any return is filed the department shall examine it and if the return shows a greater tax due than the amount of tax remitted with the return of the department shall forthwith assess the difference The difference shall be paid to the department within thirty days after a notice of the assessment has been mailed to the taxpayer

(b) Understatement of Tax If the department determines that any return or returns of any taxpayer understates the amount of tax due the department shall assess the proper amount and shall determine the difference between the amount of tax shown in the return and the amount assessed such difference being hereafter sometimes referred to as the "deficiency" The deficiency shall be paid to the department within thirty days after a notice of the assessment thereof has been mailed to the licensee

(c) Failure to File Return in the event that any licensee fails to file a return required by this act the department may make an estimate assessment (based on the best information available) of the probable amount of tax owing by the licensee and the tax shall be paid within thirty days after a notice of such estimated assessment has been mailed to the licensee

(d) Authority to Establish Effective Rates by Business Classifications If a return required by this act is not filed or a return when filed is incorrect or insufficient the amount of tax due shall be determined by the department from such information as may be obtainable

The department is authorized to make the studies necessary to compute effective rates by business classification based upon the ratio between the tax required to be collected and taxable sales and to use such rates in arriving at the tax liability of a licensee

Any assessment based upon effective rates established by the department shall be binding upon the taxpayer unless such assessment is appealed in accordance with the provisions of this act

Section 542 Reassessment Any licensee against whom an assessment is made may petition the department for a reassessment Notice of an intention to file such a petition shall be given to the department prior to the time the assessment becomes due and payable The department shall hold such hearings as may be necessary for the purpose at such times and places as it may determine and each licensee who has duly notified the department of an intention to file a petition for reassessment shall be notified by the department of the time when and the place where such hearing in his case will be held A petition for reassessment is filed shall set forth explicitly and in detail the grounds upon which the licensee claims that the assessment is erroneous or unlawful in whole or in part and shall be accompanied by an affidavit under oath or affirmation certifying to the facts stated in the petition

It shall be the duty of the department within six months after the hearing or after receiving a filed petition for reassessment to dispose of the issue raised at such hearing or by such filed petition Notice of the action taken shall be given to the petitioner promptly after the date of reassessment by the department

Section 543 Review by Board of Finance and Revenue Within sixty days after the date of mailing of notice by the department of the action taken on any petition for reassessment filed with it or after the department's failure to act within the time specified the person against whom such assessment was made by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reasons on which the petitioner relies or shall incorporate by reference the petition for re assessment in which the reasons are stated The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall act finally in disposing of petitions filed with it within six months after they have been received In the event of the failure of the board to dispose of any petition within six months the action taken by the department upon the petition for reassessment shall be sustained The Board of Finance and Revenue may sustain the action taken on the petition for reassessment or it may reassess the tax due on such basis as it deems according to law The board shall give notice of its action by mail to the department and to the petitioner

Section 544 Appeal to the Court of Common Pleas of Dauphin County Any person or the Commonwealth aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon a petition for review within six months may within sixty days appeal to the Court of Common Pleas of Dauphin County from the decision of the board or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

Section 545 Burden of Proof In all cases of petitions for reassessment review or appeal the burden of proof shall be upon the petitioner or appellant as the case may be

Section 546 Collection of Tax (a) Collection by Department The department shall collect the tax in the manner provided by law for the collection of taxes imposed by the laws of this Commonwealth

(b) Collection by Persons Maintaining Place of Business in Commonwealth Every person maintaining a place of business in this Commonwealth and selling or leasing tangible personal property the use of which is subject to tax at the time of making the sale or lease shall collect the tax from the purchaser or lessee and remit the tax to the department

(c) Exemptions Certificates If the tax does not apply to the sale or lease of tangible personal property the purchaser or lessee shall furnish to the seller or lessor a certificate indicating that the sale is not legally subject to the tax The certificate shall be in such form as the de-

partment by regulation shall prescribe Where the identity of the user is such that the transaction is never subject to the tax imposed or where the tangible personal property is never subject to the tax imposed or where the sale or lease is in interstate commerce no such certificate need be furnished

(d) Direct Payment Permits The department may auth-- orize a purchaser or lessee who acquires tangible personal property under circumstances which normally make it impossible at the time of acquisition to determine the manner in which it will be used to pay the tax directly to the department and waive the collection of the tax by the sellers No such authority shall be granted or exercised except upon application to the department and the issuance by the department of a direct payment permit If a direct payment permit is granted then the payment of tax on all acquisitions including acquisitions of tangible personal property the use of which is known at the time of the acquisition shall be made directly to the department by the permit holder If such person is a licensee the tax shall be paid at the same time and in the same manner as is prescribed for a licensee

Section 547 Collection Upon Failure to Request Reassessment Review or Appeal The department may collect any tax

(a) If an assessment of tax is not paid within thirty days after notice thereof to the licensee and no petition for reassessment has been filed

(b) Within sixty days from the date of reassessment if no petition for review has been filed

(c) Within sixty days from the date of the decision of the Board of Finance and Revenue upon a petition for review or of the expiration of the board's time for acting upon such petition if no appeal has been made and

(d) In all cases of judicial sales receiverships assignments or bankruptcies

In any such case in a proceeding for the collection of such taxes the person against whom they were assessed shall not be permitted to set up any ground of defense that might have been determined by the department the Board of Finance and Revenue or the courts

Section 548 Lien for Taxes (a) Lien Imposed If any person liable to pay any tax neglects or refuses to pay the same after demand the amount (including any interest addition or penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the Commonwealth against all real estate within the Commonwealth of any taxpayer but only after same has been entered and docketed of record by the prothonotary of the county where such real estate is situated as hereafter provided

(b) Priority and Effect of Lien The department may at any time transmit to the prothonotaries of the respective counties certified copies of all liens for taxes imposed by this act and penalties and interest It shall be the duty of each prothonotary receiving the lien to enter and docket the same of record in his office which lien shall be indexed as judgments are now indexed All such liens shall have priority to and be fully paid and satised out of the judicial sale of the real estate before any other obligation judgment claim lien or estate with which the real estate may subsequently become charged or for which it may subsequently become liable subject however to mortgage or other liens existing and duly recorded at the time the tax lien is recorded save and except the cost of sale and of the writ upon which it is made and real estate taxes imposed or assessed upon the property The lien of the taxes interest and penalties shall continue for five years from the date of entry and may be revived and continued in the manner now or hereafter provided for renewal of judgments and it shall be lawful for a writ of scire facias to issue and be prosecuted to judgment in the manner in which such writs are ordinarily employed

(c) Duty of Prothonotary Any wilful failure of any prothonotary to carry out any duty imposed upon him by this section shall be a misdemeanor and upon conviction he shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and costs of prosecution or to undergo imprisonment not exceeding one year or both

Part V

Refunds and Credits

Section 550 Refund or Credit for Overpayment In the case of any overpayment the department within the applicable period of limitations may credit the amount of such overpayment against any liability in respect of the tax imposed by this act on the part of the person who made the overpayment and shall refund any balance to such person

Section 551 Restriction on Refunds No refund shall be made under section 550 without the approval of the Board of Finance and Revenue

Part VI

Limitations

Section 560 Limitation on Assessment and Collection The amount of the tax imposed by this act shall be assessed within three years after the date when the return required by subsection (b) or (c) of section 520 is filed Any such assessment may be made at any time during such period notwithstanding that the department may have made one or more previous assessments against the taxpayer for the year in question or for any part of such year In any such case no credit shall be given for any penalty previously assessed or paid

Section 561 Failure to File Return Where no return is filed the amount of the tax due may be assessed and collected at any time as to taxable transactions not reported

Section 562 False or Fraudulent Return Where the taxpayer files a wilfully false or fraudulent return with the intent to evade the tax imposed by this act the amount of tax due may be assessed and collected at any time

Section 563 Extension of Limitation Period Notwithstanding any of the foregoing provisions of this part where before the expiration of the period prescribed therein for the assessment of a tax a taxpayer has consented in writing that such period be extended the amount of a tax due may be assessed at any time within such extended period The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period

Section 564 Limitations on Refund or Credit (a) Application for Refund Any application for refund must be filed with the department within three years from the time the return is required to be filed (determined without regard to any extension of time) or two years from the time the tax was paid whichever is later

(b) Assessment Where No Return Filed If an assessment of tax is made where no return is filed then any application for refund must be filed with the department within one year from the time of payment

Part VII

Interest Additions Penalties and Crimes

Section 570 Interest If any amount of tax imposed by this act is not paid on or before the last date prescribed for payment interest on such amount at the rate of one-half of one per centum per month for each month or fraction thereof from such date shall be paid for the period from such last date to the date paid The last date prescribed for payment shall be determined under subsections (a) or (c) of section 531 without regard to any extension of time for payment In the case of any amount assessed as a deficiency or as an estimated assessment the date prescribed for payment shall be thirty days after notice of such assessment

Section 571 Additions to Tax (a) Failure to File Return In the case of failure to file any return required by section 501 on the date prescribed therefor (determined with regard to any extension of time for filing) there shall be added to the amount required to be shown as tax on such return five per centum of the amount of such tax if the failure is for not more than one month with an additional five per centum for each additional month or fraction thereof during which such failure continues not exceeding

twenty-five per centum in the aggregate but in no case shall the amount added be less than ten dollars ($10)

(b) Failure to Pay Tax Through Negligence or Fraud

(1) If any part of any deficiency is due to negligence or intentional disregard of rules and regulations (but without intent to defraud) there shall be added to the tax an amount equal to five per cent of the underpayment

(2) If any part of any deficiency is due to fraud there shall be added to the tax an amount equal to fifty per centum of the deficiency This amount shall be in lieu of any amount determined under paragraph (1)

(c) Interest If the department assesses as tax according to section 541 (b) or (c) there shall be added to the amount of the deficiency interest at the rate of one-half of one per centum per month for each month or fraction thereof from the date prescribed by section 531 (a) or (c) of this act for the payment of the tax to the date of notice of the assessment

(d) Uncollectible Checks Whenever any check issued in payment of any tax assessment or for any other purpose shall be returned to the department as uncollectible the secretary shall charge a fee of five dollars ($5) plus all protest fees to the person presenting such check to him to cover the cost of its collection

Section 572 Penalties (a) Penalty Assessed as Tax The penalties and liabilities provided by this act shall be paid upon notice and demand by the department and shall be assessed and collected in the same manner as taxes Except as otherwise provied any reference in this act to "tax" imposed by this act shall be deemed also to refer to the penalties and liabilities provided by this Part

(b)Attempt to Evade or Defeat Tax Any person who wilfully attempts in any manner to evade or defeat the tax imposed by this act or the payment thereof or assists any other person to evade circumvent or defeat the tax imposed by this act the payment thereof or to receive a refund improperly shall in addition to other penalties provided by law be liable for a penalty equal to the total amount of the tax evaded No penalty shall be imposed under subsection (b) of section 571 for any offense to which this section is applicable

Section 573 Crimes (a) Fraudulent Return Any person who with intent to defraud the Commonwealth shall wilfully make or cause to be made any return required by this act which is false shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2000) or undergo imprisonment not exceeding three years or both

(b) Other Crimes Except as otherwise provided by subsection (a) any person maintaining a place of business in this Commonwealth who advertises or holds out or states to the public or to any purchaser or user directly or indirectly that the tax or any part thereof imposed by this act will be absorbed by such person or that it will not be added to the selling price of the tangible personal property sold or if added that the tax or any part thereof will be refunded other than when such person refunds the selling price because of such property being returned to the seller and any person maintaining a place of business in this Commonwealth and selling or leasing tangible personal property the use of which by the purchaser is subject to tax hereunder who shall wilfully fail or refuse to collect the tax from the purchaser and remit the same to the department and any person who shall wilfully fail neglect or refuse to file any return or report required by this act or any taxpayer who shall refuse to pay any tax penalty or interest imposed or provided for by this act or who shall wilfully fail to preserve his books papers and records as directed by the department or any person who shall refuse to permit the department or any of its authorized agents to examine his books records or papers or who shall knowingly make any incomplete false or froudulent return or report or who shall do or attempt to do anything whatever to prevent the full disclosure of the amount or character of taxable sales or purchases made by himself or any other person or shall provide any person with a false statement as to the payment of tax with respect to particular tangible personal property shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or undergo imprisonment not exceeding one year or both The penalties imposed by this section shall be in addition to any penalties imposed by any provision of this act other than subsection (a)

Part VIII

Enforcement and Examinations

Section 580 Rules and Regulations (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with the provisions of this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

Section 581 Keeping of Records Every person liable for any tax imposed by this act or for the collection thereof shall keep the records render such statements make the returns and comply with such rules and regulations as the department may from time to time prescribe Whenever in the judgment of the department it is necessary it may require any person by notice served upon such person or by regulations to make such returns render such statements or keep such records as the department deems sufficient to show whether or not such person is liable for the tax under this act

Section 582 Examinations The department or any of its authorized agents is hereby authorized to examine the books papers and records of any taxpayer in order to verify the accuracy and completeness of any return made or if no return was made to ascertain and assess the tax imposed by this act The department may require the preservation of all such books papers and records for any period deemed proper by it not to exceed however three years from the end of the calendar year to which the records relate Every such taxpayer is hereby required to give to the department or its agent the means facilities and opportunity for such examinations and investigation The department is further authorized to examine any person under oath concerning taxable sales or purchases by any taxpayer or concerning any other matter relating to the enforcement or administration of this act and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes to have knowledge of such matters The procedure for such hearings or examinations shall be the same as that provided by the Fiscal Code relating to inquisitorial powers of fiscal officers

Section 583 Unauthorized Disclosure Any information gained by the department as a result of any return investigation hearing or verification required or authorized by this act shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law and any person unlawfully divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment for not more than one year or both

Section 584 Cooperation with Other Governments Notwithstanding the provisions of section 583 the department may permit the Commissioner of Internal Revenue of the United States or the proper officer of any state or the authorized representative of either such officer to inspect the tax returns of any taxpayer or may furnish to such officer or his authorized representative an abstract of the return of any taxpayer or supply him with information concerning any item contained in any return or disclosed by the report of any investigation of the return of any taxpayer The permission shall be granted only if the statutes of the United States or of such other state as the case may be grant substantially similar privileges to the proper officer of the Commonwealth charged with the administration of this act

Section 585 (Bonds (a) Where the secretary in his discretion deems it necessary to protect the revenues to be

obtained under the provisions of this act he may require any taxpayer to file with him a bond issued by a surety company authorized to do business in this Commonwealth and approved by the insurance commissioner as to solvency and responsibility in such amounts as the secretary may fix to secure the payment of any tax or penalties due or which may become due from such taxpayer in the event that the secretary determines that a taxpayer is to file such a bond he shall give notice to such taxpayer to that effect specifying the amount of the bond required the taxpayer shall file such bond within five days after the giving of such notice unless within such five days the taxpayer shall request in writing a hearing before the secretary at which hearing the necessity propriety and amount of the bond shall be determined by the secretary such determination by the secretary shall be final and shall be complied with within fifteen days after the taxpayer is given notice thereof

(b) In lieu of the bond required by this section securities approved by the secretary or cash in such amount as he may prescribe may be deposited which shall be kept in the custody of the secretary who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due and for that purpose the securities may be sold by the secretary at public cr private sale without notice to the depositor

Article VI

Miscellaneous Provisions

Section 601 Saving Clause Notwithstanding anything contained in any law to the contrary the validity of any law or any ordinance or part of law or of any ordinance or any resolution or part of any resolution and any amendments or supplements thereto now or hereafter enacted or adopted by the Commonwealth or any political subdivision thereof providing for or relating to the imposition levy or collection of any tax shall not be affected or impaired by anything contained in this act

Section 602 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part therof not been included herein

Section 603 Appropriation So much of the proceeds of the tax imposed by this act as shall be necessary for the payment of refunds provided for hereunder is hereby appropriated for the payment of such refunds

Section 604 Effective Date The provisions of this act shall take effect the day following final enactment but the provisions of Article iv shall not be operative until July 1 1956

The rate of tax imposed by section 201 shall be two per centum of the purchase price on and after June 1 1957 and shall be computed as follows

(1) If the purchase price is ten cents (10¢) or less no tax shall be collected

(2) If the purchase price is eleven cents (11¢) or more but less than sixty-two cents (62¢) one cent (1¢) shall be collected

(3) If the purchase price is sixty-two cents (62¢) or more but less than one dollar and one cent ($1.01) two cents (2¢) shall be collected

(4) If the purchase price is more than one dollar ($1) two per centum of each dollar of the purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected

On the question,

Will the Senate adopt the report of the Committee of Conference?

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 2009

Mr. MAHANY. Mr. President, I move that the Senate adopt the report of the Committee of Conference on House Bill No. 2009.

Mr. TAYLOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Berger,	Kopriver, Jr.,	Peelor,	Wagner,
Blass,	Madigan,	Propert,	Watkins,
Chapman,	Mahany,	Scott,	Watson,
Diehm,	Mallery,	Stevenson,	Whalley,
Flack,	McPherson, Jr.,	Taylor,	Wolfe,
Harney,	Pechan,	Van Sant,	Fleming,
Kessler,		Wade,	Presiding Officer

NAYS—20

Barr,	Haluska,	McMenamin,	Seyler,
Camiel,	Hays,	Miller,	Silvert,
Dent,	Lane,	Mullin,	Stiefel,
DiSilvestro,	McCreesh,	Ruth,	Weiner,
Donolow,	McGinnis,	Schmidt,	Yosko,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

PERMISSION TO ADDRESS SENATE

Mr. BARR asked and obtained unanimous consent to address the Senate.

Mr. BARR. Mr. President, by the action of the Chair and the Senate, it appears that the Report of the Committee of Conference, appointed on House Bill No. 2009, has been adopted. Presumably, the bill will be sent to the Governor for his signature.

Mr. President, I think today is Tuesday, March 6th. I think it should be known in the history of Pennsylvania that this is "Charlie Smith Day." I hope that the Lord spares me the intellect, the stamina and the brains with which I was born to take to the rostrum of every hamlet in this State and let the people know what Charlie Smith, in his arrogance, has done to the mental institutions, the institutions for retarded children, the universities and the public health of this State. I, for one, tonight am more than ever proud to be a Democrat. If I were from the other side of the aisle, I would be very unproud to be a Republican and have to support a ticket with Charles Smith as a candidate on it. It was only through the valiant efforts, in my opinion, of several Members on this side that one more thing was not taken out of this bill and I will mention it by name and that is fuel oil. This man, ladies and gentlemen, has been afflicted, like many men who have been afflicted in these United States of ours, by the bug, when they want to run for another public office. I have seen great men and great political leaders go down the political—if you may call it—drain by just the same actions that this man has taken in the last forty-eight hours in the legislative halls of Pennsylvania.

If I have any effect on the Governor of this State, I am going to ask him, if he deems it right, to sign this bill into law. Every lawyer in this Senate has read this report. At least, I think if they have not, they should be severely criticized for voting on this bill, as they did just probably three minutes ago. They tried to improvise

in this bill, at a late hour, the Ohio State stamp tax plan. However, fortunately or unfortunately, I do not know who did it, a number of those sections have been left out. This bill, as it has been passed now, in my opinion—and I am not a lawyer—is unworkable. I have read the bill and I have read it from the definition, the preamble, the title and clear down to where it says that, it will go back to two per cent at the beginning of the next biennium.

I have a little boy, Skipper Barr, who had his fourth birthday in January. If my little boy, Skipper, goes down and buys a toy in Whelan's Drug Store down here, he will have to file a tax return. How he is going to do it and who is going to hold him legally responsible for not doing it, I do not know. That is not covered in this bill.

Mr. President, to deviate for a moment, I am not at all critical of the gentlemen on the other side of the aisle who served in trying to write this bill and who served on the Conference Committee. I am not critical of others who helped on the original writing of House Bill No. 2009 which came over to the Senate. While I am talking, I want to mention Senator Mahany, Senator Taylor, Senator Diehm and Senator Kessler. I have had my personal differences many times with these gentlemen, but I am not at all holding them responsible for the bill we had to pass in this Senate tonight. In the last ten days, these gentlemen have worked morning, noon and night in trying to present to the Governor of this State an equitable tax program that would balance the budget of this State. In their opinion, it was equitable; in my opinion, it was not.

Somehow or another, these various lobbyists, from where and how they came I do not know, got their fingers in the cracker barrel and now the welfare program, in my opinion, has gone down the drain. The program for the retarded children has gone down the drain; the things which are needed in the Department of Health have gone down the drain; and the universities which we so proudly beat our breasts about in this State and the money that they need has gone down the drain. If I can, I will refer to probably just two, namely, Temple University, which is not in the part of the State in which I live. It is able to pay its professors only half of what most of the universities of this State pay. How is Temple going to be able to obtain the proper men to build men such as Doctor Salk, and so forth, who have been found in our various institutions, without the proper money to get the proper help in their universities? Gentlemen, it cannot be done and, to me, this thing tonight is not as much a political thing as it is a personal thing. I think the thing that reaches all of our souls, to me, is the travesty of it. Charlie Smith, personally, is a nice fellow. We are personal friends. If he thinks this is the way to conduct his campaign, I just want to say, "Charlie, you better make amends. Charlie, you had better find some bill, some tax bill, and present it with your name on it to make up for what you have taken away concerning the various things about which I spoke tonight."

Mr. President, I personally feel very, very sorry for the man who sits in the front office in this State Capitol tonight. If I were to advise him as to whether to sign this bill before midnight or after midnight, either thing I would do I think would be a thing which would always bother my conscience. The newspapers have printed what was contained in House Bill No. 2009 and they printed today—where they got their information, I do not know—what was originally, as I understand it, to be in the Conference Committee Report. Therefore, I do think that the public does know what items are to be taxed. On the final pages, however, it says that this bill shall go into operation or be effective the day after the Governor signs it. If I were the Governor, that would be a very disturbing feature to me tonight; whether to sign the bill before midnight or after midnight. As you probably know, each day that we dilly and dally—Charlie Smith has already cost the State three quarters of a million dollars for his campaign. I hope he thinks it is getting him votes; I do not. However, it says that the provisions of this act shall be effective the day after the Governor signs it into law.

Mr. President, I would like someone on the other side to offer to be interrogated. I want to ask someone on the other side whether, if they were the Governor, they would sign the bill before midnight or after midnight.

INTERROGATION

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. BARR. Senator Mahany, I know that this is rather an extraneous thing and I presume that my question is going to result in a speech instead of an answer. However, I cannot quite blame you if you give me a speech instead of an answer.

Let us, just for a moment, close our eyes and put you over in the Governor's chair in the other wing of the building. If this monstrosity were presented to you and the effective date would be the day after signature, would you sign it before midnight or would you sign it after midnight and let the people have twenty-four hours to know what Charlie Smith did to them?

Mr. MAHANY. Mr. President, it is rather difficult for me to close my eyes and put myself over in that ornate office. Certainly, Governor Leader campaigned long that he was qualified to sit over there and do all the things that, under the Constitution, he is responsible to do. Now, for me to tell him what to do, I presume he might not just like it too well. He is getting a little higher salary that I am. However, Senator Barr, if you were to ask my advice, if I were over in the Governor's chair and needed the money as badly as he says he does and as badly as you say he does, I could hardly wait for you to get over there with the bill in order to sign my name to this very fine piece of legislation.

Mr. BARR. Thank you very much.

Mr. President, I have the bill here and Article I is called, "Short Title and Definitions." I have read this bill from the first word to the last and I also have read the Conference Committee Report not only once, but I think I have probably read certain sections a half a dozen times.

Mr. President, I wonder if anyone in this Senate can give me the definition of a "secretary," which word is used in many sections. There is no definition in Article I,

which is called "Short Title and Definitions," of a secretary although the word "secretary" is referred to in many, many parts of the bill. There is no definition of what a return is. The only presumption I can operate under tonight is that the men on the other side of this Senate are not responsible. I know they are men of good will and I have no malice, as they all probably know, toward any of them, but I do have a very bitter feeling toward the Minority Leader in the House for what he has perpetrated on the people of Pennsylvania. Thank God that a few stood up and did not let fuel oil be removed from the tax.

Mr. President, I just bought a house here and I finally got the mortgage yesterday, all signed, sealed and delivered. I paid a real estate transfer tax and so forth to the State, and I was happly to do it. I have fuel oil in the house and I will be happy to pay the tax.

There were some who said that if you are going to tax fuel you ought to tax coal, and they were very learned gentlemen. One of the first bills we passed this year, which I think was sponsored by Senator Taylor and Senator Wagner and signed into law by the Governor, was an appropriation for $8,500,000 to take the water out of the hard coal formations in order to put hard coal in a comparable position with other types of fuel which are being used in the Eastern States of the United States, and I thought that was a good bill.

Now, Mr. President, I understand that Charlie Smith and his boys said that if we were going to tax fuel, we will have to tax coal and they are some of the ones who voted for that $8,500,000 appropriation for hard coal. That just shows you the systematic brain that some of them have over in the House of Representatives.

As I said a few moments earlier, and I do not mean to be vindictive, my being hurt personally by what they did is of no consequence but it is of great consequence to the people. I hope that the Governor will sign this bill into law. I hope that with the mature brains we have in this Senate, on both sides, that we will do the things in the next week or so to remove the things in this bill that are just nonsensical.

Mr. President, I hate to say it, but the way I read the bill, without corrective amendments being placed in a new bill, this is just a lovely piece of paper. In my opinion, I think if you get from either side any able lawyer, he will read this bill and tell you that there is not one way for anyone to send the money into the Department of Revenue nor for the money to be put into the General Fund of this Commonwealth.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, Senator Barr has seen fit to temper the wind just a little bit to the shorn lamb over here by giving us some compliments and I appreciate those compliments, Senator, and I also want to compliment you at this time because I think you made a very fine talk and one, for a change, which was Senator Barr's type of talk and not one of those that you read and which is not down your alley. It is the kind of talk which, for once, I can understand. You did not have those big two dollar words in your speech.

Mr. President, I want to point out to Senator Barr, first, that I believe this bill is workable in regard to the type of accounting and audit system that we are going to start with.

Where we ran into trouble with this bill, Mr. President, was in connection with the stamp plan feature of it. The stamp plan feature of the bill does not start until July 1st of this year. There are some inconsistencies relative to the procedure of collection of the tax under this stamp plan, and I am going to be at least the second to admit that there are some bugs in that particular part of the act which, after the Governor signs it, will have to be corrected by subsequent legislation.

Mr. President, yesterday, Senator Dent told me that he had—

Mr. BARR. Mr. President—

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Mr. Barr.

POINT OF ORDER

Mr. BARR. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Allegheny, Mr. Barr, will state his point of order.

Mr. BARR. Mr. President, the gentleman said in his speech there, and I think it is rather important, that the stamp plan feature of the bill does not begin until July 1st. Will he show me or read to me where it is stated that the stamp plan is to become effective July 1st?

Mr. MAHANY. It is in here somewhere. It is supposed to be July 1st.

Mr. BARR. I am reading at the top of page 40.

Mr. MAHANY. "The provisions of this act shall take effect"—

Mr. BARR. That is Section 604. I am not trying to interrupt your thought.

Mr. MAHANY. Well, I am glad you did, Senator, and I will be happy to give you the information. I notice on page 40 that the "Effective Date" says:

"The provisions of this act shall take effect the day following final enactment but the provisions of Article iv shall not be operative until July 1, 1956"

If you will turn to Article IV, you will find that this is the article which provides for the stamp plan. Does that answer your question?

Mr. BARR. Yes, but I will answer you after you are finished, because I do not want to spoil your trend of thought.

The PRESIDING OFFICER. The gentleman will proceed.

Mr. MAHANY. Mr. President, we were discussing this stamp plan yesterday. I believe that Senator Dent said he had about seventeen different changes to correct some technical defects in the bill. I told him that after the bill has been signed by the Governor, we could put in an amendment to take care of these defects.

For instance, under the strict wording of this bill, it does not exempt newspaper machinery; the printing presses and those things. It just exempts the tangible personal property and tangible personal property, as defined in this act, is the categorical items which are referred to as taxable items. Inasmuch as a newspaper press would not be under that definition of tangible personal property, strictly speaking, the press would then be taxable. It is not our intention to tax printing presses or machinery of bakeries, meat markets and that sort of

thing. For that reason, we expect to put in an amendment to this bill, if the Governor signs it, which will correct these things.

When we talked to Deputy Attorney General Adams relative to this, we asked him whether there was any fatal defect in the bill, other than the stamp plan portion, which would prevent us from adopting this report and I believe he said there was not and we could go ahead and adopt it, and the main portion of the tax bill would be effective one day after the Governor's signature.

Mr. President, I appreciate Senator Barr naming this particular day as "Charlie Smith Day." At least, I presume Senator Duff will be pleased to see that Senator Barr has seen fit to take off his guns from Duff. Although Senator Duff does not need any defense from me, at least for one day we have "Charlie Smith Day" instead of some other kind of a day. I just wonder how Senator Barr can put this whole responsibility for eliminating certain items from the bill, as we passed it, onto Charlie Smith.

I received my Titusville Herald this morning, which was published yesterday, and I want to call Senator Dent's attention to the fact that it is the Herald and not the Bugle, although he says, "What good is a herald without a bugle?" I want to read the first headline in this paper which states: "Both Sides See House Passage of Sales Tax." The next headline in large print is: "Readinger Aims at Elimination of Levy on Electric and Gas Bills."

Mr. President, Mr. Readinger, of course, the gentleman referred to, is the Democratic Leader of the House of Representatives.

When this bill passed the Senate, Mr. President, we had in it electric, gas, telephone, telegraph and fuel oil. We thought we needed those particular items in our setup for needed revenue. Although only four Democrats voted for that at that time, we passed the bill with those utilities in it. It then went over to the House and the first fellow I noticed in the public print who was against the taxing of these utilities was Mr. Readinger. He had the idea that if we eliminated these utilities, we could do so and put the tax on clothing.

Certainly, Mr. President, if the Democrats want to take that position and get back of the Majority Leader's statement in the House, that they would prefer to take these utilities out of the bill and put the tax on clothing, that is up to them. I certainly am not going to be a party to placing a tax on the poor working man's shoes, the clothes for his children, his working clothes and all the other items which go to make up a great part of the working man's budget. I thought back to the time when Senator Dent had all those shoe boxes out here last July, when we were discussing the classified income tax, and he so impressed me that we should not put a tax on working man's shoes and kiddies shoes that I never forgot it.

I want to tell Senator Dent that that lecture which he gave us, using the shoe boxes, did not fall on deaf ears and I still remember it to this day. Therefore, Mr. President, rather than put a tax on clothing and shoes, we decided we would prefer to put it on utilities. So, the blast was made by Mr. Readinger that he wanted these utilities out of the bill and I think that was the thing which gave rise to certain Members of the House, both Demosratic and Republican, to take out these utilities from the tax bill.

Mr. President, I do want to say that it was just not the efforts of certain Democrats which kept fuel oil in the bill. Both sides, I think, decided that fuel oil should be in and that these other items should be in. We decided that perhaps inasmuch as electric, telephone and telegraph paid a gross receipts' tax and the customers were indirectly taxed on these items, we should eliminate those and we did go along, therefore, with part of Mr. Readinger's suggestion that we eliminate the electric light bills.

I was glad to hear Senator Barr say that he is happy, as a resident over there in Senator Wade's county of Cumberland, to pay the sales tax on his fuel oil. We are happy to know, also, that he is admitting that people, not only he, but people generally over the State, will be happy to pay not only a sales tax on fuel oil but a sales tax on all commodities which are taxed under this bill. It just proves our contention that people over the State will be very happy to pay the tax, Senator.

Mr. President, I also will be happy to put those three pennies which Senator McGinnis sent to me, as a contribution from Senator Barr, on the first dollar of tax that I pay.

I cannot go into detail about all of the things which Senator Barr brought up. I can see that he intended to make a political speech. I am going to let Mr. Smith make his own political speech, in rebuttal to Senator Barr, as I think he has plenty of ammunition.

I want to say to Senator Barr that we, on this side, are happy that we are Republicans. We stood up here to a man and delivered twenty-six votes for a bill to give the Governor some money. Perhaps you would have liked to give him $20,000,000 more, but the other day you did not vote to give any part of it to the Governor. We stood up here and we voted to give the Governor around $320,000,000. If Governor Leader will examine Governor Fine's budget which, when he was running for Governor, he stated was a way too high, he will find that this is just about $320,000,000 more than Governor Fine asked for. If Governor Leader had been satisfied with just the taxes we had passed up to the passage of this tax bill, they would have covered all the money which Governor Fine asked for in his budget.

Mr. President, I suppose we will hear a lot of political speeches from now on in connection with his, but I want the Senator to know that we are happy and proud on this side to know that we Republicans stood up and voted for a tax which we felt was needed by the people and needed by the State of Pennsylvania. We feel we will go a long way, Senator, to do all of the things which you suggested in your talk. We expect to get back of the college program. We are going to give more for colleges than they have ever received before. We are also going to give more for hospitals than they ever received befor. We feel just as proud tonight as we can be for having had a part in raising this money for these various institutions and causes. We are sorry that you did not see fit to go along with us and vote for any part of it.

PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The gentleman from West-

moreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, my question of personal privilege is based upon a television show that was put on tonight. A young man, who is a Member of the House, decided to start the campaign for the election of the year of 1956 by basing his hope for the success of the Republican Party on the fault or lack of fault, blame or the lack of blame, upon a political party for the situation we find ourselves in and for the delay that has cost approximately $2,000,000 since the sales tax was first agreed upon in this Senate Body. That man is a young hopeful who prays that "Fuel Oil Charlie" will be elected to the Auditor General's Office so that he can be the Republican Leader. In his remarks, he said that the Minority Leader in the Senate had kicked up a fuss about the section of the act which deals with utility taxation.

Mr. President, if I remember right, and I think my memory has served me over a great many years and it certainly should serve me back to Friday of last week, I believe the records of the Senate will show that I voted for the tax bill. My reasons are contained in the records of the Senate.

There may be men here who are more entitled to the floor than I, but at the moment I think the President recognized me.

The PRESIDING OFFICER. Will the gentleman cease for just a moment? Will somebody up in the balcony please tell whoever is talking out in the corridor that they must either cease the talking or leave the balcony over in that end? Will some Sergeant-at-Arms please take care of that?

The gentleman will proceed.

Mr. DENT. Mr. President, you know I have been heckled in many places, but never did I think it would happen in the Senate. It is not popular, you know, to fight the cause of the people and ofttimes when you do, you find yourself the brunt of a great many misunderstandings, brickbats and criticisms. However, those through the years have persevered in fighting for the people have probably created the kind of life that we enjoy. The hecklers and those who dispose of their time in destroying those who would fight for the people usually end up in an unmarked grave.

I started to say that I was a little disturbed when I heard this statement by the young man from the House tonight. I voted for the bill and went home, secure in my belief that when twenty-six Republican Senators had voted for this legislation, there would be no difficulty in obtaining Republican support in the House for bill sponsored in its passage and through its passage by the Republican Majority in the Senate. However, lo and behold, over the week end, their developed opposition.

My good colleague on the other side said that this opposition developed because our Floor Leader on the other side, under the usual prodding by a newspaperman, made a remark which was interpreted to mean that he was opposed to the legislation which had been passed by the Senate because it contained taxes on utility consumers. From that day until yesterday, Republicans found great refuge in the statement made by our Democratic leader. However, they only read the statement halfway. They say, "We are going to take utilities out of this bill because Mr. Readinger wants them out." I said to them, "Well now, if you take everything that Readinger says, we will go along." Readinger said that we could take utilities out and put taxes on certain types of clothing. The same Charlie Smith said, in his speeches on the floor, that under no condition can any sales tax pass this House if clothing is taxed. Then we find the same Charlie Smith saying, "Not one Republican vote will go along with the bill passed by the Senate if utilities are included."

Mr. President, consistency is the hobgoblin of small minds and for fear of being accused as one of those who has a small mind, I am going to be inconsistent. If you will look at the Conference Report, you will find that it was signed by my two colleagues in the Senate, the Honorable Edward Kessler and the Honorable Rowland Mahany. It was not signed by Senator Dent. However, I do have a copy signed by Senator Dent. I have a Conference Committee Report that was signed by Senator Dent and by Senator Kessler and by Senator Mahany, and by Mr. Readinger and Mr. Dean Polen and Mr. Gibson, on the part of the House. For the first time in twenty-two years of experience on this Hill, I have seen a Conference Report agreed to, signed and printed and discarded before it could reach the floor and another one take its place.

I am not being inconsistent with my conscience and that, to me, is more important than any other item at issue in this or any other Legislature. I stood on this floor and defied and probably should have been condemned by the Democratic Party of Pennsylvania for voting for a sales tax last week, after fighting for twenty-one years against sales taxes. However, when I voted, I said to this Senate that I realized that we had reached the stage where Republican obstinancy had pointed itself in one direction, where it said that there can be no tax pass this Senate unless it is a sales tax. Being a realist, I realized that that would be the kind of a tax which would pass in this Session. I realized it last year in February and on through the summer, the fall, the winter and again this spring. I said that I am not so concerned anymore about how; I am concerned about how much. At that time, I paid compliment to my colleagues who had worked with me, from the other side of the aisle, in the conferences to determine the amount of appropriations that we would allow, or that they would allow, which would, at least, give the Governor some finances and revenue to carry on the unusual expenses of government, plus some additions that all of us recognize are needed in the field of mental health, in the field of public health, in the field of industrial redevelopment, in the field of anthracite coal—aid to that stricken area, and the carrying out of the promises made over the years not by the Democrats or the Republicans but by both political parties. So, I felt that inasmuch as we had in this bill the ingredients of how much, in my conscience I had a right to vote for the legislation. However, when they started to hack away at how much, they threw me right back on the rocks and shoals of how. Having been buffeted around in the seas of indecision for fourteen months, I could not stand the whip tide of indecision and false promise. When I signed that Committee Report last night, it had been cut, yes. We had acceded to the dictatorial demands of a minority in the House; we had agreed to the infamous, ridiculous Ohio stamp tax plan in the hope of reaching a Conference Committee Report that could be accepted by

all. We had acceded to the demand and the request of the Telephone Company—

The PRESIDING OFFICER. Would the Senator yield, please? The all important moment has arrived. Senator Dent, the bill has been signed by the Speaker of the House and I wonder if you would yield for a moment while the President pro tempore signs the Conference Report. Would you be willing to do that, sir?

Mr. DENT. Mr. President, I am not particularly interested in whether he signs it or not, if you do not mind.

The PRESIDING OFFICER. Would you yield for just a moment, until we get the communication from the House?

Mr. DENT. Mr. President, I do not mind yielding if you think it is proper, but this is the first time in the history of this Senate that a man has been interrupted on a question of personal privilege.

Mr. MAHANY. Mr. President, if Senator Dent thinks his speech right now is worth $1,000,000 and, because of it, this bill will not be signed until after 12:00 o'clock, that is all right with us. I have often wondered what value Senator Dent placed on his speeches. If it is a $1,000,000 speech, we will be happy to listen to him. Go ahead and give it.

Mr. DENT. That is a rather funny statement and I should have laughed at you. However, my speech is worth $1,000,000 if Mr. Charlie Smith's obstinancy is worth $2,000,000. It cost us $2,000,000 to accede to the House demands. If you want the people of Pennsylvania to have the bill before midnight so that it goes into effect at 12:1 o'clock, and so that the pampered press of this State can condemn the Governor of Pennsylvania for putting a bill into effect within two minutes, that is perfectly all right with me. You waited fourteen months to pass this legislation and all of a sudden, for three more minutes of my speaking, I am to be blamed, like your Assistant Floor Leader in the House blamed me, for stopping the wheels of progress for two days.

You know, your peculiar philosophy on the Republican side is that it does not matter whether you have sense to what you say; just so it is printed.

I yield, Mr. President.

The PRESIDING OFFICER. The Chair thanks the gentleman for yielding.

INTERROGATION

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. Yes, Mr. President, I will permit myself to be interrogated. However, I do want to say first—

Mr. BARR. Mr. President, I want to interrogate the gentleman. I am not asking him for a speech.

Senator Mahany, do you have a copy of the Conference Report?

Mr. MAHANY. I do.

Mr. BARR. Would you turn to page 18?

Mr. MAHANY. I have it, Senator Barr.

Mr. BARR. After the Conference Committee, of which you were a member, met last evening, I was told, in confidence and I kept the confidence, what was in the report. I mentioned nothing to the press about what was in the report. It was told to the conferees that part of the money which was taken out of the bill by exempting these utilities would be made up by the fact that we would be able to get the May collections for the 1955-1957 biennium. May I, Senator Mahany, call your attention to Section 531, on page 18, which says:

"Time of Payment (a) Monthly Payments The tax imposed by this act and collected by a licensee shall be due and payable in monthly installments on or before the last day of the month succeeding the month during which the purchases subject to the tax were made and shall accompany the return for such preceding month."

Senator Mahany, can you tell me under the wording—and it is very clear to me—whether the sales tax collected under this bill in May of 1957 will go into the General Fund of this biennium?

Mr. MAHANY. From the wording of this particular section, it would not if we did not have the stamp plan in effect. However, on July 1st of this year, the stamp plan will go into effect. It is then certainly our intention to have the bank charge the merchant who comes to get stamps from the bank, or whoever the issuing agent is, for those stamps and then remit, before the final day of the month, to the State for the stamps sold. If this act does not do that, then, as I have said before, we will be happy to put in amendments which will carry out that provision.

Mr. BARR. Mr. President, I want to ask the gentleman another question. Have you read the section, Senator Mahany, which defines the distributor as a bank or trust company and which says that they shall only report every six months to the Department of Revenue?

Mr. MAHANY. Again, Mr. President, I would call the Senator's attention to the conversation which we had this afternoon with Mr. Adams and Mr. Dent, wherein we plan to correct the language of this act relative to the stamp plan part of it. We expect to introduce amendments to this act so that it will take care of these objections which you have. If you would cooperate with us in helping us draw a bill, instead of criticizing the bill after we have it, I believe we would have a much better piece of legislation. I know that you did help us for a little while. I gave Senator Dent credit the other day for being the father of the child and I will be glad to count you in on it, too, if you will just cooperate with us. We will be able to perfect the bill and correct all of the objections which you have, if you will help us.

Mr. BARR. Mr. President, I remember last Friday when this legislation was being passed that my colleague, Senator Lane, from Washington, asked the Majority Floor Leader in the Senate if he had talked to candidate Smith—he referred to him as the Minority Leader—concerning whether or not they were going to be a part and party to House Bill No. 2009. I cannot stand here and criticize because I cannot give his answer verbatim, but he told Mr. Lane that he had talked to Charles Smith and foresaw no difficulty. Now Senator Mahany is telling me that they are legislating by conversation. He conversed with Harrington Adams, and Adams conversed with Dent and Dent conversed with Mahany and he conversed with Kessler and they conversed with Gibson. How do I know, and how do you know, that an act such as this will be amended when even the President pro tempore, the leader in Dauphin County, cannot control his own delegation? Yesterday he asked them to vote and only two of them voted for the bill.

Senator Mahany, I want to ask you how you, as the little man from Titusville, are going to control Dauphin

County, Chester County, Lacakawanna County and Delaware County? Answer that one if you can.

Mr. MAHANY. First, I want to clear up your report of the interrogatoin on the floor between Senator Lane and I the other day. I said that I had talked with Mr. Smith and, as I remember, he did not commit himself one way or another on it. He said he wanted to see the bill. I did say that if I were a betting man, I would bet they would go along and vote for the bill. All that proves is that it is a good thing I am not a betting man. It is just one of those bets which I would lose and I would have lost this one.

I feel assured that if our Governor signs this legislation and Senator Barr finds something wrong with it, he will aid me in trying to line up votes to pass an amendment which will correct the legislation so that it will be workable. The only reason we are doing this now is so the Democrats and the people of Pennsylvania will have some revenue to do the things which Senator Barr said they would like to do. We also would like to see the school districts paid. We also would like to see some appropriation bills start flowing through here so we can take care of the colleges, hospitals and all these other things.

Mr. President, if Senator Barr would prefer not to have our President pro tempore of the Senate sign this bill and let it go two or three days more, it is all right with me. We can start another bill through and maybe we can do all these things. However, each day we delay will cost us $1,000,000. I am not insisting that Governor Leader sign this bill two minutes before twelve o'clock. He can wait until tomorrow, he can wait until tht next day, he can wait ten days and have it become law without his signature or he can veto it. I am not in the Governor's chair and I am not going to tell him what to do. He can sign it any day he wishes to do so or he does not have to sign it at all. That is entirely up to him.

Mr. BARR. Mr. President, it is unfortunate that the gentleman on the other side are having to bear the brunt of this thing because the blame for the situation we are in tonight has not been effected by the Republican side of the Pennsylvania State Senate.

I can remember that many times when we had the classified income tax before us, Senator Mahany stood up to such an extent that we used to call him Justice Mahany. I would like to ask him if he can give me or show me where the definition of "vendor," "secretary" or "returns" is contained in the bill. If he can find that in the bill, I will run over with it to the Governor and ask him to sign it immediately. Can you find that, Senator Mahany?

Mr. MAHANY. Mr. President, we have adopted the bill now in the Senate and the House has adopted it and it is up to the Governor to sign it or veto it. It is silly for us to keep arguing about what is in the bill since we have adopted it. If there were any defects in this bill, certainly Senator Barr should have called them to our attention before we adopted the Conference Committee Report. I noticed that he waited very silently over there until after we had adopted it, and then he jumped up out of his seat like Nashua getting out of the starting box.

I would say to Senator Barr that we have now adopted the bill and it is up to the Governor to decide what he wants to do with it. If there are some features in it which need correction, then I will do everything I can, Senator, to see that they are corrected.

As I said before, the reason for the haste on this was so the Commonwealth could start getting some money. I do not think there is anything in this bill which would prevent us from starting to collect the sales tax on the items listed one day after the Governor signs the bill.

Mr. BARR. I would like to further interrogate the gentleman, Mr. President.

Senator Mahany, do you not think that "Fuel Oil Smith" knew there was a certain haste also yesterday?

Mr. MAHANY. Well, Mr. President,—

Mr. BARR. That was probably an unfair question, Mr. President, and I will withdraw it because I do not think Senator Mahany should have to answer that. I want to ask one further question.

Mr. MAHANY. I will be happy to answer your question if you will let me have an apportunity, Senator.

The PRESIDING OFFICER. The gentleman withdrew the first question and now he wishes to further interrogate you.

Mr. BARR. "Senator Rowland," have you read this bill from top to bottom? Have you read the title?

Mr. MAHANY. Oh, yes, I have read the title.

Mr. BARR. What is the last word in the title?

Mr. MAHANY. The last word in the title is "appropriation."

Mr. BARR. Where is the appropriation in the bill?

Mr. MAHANY. I understood, Mr. President, that we were appropriating $5,000,000. I would like to quote from:

"ARTICLE VI

"Miscellaneous Provisions

"Section 603 Appropriation So much of the proceeds of the tax imposed by this act as shall be necessary for the payment of refunds provided for hereunder is hereby appropriated for the payment of such refunds"

Well, that does not sound like it. It was our understanding that there would be an appropriation. I believe that this section is the appropriation which is referred to in the title. If the general appropriation act ever comes over from the House, we will probably have to add to the Department of Revenue needs, an amount which can be agreed upon for the amount of extra money necessary to collect this tax.

I understand our sights now are around a $6,000,000 appropriation. The appropriation referred to in the title, Senator, is probably the appropriation which is in the bill on page 39. That is the appropriation clause, even though I said it was not.

Mr. BARR. Mr. President, I do not blame the gentleman for trying to wiggle out of that one. He knows very well how you have to make an appropriation. We have to specify an amount of money. If our good friend, Senator Chapman, were here he would tell you or if his good man Friday—Mr. Stoner, were here on the sidelines he would tell you, as you know, Senator Mahany, that you must specify an appropriation.

Mr. President, I am not trying to filibuster until twelve o'clock, if that is what you think. I am just trying to show the fallacy of a supposedly responsible Party listening to the vindictiveness and the dictates of one man who was bitten by the bug to run for political office.

I want to tell you a story about an old friend of mine.

Mr. MAHANY. Mr. President, may I say the gentleman is beginning to talk more like Pennington now?

Mr. BARR. I was just going to tell him, Mr. President, about a famous National Chairman of the Democratic Party, who is still a personal friend of mine. I think this story should be told. I am referring to the Honorable James Farley who, in my opinion, started as a committeeman up on the banks of the northern Hudson River and became Boxing Commissioner, State Chairman and National Chairman of a great Party. Lo and behold, Mr. President, after eight years as National Chairman, the bug bit him and, politically, Jim has never been the same. He never could run for political office. I think the whole Republican Party has geen subjected tonight to the ill wishes of a man who has cost the universities, mental health, public health, welfare and schools a loss of appropriations.

Senator Mahany, I think you were sincere when you said that the money would be in the appropriations for the universities, etc., but the money is not in here. You probably will vote for those appropriations but, as you know, the Governor of this State cannot sign appropriation bills for more revenue than the Department of Revenue's budget comptroller has coming in. Therefore, you will have to cut them item by item, and I think it should be known.

The PRESIDENT pro tempore (M. Harvey Taylor) in the Chair.

BILL SIGNED

The PRESIDENT pro tempore (M. Harvey Taylor) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 2009, entitled:

An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation.

Whereupon,

The PRESIDENT pro tempore (M. Harvey Taylor) in the presence of the Senate signed the same.

The PRESIDENT pro tempore. At this time, the Chair invites the gentleman from Allegheny, Mr. Fleming, to the rostrum to preside.

The PRESIDING OFFICER (Robert D. Fleming) in the Chair.

The PRESIDING OFFICER. The Chair now recognizes Senator Dent, who had the floor and yielded for the purpose of receiving a message from the House.

The Chair would also like to apologize to Senator Dent for inadvertently breaking in on his very fine talk. It was done only because the Chair felt the occasion demanded it.

Mr. DENT. Mr. President and Members of the Senate, I am sure we all enjoyed the signing of that bill and it probably was more entertaining than the things I have to say, but the things I have to say have to be said for the record, just the same as the signing of this bill is a matter that has to be made a part of the record.

Mr. President, I was going to tell the Members of the Senate how much had been cut from the bill, using the figures that had been determined by the conferees to be as nearly accurate as we could determine them to be on the basis of past performances in tax legislation.

If this amendment which Senator Mahany is talking about passes both Houses and becomes law, this bill cuts $19,000,000 from the bill which was passed last Friday. If the Legislature does not pass the necessary remedial legislation required by this act and admitted to my Senator Mahany, himself, and others, there will be a shortage of $40,000,000.

Mr. President, when you realize that the budget of $364,500,000 was already cut $58,000,000, reducing all of the appropriations for the services to be rendered by the departments in the State government by $58,000,000 from the Governor's request, and then you add to that $31,000,000 passed by this Legislature for schoolteachers added increments; $900,000 passed by this Legislature in non-budgeted items; $8,000,000 passed by this Legislature as a non-budgeted item for school building subsidies; $4,000,000 required for the operation of White Haven Institution, which was just turned over to the State last Wednesday; the judges pensions and salaries amounting to somewhere near $1,700,000; $2,000,000 for local airport construction to meet matching funds of the Federal Government; $700,000 non-budgeted for Mercy-Douglass Hospital; many other legislative acts, both in the hopper and through one or the other of the Houses, which will amount to at least $11,000,000; and if we just take the specifics, those which have already been passed and signed by the Governor, we find ourselves in a position of being $115,200,000 short in the budget requested by the Governor.

In this budget requested by the Governor, we find that the only additions he made were the additions to the hospitals of $7,200,000, the additions to the universities of $14,200,000, the additions to the Department of Welfare of $43,800,000 the additions to the Department of Health of $9,600,000 and the additions to the Department of Commerce of $35,500,000. Taking into consideration that these appropriation requests had been cut, in the original $58,000,000, by $11,000,000 in the Department of Welfare, by $15,000,000 in the Department of Commerce and by $6,200,000 in the Department of Health, we find ourselves in a position of now adding to that immense shortage of funds to perform the duties of this Commonwealth and the services required and demanded by the people, $19,000,000 cut through the willy-nilly stubbornness and conceit of one man. We find ourselves in a position, Mr. President and Members of the Senate, of giving to the schoolteachers an empty promise, of paying lip service to the needed additions to our mental health program and of talking public service in the platforms and on the huskings in the campaign and denying the revenue to perform the services.

Mr. President, I went along last week because I felt that this Governor would judiciously spend the money

which was given to him. Every man in that conference knew, and I know, that perhaps intellectually we were a little dishonest in that we had overestimated the sum of approximately $22,000,000, in the hope that the grand prosperity which has been promised and is with us would build up sufficient in the old revenues to meet the shortage that we had put into the budget. I cannot, in good conscience, stand here tonight and allow myself to vote, and that is why I voted "no" and that is why I would not sign the conference report. I would not, in good conscience, stand here and according to that which was before us at that time, without any promises of future action, allow approximately $40,000,000 to be taken from that budget. I do not believe it is fair for the Legislature to say to the schoolteachers of this State, "We have passed for you a $31,000,000 increase in your salaries and wages," and then so deliberately disallow the money and the revenue so that the Governor who was innocent of the promise made by the Legislature, would find himself in a position of using the only power he has, the power of the Governor to veto appropriations beyond the amount of revenue allowed him.

You cannot say to the hospitals that we are going to give you the greatest increase you have ever had, and that is what Senator Mahany said. Yet, he knows that if the Governor takes any estimates—and he must take the estimates of the Revenue Department of this Commonwealth under the Constitution—he will have before him at least $40,000,000 more than the $58,000,000 already cut from the budget, or $98,000,000 of regular budgetary requests by the Governor, plus the additions added by this Legislature.

Mr. President, I am hopeful that the Legislature will correct some of the faults in the bill. I am wondering whether the Governor of this Commonwealth will do an unprecedented thing. I am wondering that if at twenty minutes of twelve tonight he will accept such a far-reaching and important piece of legislation without calling upon his Attorney General to review it. Even the most unimportant piece of legislation, in all the years I have been here, has been reviewed by the Attorney General. I defy any man who is a Member of this Senate to read this bill and in twenty minutes, or twenty hours or twenty weeks tell me that on the face of the bill—and that is all he has to work with—he would advise the Governor of this State to sign it.

I know that the Governor is not only swallowing, and that, of course, is the intent and purpose of the whole act, a pledge to the people of this State that he would not sign a sales tax but in my conversation with the Governor, I am sure that he is going to put his personal feelings in the matter beneath the needs of this Commonwealth. Although those who rave and rant about the Governor's breaking of a promise have deliberately, and without any rhyme or reason, cut $19,00,000 from this budget to please a few, they have forced him in fifteen to twenty minutes to accept an admittedly faulty piece of legislation only in the hope of reaching that platform soon in the huskings of this State and saying, and I can just picture Big Red from Washington trotting up to Pennsylvania, wobbling in among the bullrushes and breaking all the China in the shop, forgetting his own inabilities as Governor and his own weaknesses and saying, "There is the man who broke his promise." My answer and the Governor's answer ought to be, "I can probably tonight sign this bill and break a promise under the force of a blackjack, but nothing on God's earth will allow me to accede to blackmail to break the State of Pennsylvania."

Mr. President, tonight in this young man's life he is making a decision and without any outside pressure. I am sure that as much as he hates to do it, both as a man, and, second, as a politician, he will accept this bill and he will sign it. For those who want to take pleasure and glory in forcing this young Governor of ours to his political knees by the force of a majority vote in the Senate, they can perhaps go to bed tonight and sleep easily upon their bed of political satisfaction but, deep down in, I believe their bellies will rumble inasmuch as they are forcing a young man to do that which is not only distasteful to him, but must have been distasteful to the majority of the people of this Commonwealth because on his promise to veto this legislation, they elected him Governor of Pennsylvania and the promise that he made, he would keep. The breaking of the promise is on the conscience of twenty-six Republican Senators, not upon Governor Leader. I am sure that the people of this State will understand, beyond our ability to understand, that what Governor Leader is doing tonight is for the welfare of the people of this Commonwealth. He is living up to a sworn duty to uphold not only the laws of the Constitution, but to promote the welfare of the people of this Commonwealth.

Mr. President, I say to George Leader tonight, for all who can hear my voice, you are a bigger man by far to accept this than those who forced you to accept it. For fourteen months, Mr. President, he promoted legislation before us. On three separate occasions, he sent over to this Senate the kind of legislation that he would have signed and for which he would have accepted the responsibility, not that he liked it. There is no kind of a tax that you can pass that people will like. There is nothing we can do in this Senate that will make taxation palatable to the people. However, to find those few, selfish, strong persons, always needling, pushing and pulling for their own interest, in order that in the end what we tried to stop for fourteen months, the Governor, I am advised, has just signed.

He has, in my estimation, Mr. President and Members of this Senate, lived up to my expectations of him as a man. Remember, all of you, that although some of you have said that he has held it up for fourteen months, this is the first tax bill that has reached his desk. This is the first time that he ever had an opportunity to meet the needs of the Commonwealth. Can we say the same in the Senate? There have been three separate occasions when tax legislation has reached us but did we set aside our small, personal, political desires? We did not. We played our petty string way out to the end. The Governor tonight, at the first opportunity in fourteen months to show to the people of this great State the caliber of his forebears and the character of himself, has signed and voted for the first bill that reached him, although I am as sure as I stand here that it was personally obnoxious to him, that it offended every fiber of his body and every sensibility of his character, that it destroyed, perhaps, for this night his peace of mind and the quiet sleep that a man deserves. Can we say that we measured up in our moments to the same heights? Was there any-

thing that was passed to us in the way of taxation that was more obnoxious than that which the Governor signed tonight? Was there anything that any of us could say we hated more or disliked more, or loved less? Yet, we in this Senate played our pretty cards one at a time, and we refused to take the legislation that the Governor would have been glad to sign. We set ourselves above the State of Pennsylvania. If, for fourteen months, we have labored here fruitlessly in this vineyard of demagoguery, it is because we did not have the personal courage and intestinal fortitude to deny those who whispered about us and to set aside our personal desires.

Mr. President, so far as I can see, the honorable people of this State and the great multitudes of citizens will recognize in this not a Republican victory, not a Democratic defeat, but they will recognize it for what it was; a campaign to elect in the years of 1956—Republican candidates, headed by a man who headed this State once before and who is probably more responsible for the crossroads we have reached than any other man in this Commonwealth. The whole fourteen months have been devoted to building that campaign and, if you please, in an effort to destroy in the minds of the people the strength, the character and the decency of the finest young man who has ever been Governor of this State, George Leader.

Mr. MAHANY. Mr. President, I do not intend to go over one by one the many points which Senator Dent has tried to make. The hour is growing late and I do not have time to do it. However, I want to point out to Senator Dent a couple of things. First, Mr. President, it is not up to the Governor of the Commonwealth of Pennsylvania to dictate to us the legislation that we should lay on his desk. That is our job. We feel that we have laid on his desk the kind of tax legislation that is wanted by a majority of the people of the State of Pennsylvania. We felt that we turned down the type of legislation that he tried to force upon us and which was not wanted by the people of Pennsylvania.

As I said before, Mr. President, if you want to make some kind of a political football out of this, all that it is necessary to do is what you said before, and that is to make this the first plank of your platform to repeal this sales tax. It is now a permanent tax and not a temporary tax. However, this time when you go out among the huskings, as you have referred to it, to tell the people that you are going to repeal this sales tax, please tell them what kind of a tax you are going to put on instead of that "Malarkey" about how you are going to balance the budget by a lot of economies which you know you cannot make. This time, when you go out there, tell the people that you are going to take the sales tax off, but you are going to put an income tax on them, instead of the other stuff that you were giving us a year or so ago.

Secondly, Senator Dent, I want to tell you that you made a statement here a short time ago that Senator Kessler and I and others had signed a Conference Committee Report last night which was diflerent than this one. As I said before, I am not a betting man, but I want to say this to you, Senator Dent. If you can produce any Conference Committee Report which I signed last night or that Senator Kessler signed last night—you had all of the papers; I did not take any out of the room and neither did Senator Kessler—I will be glad to donate $100 to your favorite charity. In return, if you cannot produce that, you give $100 to my favorite charity.

Mr. DENT. Mr. President, I will be glad to give the gentleman a printed copy. There are six names printed on it. I am sorry if you did not sign it, but it was printed.

If you are interested in the charity that I am most interested in at the moment, you can make the check payable to the John H. Dent Campaign Fund.

If you want a copy, I will give it to you.

Mr. MAHANY. Mr. President, I do not want the printed copy. The printer can print my name on some kind of a bill that Senator Dent sends out there. However, I want to know where my signature appeared on any Committee Report.

Senator Dent knows full well that I, nor Senator Kessler nor anyone else who attended that Conference-Committee meeting last evening signed any Conference Report. I would like to see my signature on such a Conference Committee Report. I am not interested in the printed name; I want to see my signature. If we signed a Conference Committee Report, it must be in existence some place. I will be happy to contribute $100 to the John H. Dent Campaign Fund if he will show me my signature on any report which I signed last night.

The PRESIDING OFFICER. The Chair would like to announce to the Senate that we seemingly are—and it is the Chair's fault—permitting great latitude in the debate or remarks that are going on. The bill has passed the Senate. It is now signed into law by the Governor of Pennsylvania, and I would submit to the Senate that the only thing before the Senate is the next order of business which, at this moment, would be Executive Nominations.

If some Senator does want to address the Senate, I would suggest that he ask for unanimous consent of the Senate.

SENATE RESOLUTION

REQUESTING THE SECRETARY OF MINES TO INVESTIGATE THE CAUSE OF SUBSIDENCE IN AND AROUND THE CITY OF ARNOLD

Mr. DENT. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT offered the following resolution which was twice read as follows:

In the Senate, March 6, 1956.

Whereas, there appears to be a very severe disturbance in and around the city of Arnold, Pennsylvania due to mine cave-ins, and

Whereas, this is the first major appearance of subsidence in this area which covers a vast acreage of now depleted coal mines, and

Whereas, this may be the beginning of a very serious and disastrous incident, therefore be it

Resolved, that the Secretary of Mines, immediately start an investigation to determine the source and causes for said subsidence, and be it further

Resolved, that the Secretary of Mines, the Honorable Joseph T. Kennedy, make a report to the General Assembly during this Session, if possible, for the purpose of enacting whatever legislation is required if such legislation be deemed necessary.

RULE 39 SUSPENDED

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. MAHANY. Mr. President, it would appear as though this is an emergency type of resolution and I will not object to its immediate consideration.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

MOTION TO ADJOURN

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Wednesday, March 7, 1956.

Mr. YOSHO. Just a minute; I have been standing up here. Can't you wait a minute?

The PRESIDING OFFICER. Will the gentleman withdraw his adjournment motion if the Senator from Northampton has any remarks he wishes to make?

MOTION TO ADJOURN WITHDRAWN TEMPORARILY

Mr. MAHANY. Mr. President, I withdraw, temporarily, my motion to adjourn.

PERMISSION TO ADDRESS SENATE

Mr. YOSKO asked and obtained unanimous consent to address the Senate.

Mr. YOSKO. Mr. President, the hour is late and I certainly had no intention of taking the floor this evening. However, since I heard Senator Mahany say that the people of Pennsylvania got the kind of a tax bill they wanted, I just had to arise and take exception to that statement, if he was referring to a sales tax.

I want to reiterate now what I said on Friday night, that the Republican Majority passed the sales tax at a previous Session and that the sales tax became an issue in the gubernatorial campaign. It became a part of both platforms. The people of Pennsylvania very decisively decided, by their vote, that they did not want a sales tax in this State. The Republicans had a 1,000,000 registered majority in Pennsylvania and still were defeated, as I said the other night, by 280,000 votes. If the people did want a sales tax, and I know they do not because I got enough sentiment over the week end, I am sure they did not want a sales tax, Mr. President, with the shipbuilders out and all the common people in, with the railroads exempted and all the common people in, with the soft drink people out and all the common people in, with machinery exempt while many, many other taxable items are included, which the rank and file of the people have to buy and pay a tax on. I do not believe they wanted a sales tax with the manufacturers out and I do not believe they wanted a sales tax with public utilities out. They did not want a sales tax with the franchise trucks out and they did not want a sales tax with automobiles, used as demonstrators, exempt. I am sure they did not want the newspapers left out, the newspapers which have been crying for a sales tax over the months. I do not believe the people wanted that type of a sales tax. I am sure they will show their resentment to it at the proper time. I am sure the voters of this State, the people of this State, do not want a sales tax with the Ohio tax plan which the facts prove costs at least seven per cent to collect, when every other State that has a sales tax collects its tax for, in some cases, less than one per cent and a maximum of two per cent.

I do not believe the people of this State want a sales tax that is going to give everybody and his brother a chance to dip into the fund and convert a part of the money that is paid by the taxpayers to the use of those who collect it. I do not believe the people want a sales tax that opens the door for fraud in many, many ways. I do not believe the people of this State want a sales tax which they will have to pay to finance the obligations of the Commonwealth, but that will never reach the State Treasury and will never be applied to the purposes for which the tax is paid.

Mr. President, the bill that was passed tonight, and which was sent to the Governor's desk, is just that kind of a bill that I described. It places the tax load on the common people, on those least able to pay and exempts the privileged, those who have the ability to pay. I do not believe the taxpayers of this State—

The PRESIDING OFFICER. Will the gentleman yield for a moment?

Mr. LANE. Mr. President, I would say that the gentleman is entitled to be heard. There is too much conversation around the aisles. I could not hear him myself sitting here. They should at least grant the gentleman the courtesy of keeping still while he is speaking on the floor of this Senate.

The PRESIDING OFFICER. I agree with you, Senator Lane. Senator Yosko, because Senator Lane did not hear your speech, would you please repeat it for him or will you let him read it in the record tomorrow?

The Chair now recognizes the gentleman from Crawford, Senator Mahany.

BILLS ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. STEVENSON. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1311, entitled:

An Act providing a permanent allocation of a part of the fuels and liquid fuels tax proceeds to cities boroughs incorporated towns and townships for their road street and bridge purposes conferring powers and imposing duties on local officers and the Department of Highways and making an appropriation out of the Motor License Fund.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1848, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code," excluding the weight of safety devices in determining gross and axle weights.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1987, entitled:

An Act amending the act of May 2, 1925 (P. L. 448) entitled "The Fish Law of 1925," authorizing in certain cases fishing in farm ponds without licenses and regulating the transportation of fish taken from such ponds during closed seasons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

POINT OF INFORMATION

Mr. LANE. Mr. President, I rise to a point of information.

The PRESIDING OFFICER. The gentleman from Washington, Mr. Lane, will state his point of information.

Mr. LANE. Mr. President, I noticed that the Majority Leader has already moved that all bills reported from committees be read for the first time. What are we going to do about the Calendar today? We have not acted on it, have we?

Mr. MAHANY. Mr. President, if Senator Lane would like to stay with me, I will be happy to take up the Calendar. I thought maybe you were growing a little bit tired and would like to go down to the hotel and go to bed.

Mr. LANE. Mr. President, I feel it is appropriate, according to the order of business, that the Majority Leader should have made a motion to have all bills on the Calendar go over in order today and I thought that maybe he had erred.

Incidentally, Mr. President, I was not at all impressed with the remarks of the Chair when I stated that I did not have an opportunity to hear the subject matter in Senator Yosko's speech because of the fact that there were too many side bar conferences.

I think the Chair stated that the Senator could repeat his speech. I sort of think that was uncalled for, because all I wanted to do was to make sure that Senator Yosko, as a Member of this Senate, had the right to be heard. I feel that the remarks of the Chair were not exactly appropriate.

The PRESIDING OFFICER. The Chair feels that the gentleman is right. The remarks of the Chair were not in order and they were facetious. The Chair meant them to be facetious and did not mean to be offensive. If I have offended either Senator Lane or Senator Yosko, I publicly apologize for so doing.

Mr. MAHANY. Mr. President, in answer to Senator Lane, I would state that on a motion to adjourn at this time, the Calendar would be exactly the same as it is today, execpt that the bills which were reported from committee would appear upon the Second Reading Calendar. I do not believe it will be necessary to do anything with the Calendar if we now adjourn.

I do want to add, Mr. President, though, relative to Senator Yosko's speech, that I did hear most of it and that he did make a statement that some States which do not have the Ohio stamp plan have a minimum of one per cent collection cost and a maximum collection cost of two per cent. In order that this does not get out into the press without contradictian, I do not believe there is any State that collects for as little as one per cent or even as little as two per cent. Most States pay at least two per cent to the merchant who collects the tax. In addition to that, they would have their accounting cost and their field cost for service and so forth. I believe there is an average of around four per cent collection cost in those States that do not have the stamp plan.

Mr. YOSKO. Mr. President, in answer to the Majority Leader, I know it is late but I have a publication here which contains statements made by fiscal officers. I will read off the States which I have here and the cost of collection. In Alabama, it is 1.5%.

Mr. MAHANY. Mr. President, will the gentleman yield for just a clarifying question relative to these figures?

What I wish you would do, Senator, is to include in any statement of costs whatever amount the merchant gets. Perhaps those figures just have what it costs the State, without taking into consideration the amount of credit which they give the merchant for distributing the stamps. If the precentages which you are going to give us include that cost, plus all the costs of collection, then it is perfectly all right but I want that made clear.

Mr. YOSKO. These figures which I have here, I understand are the over-all cost of collection of the sales tax. In Alabama, it is 1.5%; in Arizona, it is 1:5%; in Kansas, it is 1.5%; in Louisiana, it is 1%; in Maryland, it is 2%; in Mississippi, it is 1.5%; in Missouri, it is 1%; in North Carolina, it is 1.66%; in Ohio, it is 7%; in South Carolina, it is 2.1%; in South Dakota, it is 1%; and in Utah, it is .84%. Those are the ones which I have here.

INTERROGATION

Mr. MAHANY. Mr. President, I desire to interrogate the gentleman from Northampton, Senator Yosko.

The PRESIDING OFFICER. Will the gentleman from Northampton, Mr. Yosko, permit himself to be interrogated?

Mr. YOSKO. I will, Mr. President.

Mr. MAHANY. Senator Yosko, in one of those States, any one of them, which you mentioned that is under 2%, do you know how much percentage they allow the merchant for his compensation in collecting this tax?

Mr. YOSKO. I repeat what I said before, the over-all cost of collection is what I gave you. I will turn this publication over to you and you can read it for yourself.

Mr. MAHANY. Then, Senator, before we get the plan into effect and it will not go into effect until July 1st, would you be satisfied then to give your department over here 1.9% of the amount to be taken in for their cost of collection?

Mr. YOSKO. I will yield to Senator Dent.

Mr. DENT. Mr. President, I am sure that Senator Mahany recognizes that in the budget which we figured out, and I am sure Senator Kessler will back me up, when we estimated the cost of collecting this tax we only put $6,000,000 into it. The cost of collection, in all of these cases, is based upon the actual cost of collection, disregarding the amount of kickback that you give to the merchants and the others whom you pay.

I will be glad, if Mr. Mahany will see to it, if the Administration is given 1.9% of the total of the cost of this tax for the cost of collection, because that would be about three points less than what was given to Governor Fine because it cost $5,000,000 to collect $99,000,000 under

Governor Fine. If you will give us $1,900,000 for each $100,000,000 of tax, and disregard the percentage that you are giving to the people who are collecting old stamps, green stamps and all of the prize coupons that you put in this bill, that will be fine.

Mr. MAHANY. Mr. President, I do not wish to continue this any further but, you see, Senator Dent has brought out the point there that your figures probably do not include the cost to the merchant for collecting the tax. I will be happy to go into this with you, Senator, and try to figure out about what these other States are doing. If there is some way we have of cutting down the cost, I will be glad to try to cooperate with you in that connection.

Mr. YOSKO. Senator Mahany, there are a few of these States that pay nothing to the vendors for collection. If you do not know that, I am telling you.

Let us assume that it is four per cent to adopt a plan that none of the other States have adopted and that Ohio, itself, wants to get rid of, and for this State to adopt it when it knows before it is adopted that it has the highest percentage of collection in the United States is just a waste of money that is paid in sales taxes, which is intended to be used to finance the obligations of the Commonwealth.

It seems to me, Mr. President, and I may be wrong, that somebody, and I am making a guess, probably made some kind of a deal with the people who sell these stamps and it was for that reason that it was insisted that the Ohio stamp method be incorporated in this bill. Certainly, when the sales tax bill was drafted in the first instance, and since you, as the Majority Leader, said on the floor of this Senate that the Republican Party was taking the responsibility for passing the sales tax bill as prepared last Friday night, the assumption was that the Republican Party is also a part of the House of Representatives and when that bill passed here, it would be accepted by the Republican leadership in the House. Since that was not true and they insisted on a more expensive cost of collection method, which only one State of all the States uses and that one State is trying to get rid of, it certainly creates a suspicion in my mind as to the reason why it was incorporated in this sales tax bill which was passed here tonight.

PERSONAL PRIVILEGE

Mr. MAHANY. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The gentleman from Crawford, Mr. Mahany, will state his question of personal privilege.

Mr. MAHANY. Mr. President, the Senator here has made a grave charge that somebody was in on a deal connected with selling stamps. Certainly the Senator knows, first, that if this job is not to be put out on bids, the ones who will be consulted relative to who sells the stamps are not the Republicans but the Democrats. Second, if it is put out on bids, and I understand that would be the legal way to do it, whoever is the lowest responsible bidder will get the bid.

How he can make such a groundless charge as he has made, casting suspicion on all of us, is more than I can understand. He seems to be investigation conscious and I would say to him that if he has any such an idea as he has expressed, if he has any grounds for that, then he should certainly investigate it. If he finds there is anybody in on some kind of a deal, as he suggests, to sell stamps, I would like to know what it is. If he cannot find such a person or will admit that he has no grounds for suspicion, I think he should apologize to all of us.

Mr. McMENAMIN. Mr. President, I was one Democrat who voted for this bill as it was last Friday. I could not vote for it tonight for exactly the reasons pointed out in the last two statements and that is why I rise now.

This amended monstrosity is going to be a waste of millions of dollars because of this childish, foolish insistence on a play thing or the tax stamp plan. The amount of money involved in just printing the stamps alone and making them available to merchants is going to run into millions.

I understand, Mr. President, that Ohio's experience with it has been bad in so far as collections are concerned. It is strange that now that the bill is passed, the Majority Leader begins to worry about the cost to the businessmen. Has anybody yet thought of the thousands and millions of dollars that the businessmen of Pennsylvania are going to have to invest in stamps to buy them in advance before they make any sales? In the cases of many stores, it is going to mean the outlay of thousands of dollars in cash to buy the stamps first, and they will probably have to borrow money to provide that cash for the stamps from banks at high interest rates.

How about the little grocer or the little storekeeper on the corner who should die while he has a couple thousand dollars worth of stamps in his possession? How long will it take the Commonwealth, with the usual delays, to refund his estate for those stamps? This silly stamp plan raises a multitude of questions, helps the enforcement of the act not at all and can only result in the waste of millions of dollars.

The PRESIDING OFFICER. Will the gentleman yield for just a moment? The Chair must insist if any person wants to address the Senate, that they ask for unanimous consent to do so.

PERMISSION TO ADDRESS SENATE

Mr. SEYLER asked and obtained unanimous consent to address the Senate.

Mr. SEYLER. Mr. President, I have been frequently amazed at the prodigious memory of the Majority Leader. He goes back many years and remembers in detail what Senator Dent or some other Senator on this side said five or six years ago without any trouble.

I was here when the Senator made the speech defending the initial tax program which the Republicans in the Senate voted for and I think I heard him say that the Ohio tax plan was not a good plan and that he was opposed to that plan. I would like to know whether he is now repudiating what he said then, or was he kidding us then or just what is the situation?

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, first, I want to tell the Senator that when you have a habit of remembering in detail things which happened years ago and you do not remembered what happened a short time ago, that is the first sign of senility.

I also want to say to the Senator, Mr. President, that

I am happy that he, for one, was listening to what I said the other day when I stated the reason why we did not put the stamp plan in our bill as we voted on it in the Senate. I was hoping that some of the Members of the press would pick up some of those remarks and put them in their papers so that it might possibly have some affect upon the Members of the House. However, in looking over the papers, I did not see any reference to the statement which I made.

I do not repudiate anything which I said the other day, Senator. I still say, and agree with you, that the Ohio stamp plan is a costly one and if I had my way about it, we would not put it into effect here. Due to the fact that a majority of those who were voting on it in the House said that they could not vote for it unless it did have that plan in, we were forced to go along and accept what they wanted to do rather than what I wanted to do.

PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, I want to join Mr. Mahany and just as a closing remark say that that is true. Senator Mahany, in fairness to you and Senator Kessler who were my colleagues on this conference, I will admit publicly, and with pride, that they fought every inch of the way not to insert the Ohio stamp plan in. They felt, and had figures to prove, that it was more expensive than the project that we had proposed in Pennsylvania.

Mr. President, I want to further say at this moment that probably I have been unkind many times because I, like other men, have a sharp taste on my tongue when I rise to my feet, but I hope that we all understand that at no time do I really feel personal about it.

Although at times I have been awfully unkind perhaps in my remarks and references to Senator Kessler, I have learned to know him very well during the last two weeks, at least much better than I knew him, and I know that he does not ask for this and it is given in an honest effort to undo perhaps some of the things which might have accrued from the remarks I made. He is intellectually honest; he is conservative, yes, but that is no sin and he does not wear the badge with dishonor. I have never learned to doubt his word and am proud to say that all along the line Senator Kessler, in my opinion, was a good Pennsylvanian.

PERMISSION TO ADDRESS SENATE

Mr. YOSKO asked and obtained unanimous consent to address the Senate.

Mr. YOSKO. Mr. President, I just want the Majority Leader, and the gentlemen on the other side who went along with the Ohio stamp plan, to know that if it goes into effect, the Commonwealth will probably have to buy a fleet of trucks if they use the same method of distributing as they use in Ohio.

As I understand it, there are two trucks that leave the treasury vault, in the State of Ohio, every Monday morning. It takes five weeks to make the routing of the entire State. Since Pennsylvania is a great deal larger than the State of Ohio in territory, I am assuming that it is going to take a longer period of time for these trucks each week or periodically to make the rounds, and hence the need for the fleet of trucks and the personnel to man them which, of course, figures in the cost of collection.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I just want to state that tomorrow morning, Mr. Jones, who is the Personnel Director, will have 2,000 applications to drive those trucks. They will all be from worth-while Democrats. I am sure you will be able to sort them out.

ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Wednesday, March 7, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.

Mr. WADE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock, p. m., Eastern Standard Time, until Wednesday, March 7, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 6, 1956.

The House met at 1:00 p. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

Reverend Arleigh Cale, Pastor of the Bentleyville Baptist Church, Washington County, guest Chaplain and guest of the gentlemen from Washington County, Messrs. Capano and Williams, offered the following prayer:

Almighty God, and kind Heavenly Father, look down upon us as we humbly pause before Thee this moment in our lives, for we know that it is in Thee we live and move and have our being. We know that Thou art the way, the truth and the light and that there is none other except Thee.

As we come before Thee, O God, we pray as we have gathered this afternoon here that we too would be concerned with Thy will and Thy wondrous creation. As we come to Thee we know that the daily wheels of life seem to wear ruts in our souls. Such things as temptations, such things as jealousy, all of these which we can think of which take away from the beauty of Thy creation.

We pray, O God, as we come to Thee that such things as these would find no fertile soil in our being. Help us, O God, as we come to Thee not only to shape our lives around the material, but around the spiritual. We are going forth like the prophets of old not knowing where we go. So help us, O God, that we would walk by faith in Thee and not by sight of the temporal things of this vale. We thank Thee, Father, that we can come knowing of thy guidance, knowing of Thy wonderful and Thy marvelous life. We pray, Father, that Thy holy spirit will find itself working within Thy creation this day, that these things will be concerned of Thy will. Amen.

JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of Monday, February 13, Tuesday, February 14, Monday, February 20, Tuesday, February 21 and Wednesday, February 22, 1956? If not, and without objection, the Journals are approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, March 5, 1956 will be postponed until printed. The Chair hears none.

RECESS

The SPEAKER. At the request of the Majority and Minority Leaders the Chair now declares a recess of one half hour for the purpose of a Democratic caucus and a Republican caucus. The Chair hears no objection, and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR.

BILLS INTRODUCED AND REFERRED

By Mr. DOWN. HOUSE BILL No. 2053.

An Act amending the act of May 17, 1921 (P. L. 682) entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds association, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; repealing existing laws," authorizing payroll division between classification risks by employers.

Referred to the Committee on Insurance.

By Messrs. GAFFNEY and PACCHIOLI. HOUSE BILL No. 2054.

An Act amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing cities to issue improvement bonds based solely upon the assessments for such improvements and imposing no municipal liability.

Referred to the Committee on Cities—Third Class.

By Messrs. MIHM and FROST. HOUSE BILL No. 2055.

An Act to further amend section nine of the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled, "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom; and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by providing for payments by the Commonwealth into the public school employes' retirement fund in lieu of reimbursement by the Department of Public Instruction, State Teachers Colleges, Thaddeus Stevens Trade School, Pennsylvania State Oral School for the Deaf, Scotland School for Veterans' Children, and Pennsylvania State University.

Referred to the Committee on Appropriations.

By Messrs. MIHM and FROST. HOUSE BILL No. 2056.

An Act to further amend the act of June 27, 1923 (P. L. 858) entitled, "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by defining certain officers and employes of the Pennsylvania State University who enter such service prior or subsequent to July 1, 1956, as State employes.

Referred to the Committee on Appropriations.

By Messrs. MIHM and FROST. HOUSE BILL No. 2057.

A Supplement to the act approved the eighteenth day

of July one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a Public School Employes" Retirement System and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof, and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds, imposing powers and duties upon the board having the employment of public school employes, exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process and providing penalties" by permitting any State employe who is a contributor under the provisions of the State Employes' Retirement System and who was an employe under the Public School Employes' Retirement System and made contributions to the Public School Employes' Retirement Fund on account of such public school service to obtain credit for such service to become a member of and a contributor in the Public School Employes' Retirement Fund and to receive credit for such State service under certain conditions.

Referred to the Committee on Appropriations.

By Messrs. MIHM and FROST.

HOUSE BILL No. 2058.

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State Employes' Retirement System and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds, imposing powers and duties upon the heads of departments in which State employes serve excepting annuities, allowances, returns, benefits, and rights from taxation, and judicial process, and providing penalties, by permitting any State employe as a contributor under the provisions of the State Employes' Retirement System and who was an employe under the Public School Employes' Retirement System of the Commonwealth and made contributions to the Public School Employes' Retirement Fund on account of such public school service to become a member of and a contributor in the Public School Employes' Retirement Fund and to obtain credit for service in the State Employes' Retirement System under certain conditions.

Referred to the Committee on Appropriations.

By Messrs. BRANCA and EILBERG.

HOUSE BILL No. 2059.

An Act amending the act of January 8, 1952 (P. L. 1851), entitled "An act providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases, authorizing the criminal courts to impose such a sentence and certain temporary confinement in connection therewith; requiring psychiatric examinations of such persons before the imposition of such a sentence; conferring powers and imposing duties upon the Department of Welfare and the Pennsylvania Board of Parole; and providing for the parole and reparole or absolute discharge of persons so sentenced and the procedure relating thereto," regulating bail for persons charged with commission of sex crimes.

Referred to the Committee on Judiciary.

By Mr. AMARANDO and Mrs. MARKLEY.

HOUSE BILL No. 2060.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," changing the requirements regarding use of different types of danger and caution signals.

Referred to the Committee on Motor Vehicles.

By Messrs. WILLIAMS, WILT, AGNEW, DONALDSON and GIBB.

HOUSE BILL No. 2061.

An Act regulating the mining of bituminous coal; prescribing duties for certain officers of political subdivisions; and imposing penalties.

Referred to the Committee on Mines and Mining.

By Messrs. WILLIAMS, WILT, AGNEW, DONALDSON and GIBB.

HOUSE BILL No. 2062.

An Act designating how certain expenditures shall be made from appropriations to the Department of Mines.

Referred to the Committee on Appropriations.

The SPEAKER. The Chair requests the gentleman from Cambria, Mr. Lopresti, to preside temporarily.

Mr. LOPRESTI IN THE CHAIR.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The SPEAKER pro tempore. The Speaker has referred the following Senate Bill:

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 986.

An Act amending the act of July 20, 1953 (P. L. 550) entitled "An act providing for and regulating the annexation of parts of a second class township to boroughs cities and townships" fixing the time when annexation takes effect.

Referred to the Committee on Rules.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 655.

An Act amending the act of December 27 1951 (P. L. 1742) entitled as amended "An act to provide revenue by imposing a State tax relating to certain documents and transactions prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations sheriffs recorders of deeds and the Department of Revenue saving certain State and local taxes and authorizing amendments extensions and supplements to the ordinances and resolutions thereto and providing penalties" exempting from the tax certain trustee and correctional deeds certain straw transactions and certain transfers to the United States the Commonwealth or their agencies instrumentalities or political subdivisions

SENATE BILL No. 929.

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used

BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker has signed the following Senate bills:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were pubicly read as follows:

SENATE BILL No. 655.

An Act amending the act of December 27, 1951 (P. L. 1742) entitled as amended "An act to provide revenue by imposing a State tax relating to certain documents and transactions prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations sheriffs recorders of deeds and the Department of Revenue saving certain State and local taxes and authorizing amendments extensions and supplement to the ordinances and resolutions relating thereto and providing penalties" exempting from the tax certain trustee and correctional deeds certain straw transactions and certain transfers to the United States the Commonwealth or their agencies instrumentalities or political subdivisions

SENATE BILL No. 929.

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Hass for Mr. LAWYER due to illness.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. AMARANDO asked and obtained permission for the Committee on Motor Vehicles to meet during the session of the House.

REPORTS FROM COMMITTEES

Mr. TOLL from the Committee on Judiciary, reported as committed, House Bill No. 889, entitled:

An Act providing for an additional law judge of the court of common pleas in the thirty-eighth judicial district.

Mr. YETTER from the Committee on Agriculture, re-reported as committed, House Bill No. 1943, entitled:

An Act to add section six hundred thirty-five point one to the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by regulating the serving and selling of milk in which chocolate cocoa or cacao products are used as an ingredient and prescribing penalties.

Mr. LUTTY from the Committee on State Government, reported as committed, House Bill No. 1971, entitled:

An Act relative to Commonwealth printing establishing conditions upon which contracts will be awarded and prescribing remedies and penalties for non-compliance with such conditions.

Mr. PAULHAMUS from the Committee on Agriculture and Dairy Industries, reported as committed, House Bill No. 1979, entitled:

An Act amending the act of May 27, 1937 (P. L. 901) entitled "An act for the protection of producers of farm produce ***" by inserting therein a Section 6 providing for bonding of dealers in farm produce redefining dealers in farm produce and defining cash.

Mr. WHITENIGHT from the Committee on Agriculture and Dairy Industries, reported as committed, House Bill No. 1980, entitled:

An Act to amend section ten of the act, approved the thirtieth day of April, one thousand nine hundred twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; * * *" by providing for bonding of such association.

Mr. YETTER from the Committee on Agriculture and Dairy Industries, reported as committed, House Bill No. 1981, entitled:

An Act to further amend section eleven of the act approved the twelfth day of June one thousand nine hundred nineteen (P. L. 466) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations not having a capital stock and not conducted for profit, and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, beekeeping, and horticulture," by providing for bonding of such associations.

Mr. SWARTZ from the Committee on Education, reported as committed, House Bill No. 1984, entitled:

An Act requiring bonds issued by Authorities to be offered for sale at open and competitive bidding and specifying the procedure therefor.

Mr. KELLER from the Committee on Education, reported as committed, House Bill No. 1988, entitled:

An Act to further amend clause seven of section two thousand four hundred one of the act, approved the tenth day of March, one thousand nine hundred forty-nine (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by further regulating the appointment of auditors in union school districts.

Mr. HORST from the Committee on State Government, reported as committed, House Bill No. 1991, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929, P. L. 177, providing subsistence allowance for married members of the State Police Force.

Mr. DAVIS from the Committee on Education, reported as committed, House Bill No. 2001, entitled:

An Act amending the act of June 20, 1947 (P. L. 745), entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein; * * *," fixing a period of limitations for making assessments and for beginning suits for collection of unpaid taxes and reducing the penalty on unpaid taxes.

Mr. ROVANSEK from the Committee on Education, reported as committed, House Bill No. 2013, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949, P. L. 30, providing for advance payments, reimbursements and tuition in the case of area technical schools.

Mr. SWARTZ from the Committee on Counties, reported as committed, House Bill No. 2018, entitled:

An Act amending "The County Code" of August 9, 1955 (P. L. 323), authorizing the appointment of solicitors by certain county officials and limiting the duties of the county solicitor.

Mr. PURSLEY from the Committee on Counties, reported as committed, House Bill No. 2021, entitled:

An Act amending "The County Code," approved August 9, 1955, (P. L. 323), providing for the fixing of compensation for officers whose salaries are not prescribed by law.

Mr. PRICE from the Committee on State Government, reported as committed, House Bill No. 2045, entitled:

An Act amending the act of July 24, 1913, (P. L. 956), entitled "An act defining commodities, regulating the sale thereof and providing penalties for violation hereof," clarifying enforcement provisions of the act.

Mrs. VARALLO from the Committee on Education, reported as committed House Bill No. 2051, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) removing certain merger provisions and changing the procedure in the formation of union districts.

Mr. LAFORE from the Committee on Motor Vehicles, reported as committed, House Bill No. 2060, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) changing the requirements regarding use of different types of danger and caution signals.

Mr. ROBERT K. HAMILTON from the Committee on State Government, reported as committed Senate Bill No. 159, entitled:

An Act amending the act of May 31, 1893 (P. L. 188 No 138) entitled "An Act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" changing the name of Armistice Day to Veterans' Day.

Mr. FRANK from the Committee on State Government, reported as committed Senate Bill No. 206, entitled:

An Act amending the act of May 21, 1943 (P. L. 322) entitled "An act providing for the issuance of certified copies of death birth and marriage certificates and divorce decrees by county officers free of charge to disabled war veterans and their dependents in death and compensation cases and prescribing penalties" extending its provisions to veterans of armed conflicts.

Miss LEIBY from the Committee on Education, reported as committed Senate Bill No. 651, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the value of scholarships.

Mr. STANK from the Committee on Rules, reported as committed, Senate Bill No. 661, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law" *** increasing the compensation of assessors.

Mr. MIHM from the Committee on Cities—Counties, Second and Second Class A, reported as committed, Senate Bill No. 802, entitled:

An Act to provide for an additional law judge of the orphan's court in the fifth judicial district.

Mr. SARRAF from the Committee on Rules, reported as committed, Senate Bill No. 865, entitled:

An Act to amend "The Intra-State Tunnel Revenue Bond Act ***" by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenues of the commission including tolls or from such funds as may be available to the commission for such purpose providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds.

Mr. THOMAS H. W. JONES from the Committee on

State Government, reported as committed, Senate Bill No. 868, entitled:

An Act authorizing the Department of Forests and Waters to exchange certain lands located in Union Township Bedford County Pennsylvania necessary for improved administration of Blue Knob State Park.

Mr. KOLANKIEWICZ from the Committee on Rules, reported as committed, Senate Bill No. 944, entitled:

An Act amending "The Administrative Code of 1929 ***" requiring cotton fabrics used in State institutions to be flameproofed.

Mr. KELLER from the Committee on Counties, reported as committed, Senate Bill No. 988, entitled:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

Mr. KELLER from the Committee on Counties, reported as committed, Senate Bill No. 989, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

Mr. KOLANKIEWICZ from the Committee on Rules, reported as committed Senate Resolution Serial No. 148.

Mr. MIHM from the Committee on Judiciary, reported as amended, House Bill No. 7, entitled:

An Act to provide for an additional law judge of the court of common pleas in the nineteenth judicial district.

Mr. McCORMACK from the Committee on Judiciary, reported as amended, House Bill No. 297, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number eight and providing for the appointment and election of judges for the court.

Mr. TOLL from the Committee on Judiciary, reported as amended, House Bill No. 1217, entitled:

An Act amending the act of July 12, 1913 (P. L. 711), entitled "An act establishing a court for the county of Philadelphia; ***," increasing the number of judges of the Municipal Court of Philadelphia.

Mr. ROVANSEK from the Committee on Education, reported as amended, House Bill No. 1983, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949, P. L. 30, clarifying provisions relating to the right to participate in the election of county boards of school directors, associate district superintendents, suspension of professional employes on consolidation of schools, rule making power in reference to medical and dental examinations. ***

Mr. BUCCHIN from the Committee on Welfare, reported as amended, House Bill No. 1990, entitled:

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning mental health and for related purposes.

Mr. KOLANKIEWICZ from the Committee on Rules, reported as amended, Senate Bill No. 318, entitled:

An Act pertaining to the resignation and retirement of judges under certain conditions fixing their compensation upon resignation or retirement and imposing duties on certain State officers.

Mr. WESCOTT from the Committee on Education, reported as amended, Senate Bill No. 333, entitled:

An Act amending the act of January 18, 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing inconsistent laws" increasing the minimum compensation and increments and changing conditions of payment and making an appropriation.

Mr. TOLL from the Committee on State Government, reported as amended, Senate Bill No. 905, entitled:

An Act authorizing the Department of Property and Supplies to acquire by gift ninety-three acres more or less of land with buildings thereon in the City of Pittsburgh Allegheny County for maintenance by the Department of Health as a sanitorium or hospital for the reception and treatment of indigent persons affected with tuberculosis and making an appropriation.

PERMISSION TO ADD ADDITIONAL SPONSORS

Mr. TALL asked and obtained unanimous consent to add additional sponsors to a bill to be reported by him.

Mr. McCORMACK asked and obtained unanimous consent to add additional sponsors to a bill to be reported by him.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 889, entitled:

An Act providing for an additional law judge of the court of common pleas in the thirty-eighth judicial district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1943, entitled:

An Act to add section six hundred thirty-five point one to the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by regulating the serving and selling of milk in which chocolate cocoa or cacao products are used as an ingredient and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1971, entitled:

An Act relative to Commonwealth printing establishing conditions upon which contracts will be awarded and prescribing remedies and penalties for non-compliance with such conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1979, entitled:

An Act amending the act of May 27, 1937 (P. L. 901) entitled "An act for the protection of producers of farm produce ***" by inserting therein a Section 6 providing for bonding of dealers in farm produce redefining dealers in farm produce and defining cash.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1980, entitled:

An Act to amend section ten of the act, approved the thirtieth day of April, one thousand nine hundred twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; ***" by providing for bonding of such associations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1981, entitled:

An Act to further amend section eleven of the act approved the twelfth day of June one thousand nine hundred nineteen (P. L. 466) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations not having a capital stock and not conducted for profit, and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, beekeeping, and horticulture," by providing for bonding of such associations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1984, entitled:

An Act requiring bonds issued by Authorities to be offered for sale at open and competitive bidding and specifying the procedure therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1988, entitled:

An Act to further amend clause seven of section two thousand four hundred one of the act, approved the tenth day of March, one thousand nine hundred forty-nine (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by further regulating the appointment of auditors in union school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1991, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929, P. L. 177, providing subsistence allowance for married members of the State Police Force.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2001, entitled:

An Act amending the act of June 20, 1947 (P. L. 745), entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein; ***," fixing a period of limitations for making assessments and for beginning suits for collection of unpaid taxes and reducing the penalty on unpaid taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2013, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949, P. L. 30, providing for advance payments, reimbursements and tuition in the case of area technical schools.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2018, entitled:

An Act amending "The County Code" of August 9, 1955 (P. L. 323), authorizing the appointment of solicitors by certain county officials and limiting the duties of the county solicitor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2021, entitled:

An Act amending "The County Code," approved August 9, 1955, (P. L. 323), providing for the fixing of compensation for officers whose salaries are not prescribed by law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2045, entitled:

An Act amending the act of July 24, 1913, (P. L. 956), entitled "An act defining commodities, regulating the sale thereof and providing penalties for violation hereof," clarifying enforcement provisions of the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2051, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) removing certain merger provisions and changing the procedure in the formation of union districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2060, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) changing the requirements regarding use of different types of danger and caution signals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 159, entitled:

An Act amending the act of May 31, 1893 (P. L. 188, No. 138) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" changing the name of Armistice Day to Veterans' Day.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 206, entitled:

An Act amending the act of May 21, 1943 (P. L. 322) entitled "An act providing for the issuance of certified copies of death birth and marriage certificates and divorce decrees by county officers free of charge to disabled war veterans and their dependents in death and compensation cases and prescribing penalties" extending its provisions to veterans of armed conflicts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 651, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the value of scholarships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 661, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law" * * * increasing the compensation of assessors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 802, entitled:

An Act to provide for an additional law judge of the orphan's court in the fifth judicial district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 865, entitled:

An Act to amend "The Intra-State Tunnel Revenue Bond Act" * * * by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenues of the commission including tolls or from such funds as may be available to the commission for such purposes providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 868, entitled:

An Act authorizing the Department of Forests and Waters to exchange certain land located in Union Township Bedford County Pennsylvania necessary for improved administration of Blue Knob State Park.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 944, entitled:

An Act amending "The Administrative Code of 1929" * * * requiring cotton fabrics used in State institutions to be flameproofed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 988, entitled:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 989, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 215

Mr. McCANN. Mr. Speaker, I present the report of the Committee of Conference on Senate Bill No. 215.

The SPEAKER. This being a Senate Bill, the report will lie over for printing by the Senate.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. PETROSKY and LOVETT.

RESOLUTION No. 161.

In the House of Representatives, March 6, 1956.

Whereas, there appears to be a very severe disturbance in and around the city of Arnold, Pennsylvania due to mine cave-ins, and

Whereas, this is the first major appearance of subsidence in this area which covers a vast acreage of now depleted coal mines, and

Whereas, this may be the beginning of a very serious and disastrous incident, therefore be it

Resolved, that the Secretary of Mines, immediately start an investigation to determine the source and cause for said subsidence, and be it further

Resolved, that the Secretary of Mines, the Honorable Joseph T. Kennedy, make a report to the General Assembly during this Session, if possible, for the purpose of enacting whatever legislation is required if such legislation be deemed necessary.

Referred to the Committee on Rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. BOIES asked and obtained permission for the Committee on Professional Licensure to meet during the session of the House.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 2009

Mr. READINGER. Mr. Speaker, I present the report of the Committee of Conference on House Bill No. 2009.

The SPEAKER. The report will lie over for printing under the Rules.

The SPEAKER PRO TEMPORE. Does the gentleman desire to make a statement with respect to printing or any other matter?

Mr. READINGER. Mr. Speaker, I do.

The Conference Report, which is the sales tax bill, is now at the Printer's and should be back here roughly about 6:00 o'clock. We are hoping to have it by that time so that it can be called up before the House for adoption or rejection and so the Members can be relieved of their duties for the day by no later than 6:45 o'clock.

Tomorrow will be a full working day and we expect the Members to be here to process the bills on this calendar. If they do not come tomorrow, we will have so much more work to do in a later week. If we expect to get out of this session finally on or before April 1st, as we are now hoping, I advise you to be here so we can get this work done.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

The SPEAKER. The Chair desires to make a statement regarding procedure.

The Members will remember that quite a number of months ago the House adopted a Resolution fixing a final day for the introduction of bills.

The Chair, in view of the circumstances that surrounded our convening, did not enforce or, better say, did not observe that Rule.

The Chair wishes to state that beginning next Monday no bills will be referred to Committee by the Chair except at the direct instruction of the House. Members who have bills in preparation can introduce them by title and can file them in the Speaker's office even when the House is not in session.

The Chair desires to repeat, beginning next Monday no bills will be referred to Committee except the House so directs.

A further comment. If we are to clear the calendar, bills must be voted upon. If the majority party in this House does not have the votes with which to pass legislation upon which there is party disagreement, it is within the province of the majority to object when bills are passed over.

We cannot terminate this session unless we clear the calendar. The Chair hopes arrangements can be made so the calendar, in both the House and the Senate will soon become closed books. The Chair thinks the Senate should be informed as to the bills we expect to send over there. In turn, the Chair believes we are entitled to know from the Senate the bills they intend sending to us. If we cooperate, we can reach the point in orderly fashion where our calendars are clear because the bills have either been acted upon or have been dropped from the calendar.

Insofar as the Chair can encourage definite action upon the part of this House on pending legislation, the Chair so will do. We will work with the Members of this House and with the other branch to bring about a termination of this session in orderly fashion.

Mr. LOPRESTI IN THE CHAIR

RECONSIDERATION OF VOTE ON HOUSE BILL No. 667

Mr. SHERMAN. Mr. Speaker, I move that the vote by which House Bill No. 667, Printer's No. 1256, entitled:

"An act providing for the determination and effect of comparative negligence in actions of tort and providing that contributory negligence shall not bar recovery" was defeated on final passage on Monday, February 27, 1956, be reconsidered.

Mr. GELFAND. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Philadelphia, Mr. Sherman vote on the final passage of this bill?

Mr. SHERMAN. Mr. Speaker, I voted with the prevailing side.

The SPEAKER pro tempore. How did the gentleman from Philadelphia, Mr. Gelfand, vote on the final passage of this bill?

Mr. GELFAND. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

Mr. JOHNSON. Mr. Speaker, will the gentleman from Philadelphia, Mr. Gelfand, permit himself to be interrogated?

Mr. GELFAND. I shall, Mr. Speaker.

Mr. JOHNSON. Mr. Speaker, would the gentleman please state for the information of the House the bill which you are now seeking to resurrect from the graveyard?

Mr. GELFAND. This is a bill dealing with comparative negligence.

Mr. JOHNSON. I did not understand the gentleman.

Mr. GELFAND. I say, this is a bill dealing with comparative negligence.

Mr. JOHNSON. When the bill was defeated on final passage last week, how many affirmative votes did you have for the bill?

Mr. GELFAND. I do not recollect, but I believe in the vicinity of 72.

Mr. JOHNSON. Then you are 34 votes shy of a constitutional majority, is that right?

Mr. GELFAND. At that time there were a considerable number of absentees in the House and I believe if those Members were present there would be a considerable number of votes more in favor of this bill.

Mr. JOHNSON. Do you know how many absentees there were on that day? Do you have the Journal in front of you?

Mr. GELFAND. At the time there were approximately 48 absentees in the House.

Mr. JOHNSON. Would you state what the purpose is of bringing this bill back at this time?

Mr. GELFAND. The purpose of this bill is to have reconsideration, inasmuch as I now feel the bill will pass if it is called up.

Mr. JOHNSON. Do you not believe you are unnecessarily taking up the time of the House at this late stage for a bill that only received 70-some votes when it was first voted on?

Mr. GELFAND. I do not believe so, inasmuch as I think this is very meritorious legislation and I think it would be a fine improvement in legislation in Pennsylvania. I also feel that if it were called up it would pass in this instance.

Mr. JOHNSON. You say there were 48 Members absent on the day that we voted on it last week?

Mr. GELFAND. That is what I said, I said approximately.

Mr. JOHNSON. If there were 48 Members absent, I would say you did not have a square deal, shall I say, on the bill. I was going to object to reconsideration, but I certainly will not object if that were the case, although I am against the bill.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. SHERMAN. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1731

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 1731, Printer's No. 1387, entitled:

"An Act amending the 'Elevator Regulation Law' approved May 2, 1929, (P. L. 1518) regulating the repairing and renovating of elevators requiring permits and fixing fees for permits and inspections."

was defeated on final passage, Monday, February 27, 1956 be reconsidered.

Mr. PETROSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky vote on the final passage of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1242

Mr. TOLL. Mr. Speaker, I move that the vote by which House Bill No. 1242, Printer's No. 1376, entitled:

"An Act to amend subsection (b) of the 'Pennsylvania Election Code' * * * by removing prohibition against unincorporated associations making political contributions."

was defeated on final passage, Monday, February 27, 1956, be reconsidered.

Mr. WELSH. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Toll vote on the final passage of this bill?

Mr. TOLL. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Welsh vote on the final passage of this bill?

Mr. WELSH. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. TOLL. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. McGEE asked and obtained permission for the Committeee on Public Health and Sanitation to meet during the session of the House.

REPORT FROM COMMITTEE

Mr. McGEE from the Committee on Professional Licensure, re-reported as amended, House Bill No. 885, entitled:

An Act relating to plumbing providing for certification registration and regulation of persons engaged in plumbing creating a State Public Health Plumbing Board in the Department of Health prescribing its powers and duties and those of local governments with respect thereto and making an appropriation.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1618

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commisisons, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers; and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," prescribing powers and duties of the Department of Welfare with respect to juveniles.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 4, by striking out all of lines 1 to 5 inclusive as follows:

(d) To reimburse the counties and the Departments of Public Welfare of cities of the first class for part of the net cost of maintenance correction re-education rehabilitation and treatment of juvenile delinquents the proportion to be reimbursed shall be determined annually by the department and shall be uniform for all counties and departments

page 4, line 6 by striking out at the beginning of the line the following: "(c)" and inserting in lieu thereof the following: "(d)"; line 9 by striking out at the beginning of the line the following: "(f)" and inserting in lieu thereof the following "(e)"; line 17 by striking out at the begininng of the line the following: "(g)" and inserting in lieu thereof the following: "(f)";

page 5, line 11, by striking out at the beginning of the line the following: "(2)" and inserting in lieu thereof the following: "(b)";

page 6, line 1, by striking out after the word "child" the following: "and to the committing court".

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. JOHNSON. Mr. Speaker, I move that the communication from Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 835

The Clerk of the Senate being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 835, entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of solicitors by clerks of the court of quarter sessions and oyer and terminer in third fourth and fifth class counties and prescribing their duties.

And has appointed Messrs. Mallery, Madigan and Hays a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

COMMUNICATION AND BILL LAID ON TABLE

Mr. JOHNSON. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1863

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds" further regulating lighting equipment lights and devices and the use thereof and prescribing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 4, line 6, by inserting after the word "lighted" the following: "provided however the requirement of at least two (2) red rear lamps on such vehicles shall" and striking out the word "not" and inserting the following: "apply only to vehicles" and striking out "manufactured prior to" and inserting the following: "initially registered in this Commonwealth on or after the first day of July one thousand nine hundred fifty-six"; line 17, by inserting after the word "Revenue" the following: "provided however the requirement of at least two (2) stop lamps on such vehicles shall" striking out the word "not" and inserting the following: "apply only to vehicles" and striking out "manufactured prior to" and inserting the following: "initially registered in this Commonwealth on or after the first day of July one thousand nine hundred fifty-six" and striking out the word "but" and inserting the following: "all other such vehicles shall carry at the rear at least one (1) stop lamp."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. JOHNSON. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1873

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and interinsurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by changing provisions relating to certain legal proceedings.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 3, page 8, line 16, by inserting after the word "thereof" the following: "to the extent that such policyholders are liable to such assessment."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. JOHNSON. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 841

An Act to promote the welfare of the people of this Commonwealth; creating Port Authorities to function in counties of the second class as bodies corporate and politic, with power to plan, acquire, construct, maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates and services; and authorizing the authorities to collect tolls, fares, fees, rentals and charges for the use of facilities; defining the authorities' powers and duties, and defining the port districts.

COMMUNICATION AND BILL LAID ON TABLE

Mr. JOHNSON. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1527, entitled:

An Act for the protection of the public health and welfare and the prevention of fraud and deception in the manufacture, preparation, packaging, dispensing and sale of non-alcoholic drinks and the use and operation of automatic or manual dispensing equipment relative thereto; prohibiting the sale, offering or exposing for sale, exchange or the giving away thereof unless registered; providing for licensing of places of manufacture, preparation, compounding, and packaging and the licensing or registration of automatic or manual dispensing equipment; regulating the manufacture, compounding, labeling, selling, sanitation, and the ingredients of non-alcoholic drinks and the display of presses; prohibiting misbranding and adulteration; authorizing promulgation of rules, regulations and standards; providing for penalties and for injunctions in certain cases, and the disposition of fees and fines.

The first section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments.

Amend Sec. 1, page 2, line 2 by inserting after "includes" (i).

Amend Sec. 1, page 2, line 3 by inserting after "drinks" (ii).

Amend Sec. 1, page 2, line 3 by inserting after "diluted" (iii).

Amend Sec. 1, page 2, line 4 by inserting after "sterilized" flavored.

Amend Sec. 1, page 2, line 4 by inserting after "drinks" whether sweetened or unsweetened.
Amend Sec. 1, page 2, line 6 by striking out "of".
Amend Sec. 1, page 2, lines 6 and 7 by striking out "sweetened or unsweetened when flavor has been added and" and inserting in lieu thereof (iv).
Amend Sec. 1, page 2, lines 8 and 9 by striking out "and whether simple mixed or compounded".
Amend Sec. 1, page 2, line 9 by inserting after "and" (v).
Amend Sec. 1, page 3, line 10 by striking out "or".
Amend Sec. 1, page 3, line 10, by inserting after "or" vending.
Amend Sec. 1, page 3, line 11 by inserting after "or" or.
Amend Sec. 1, page 3, line 12, by inserting after "or" vending.
Amend Sec. 1, page 3, line 12 by striking out "or".
Amend Sec. 1, page 3, line 13, by inserting after "which" is coin operated and which.

They were agreed to.

The section was agreed to as amended.

The second section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments.

Amend Sec. 2, page 4, line 4, by inserting after "or" vending.
Amend Sec. 2, page 4, line 4 by striking out "or".
Amend Sec. 2, page 4, line 10, by inserting after "automatic" vending.
Amend Sec. 2, page 4, line 12, by inserting after "Agriculture" as hereinafter provided.
Amend Sec. 2, page 4, line 13, by inserting after "automatic" vending.
Amend Sec. 2, page 4, line 17 by striking out "non-alcholic" and inserting in lieu thereof non-alcoholic.

They were agreed to.

The section was agreed to as amended.

The third section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments.

Amend Sec. 3, page 5, line 1, by striking out "mixing compounding".
Amend Sec. 3, page 5, line 4, by inserting after "automatic" vending.
Amend Sec. 3, page 5, line 11 by inserting after (3) (3).
Amend Sec. 3, page 5, line 11, by inserting after "automatic" vending.
Amend Sec. 3, page 5, line 12 by striking out "(4)".
Amend Sec. 3, page 5, line 13, by inserting after "automatic" vending.
Amend Sec. 3, page 5, line 14 by inserting after "tion" (4).
Amend Sec. 3, page 6, line 2, by striking out "place or"
Amend Sec. 3, page 6, line 2 by inserting after "location" (i) where non-alcoholic drinks are prepared stored in bulk and dispensed for consumption on the premises and (ii).
Amend Ses. 3, page 6, line 5 by striking out "or".
Amend Sec. 3, page 6, line 5 by inserting after "carbonated" or.
Amend Sec. 3, page 6, line 6, by inserting after "automatic" vending.
Amend Sec. 3, page 6, line 6, by inserting after "equipment" Provided however that this section shall not apply to the owner or operator of any public restaurant, eating place or soda fountain who neither owns nor operates any automatic manufacturing equipment at said place or any other place.
Amend Sec. 3, page 6, line 8 by striking out "the" and inserting in lieu thereof each.
Amend Sec. 3, page 6, line 8 by striking out "place".
Amend Sec. 3, page 6, line 10, by inserting after "automatic" vending.
Amend Sec. 3, page 6, line 18, by inserting after "automatic" vending.
Amend Sec. 3, page 6, line 20 by inserting after "dispenses" or stores in bulk and dispenses.
Amend Sec. 3, page 7, lines 2 to 6 by striking out "If the applicant operates" in line 2, all of lines 3, 4 and 5 and "operated" in line 6.

They were agreed to.

The section was agreed to as amended.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Sec. 4, page 7, line 16 by striking out "drinks" and inserting in lieu thereof "drink".
Amend Sec. 4, page 7, line 18 by inserting after "sugar" corn syrup.
Amend Sec. 4, page 7, line 19 by striking out "corn syrup".
Amend Sec. 4, page 8, line 14 by striking out "not" and inserting in lieu thereof "nor".
Amend Sec. 4, page 9, line 14 by inserting after "drinks" where it appears the second time in said line "and".
Amend Sec. 4, page 9, line 16 by striking out "yeast" where it appears the second time in said line and inserting in lieu thereof "Yeast".
Amend Sec. 4, page 9, line 19 by striking out "ounce" and inserting in lieu thereof "ounces".

They were agreed to.

The section was agreed to as amended.

The fifth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Sec. 5, page 10, line 4 by striking out "fluoborates fluosilicates" and inserting in lieu thereof "fluoroborates fluorosilicates".
Amend Sec. 5, page 10, line 5 by striking out "uorine" and inserting in lieu thereof "fluorine".
Amend Sec. 5, page 10, line 5 by striking out "perbarates" and inserting in lieu thereof "perborates".
Amend Sec. 5, page 10, line 6 by striking out "betanapthol hydronapthol" and inserting in lieu thereof "betanaphthol hydonaphthol".
Amend Sec. 5, page 10, line 7 by striking out "nitrates" and inserting in lieu thereof "nitrites".
Amend Sec. 5, page 10, line 13 by inserting after "soda" or.
Amend Sec. 5, page 10, line 14 by inserting after "or" such amounts of.

They were agreed to.

The section was agreed to as amended.

The sixth section was read and agreed to.

The seventh section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Sec. 7, page 12, line 11, by inserting after "automatic" vending.
Amend Sec. 7, page 12, line 12 by inserting after "turing" or manual dispensing.
Amend Sec. 7, page 12, lines 18 and 19 by striking out "specifying the name of the sweetening agent "( )" Sweetened" and inserting in lieu thereof "Artificially Sweetened" immediately preceding the name of the non-alcoholic drink.

The were agreed to.

The section was agreed to as amended.

The eighth section was read and agreed to.

The ninth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Sec. 9, page 16, line 2 by striking out "cleasing" and inserting in lieu thereof cleansing.

Amend Sec. 9, page 16, line 3, by inserting after "automatic" vending.

Amend Sec. 9, page 16, line 7 by striking out "department of agriculture" and inserting in lieu thereof "Secretary of Agriculture".

Amend Sec. 9, page 16, line 8, by inserting after "Automatic" vending.

Amend Sec. 9, page 16, line 11 by striking out "so".

Amend Sec. 9, page 16, line 13 by striking out "the" where it appears the first time in said line and inserting in lieu thereof "The".

Amend Sec. 9, page 16, line 16 by striking out "accessory" and inserting in lieu thereof "Accessory".

Amend Sec. 9, page 16, line 18 by striking out "drink" and inserting in lieu thereof "drinks".

Amend Sec. 9, page 17, line 2 by striking out "which has been" and inserting in lieu thereof "if".

They were agreed to.

The section was agreed to as amended.

The tenth section was read and agreed to.

The eleventh section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Sec. 11, page 17, lines 16 and 17 by striking out "Department" and inserting in lieu thereof "Secretary".

Amend Sec. 11, page 17, line 17 by striking out "its" and inserting in lieu thereof "it shall be his".

Amend Sec. 11, page 17, line 17 by striking out "shall be".

Amend Sec. 11, page 17, line 19 by striking out "licenses" and inserting in lieu thereof "license or".

They were agreed to.

The section was agreed to as amended.

The twelfth section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Sec. 12, page 19, line 4 by striking out "Department" and inserting in lieu thereof "Secretary".

Amend Sec. 12, page 19, line 8 by striking out "manfacturing".

Amend Sec. 12, page 19, line 9 by striking out "or manual dispensing" and inserting in lieu thereof "manfacturing".

Amend Sec. 12, page 19, line 9, by inserting after "automatic" vending.

They were agreed to.

The section was agreed to as amended.

The 13th, 14th and 15th sections were separately read and agreed to.

The title was read.

On the question,

Mr. READINGER offered the following amendments:

Amend Title, page 1, line 4 of Title, by inserting after "automatic" vending.

Amend Title, page 1, last line of Title, by inserting after "automatic" vending.

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

BILL PASSED OVER

There being no objection

House Bill No. 641, Printer's No. 1430

was passed over at the request of the SPEAKER pro tempore.

BILL ON THIRD READING

The SPEAKER pro tempore. Without objection, the Chair will turn to page 9 of today's calendar, bills on third reading, House Bill No. 2023. The Chair hears none.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2023, as follows:

An Act making an appropriation to the House of Representatives of the General Assembly for the salaries of officers and employes mileage of members and payment of postage and expenses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as is necessary are appropriated to the House of Representatives of the General Assembly for the purposes hereinafter set forth The sums hereby appropriated shall be in addition to any sums heretofore appropriated for the purposes

To the House of Representatives

For the payment of the salaries of the officers and employes of the House of Representatives session of 1955 also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provision is not otherwsie made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for by law the sum of one hundred thousand dollars ($100,000)

For the payment of the mileage of two hundred ten members of the House of Representatives session of 1955 the sum of thirty thousand dollars ($30,000)

For the payment of incidental expenses of the House of Representatives to be expended by the Chief Clerk the sum of fifteen thousand dollars ($15,000)

For the payment of postage on the Legislative Journal bills histories and calendars in the office of the Chief Clerk the sum of six thousand dollars ($6,000)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—199

Adam,	Frascella,	Mahan,	Royer,
Agnew,	Frost,	Markley,	Rudisill,
Amarando,	Gaffney,	Maxwell,	Sarraf,
Anderson, M. S.,	Garlock,	McCann,	Scarcelli,
Anderson, S. A.,	Gelfand,	McCormack,	Schuster,
Ashton,	George,	McGee,	Sherman,
Auker,	Gibb,	McInroy,	Sigman,
Banker,	Gibson,	McKeever,	Smith, C. O.,
Barnatovich,	Goldstein,	McLaughlin,	Smith, Wm. B.,
Bazin,	Gramlich,	McWherter,	Snider,
Bell,	Greenwood,	Meholchick,	Stank,
Blair,	Guss,	Metz,	Stebbins,
Boles,	Guthrie,	Mihm,	Steckel,
Bonner,	Hamilton, R. K.,	Mikula,	Stephens,
Boory,	Hass,	Miller,	Stevenson,

Bower,	Haudenshield,	Mills,	Stone,
Branca,	Helm,	Monroe,	Stoner,
Breisch,	Henzel,	Moody,	Strausser,
Brennan, A. P.,	Hewitt,	Moran,	Stroup,
Brennan, J. J.,	Hocker,	Moscrip,	Swartz,
Brenninger,	Holt,	Muldowney,	Taylor,
Breth,	Horst,	Mullen,	Thomas,
Brown,	Houk,	Munley,	Thompson,
Bucchin,	Isaacs,	Murphy,	Toll,
Bullen,	Jenkins,	Murray, H. P.,	Tompkins,
Capano,	Johnson,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cioffi,	Jump,	Musto,	Varner,
Cochran,	Kamyk,	Naugle,	Vaughan,
Comer,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neil,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Down,	Kromer,	Paulhamus,	Welsh,
Ehrgood,	Lafore,	Petrosky,	Wescott,
Eilberg,	Leiby,	Polaski,	Wheeler,
Erb,	Leisey,	Polen,	Whitenight,
Eshleman,	Leonard,	Pomeroy,	Willaredt,
Ewing,	Leven,	Price,	Williams,
Farabaugh,	Light,	Pursley,	Wilt,
Filo,	Limper,	Readinger,	Wood,
Fineman,	Lippincott,	Reibman,	Worley,
Flint,	Lopresti,	Reidenbach,	Yetter,
Floyd,	Lovett,	Renwick,	Yetzer,
Flynn,	Lutty,	Rigby,	Young,
Foster,	Magee,	Rosen,	Ziegler,
Frank,		Rovansek,	Andrews, Speaker

NAYS—0

NOT VOTING—8

Connelly,	Jones, G. E.,	Kratz,	Pettigrew,
Heavey,	Kornick,	Lawyer,	Rubin,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

The SPEAKER pro tempore. The Chair is about to take up bills on final passage. The Chair would like to have the attention of the Members during the consideration of this calendar. Many important bills will be laid before the House and, unless there are requests to hold them over, they will be put to a vote.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 68, as follows:

An Act amending the act of April twelve one thousand nine hundred fifty-one (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" authorizing the transfer of certain retail licenses to clubs defining the effect of such transfers upon quota limitations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 461 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" is amended to read

Section 461 Limiting Number of Retail Licenses to Be Issued in Each Municipality (a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand inhabitants or fraction thereof in any municipality including retail liquor licenses transferred from a restaurant or a retail dispenser's license from an eating place to a club as defined by this act or to a veteran's organization incorporated and existing under the laws of this Commonwealth but exclusive of licenses granted to hotels as defined in this section and clubs except that club licenses transferred to a club from a restaurant or retail dispenser shall be counted in the quota but at least one such license may be granted in each municipality except in municipalities where the electors have voted against the granting of any retail licenses nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed but where such number exceeds the limitation prescribed by this section no new license except for hotels as defined in this section shall be granted so long as said limitation is exceeded

* * *

Section 2 Subsection (a) of section 468 of the act amended August twenty-two one thousand nine hundred fifty-three (P. L. 1340) is amended to read

Section 468 Licenses Not Assignable Transfers

(a) Licenses issued under this article may not be assigned The board upon payment of the transfer filing fee and the execution of a new bond is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another or both and may transfer a retail liquor license from a restaurant or a retail dispenser's license from an eating place to a club as defined by this act or to a veteran's organization incorporated and existing under the laws of this Commonwealth within the same municipality as the board may determine Provided however That in the event that a majority of the voting electors of a municipality at an election held under the provisions of any law so empowering them to do shall vote against the issuance of distributor or importing distributor licenses in such municipality the board is hereby authorized to transfer any such distributor or importing distributor license from its place in such municipality to a place in any other municipality within the same county upon application prior to the expiration of any such license and upon payment of the transfer filing fee and the execution of a new bond but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally nor except as herein provided to a place as to which a license has been revoked Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the board may determine such circumstances to justify its action transfers of licenses may be made only at times fixed by the board In the case of the death of a licensee the board may transfer the license to the surviving spouse or personal representative or to a person designated by him From any refusal to grant a transfer or upon the grant of any transfer the party aggrieved shall have the right of appeal to the proper court and therefrom to the Superior Court in the manner herein before provided

* * *

On the question,

Shall the bill pass finally?

Mr. WILLIAM B. SMITH. Mr. Speaker, House Bill 68 has to do with clubs securing a liquor license. I have cleared this with all the different groups who objected to it. I cleared it with the church people and all others who questioned any part of it. I know of no opposition to it now.

What it does, it permits a club, that is, a bona fide club, which does not have a license to secure one by purchasing a retail license that is already in effect. It does not create a vacancy in the quota.

If this bill is passed, it will merely permit these clubs, as I stated before, to purchase one of these licenses.

I would like to see every Member of the House support the bill if they can see their way clear.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—118

Adam,	Frank,	McCormack,	Rovansek,
Amarando,	Frascella,	McGee,	Sarraf,
Anderson, M. S.,	Gaffney,	McKeever,	Scarcelli,
Anderson, S. A.,	Gelfand,	McLaughlin,	Schuster,
Barnatovich,	Hamilton, R. K.,	McWherter,	Sherman,
Bazin,	Haudenshield,	Meholchick,	Smith, C. C.,
Boles,	Hocker,	Mihm,	Smith, Wm. B.,
Bonner,	Holt,	Mills,	Snider,
Boory,	Horst,	Monroe,	Stank,
Branca,	Isaacs,	Moran,	Steckel,
Brennan, A. P.,	Johnson,	Muldowney,	Stone,
Brennan, J. J.,	Jones, T. H. W.,	Mullen,	Strausser,
Breth,	Kamyk,	Munley,	Stroup,
Bucchin,	Kent,	Murphy,	Taylor,
Bullen,	Kline,	Murray, H. P.,	Thomas,
Capano,	Kolankiewicz,	Murray, J. J.,	Thompson,
Cioffi,	Lafore,	Musto,	Toll,
Cochran,	Leiby,	Needham,	Tompkins,
Comer,	Leonard,	Olsen,	Varallo,
Cooper,	Leven,	O'Neil,	Vaughan,
Dougherty,	Limper,	Pacchioli,	Verona,
Ehrgood,	Lippincott,	Pashley,	Wallace,
Eilberg,	Lopresti,	Petrosky,	Walsh,
Ewing,	Lovett,	Polaski,	Wargo,
Farabaugh,	Lutty,	Pomeroy,	Weidner,
Filo,	Magee,	Readinger,	Welsh,
Fineman,	Markley,	Reibman,	Wheeler,
Floyd,	Maxwell,	Reidenbach,	Whitenight,
Flynn,	McCann,	Renwick,	Williams,
Foster,			Yetzer,

NAYS—70

Agnew,	Garlock,	Kromer,	Rudisill,
Ashton,	George,	Leisey,	Stebbins,
Auker,	Gibb,	Light,	Stephens,
Banker,	Goldstein,	Mahan,	Stevenson,
Bell,	Gramlich,	McInroy,	Stoner,
Bower,	Guss,	Metz,	Swartz,
Breisch,	Guthrie,	Mikula,	Toomey,
Brenninger,	Hass,	Moscrip,	Varner,
Brown,	Helm,	Murray, P. G.,	Wall,
Cianfrani,	Henzel,	Naugle,	Wescott,
Curwood,	Hewitt,	Ogilvie,	Willaredt,
Davis,	Houk,	Parry,	Wilt,
Donahue,	Jump,	Paulhamus,	Wood,
Donaldson,	Kehler,	Polen,	Worley,
Down,	Keller,	Price,	Yetter,
Erb,	Knecht,	Pursley,	Young,
Eshleman,	Kooker,	Royer,	Andrews,
Frost,			Speaker

NOT VOTING—19

Blair,	Heavey,	Lawyer,	Rosen,
Connelly,	Jenkins,	Miller,	Rubin,
Flint,	Jones, G. E.,	Moody,	Sigman,
Gibson,	Kornick,	Pettigrew,	Waterhouse,
Greenwood,	Kratz,	Rigby,	Ziegler,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 1176, Printer's No. 1415

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1562, as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" redefining the term "population"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition "population" of section 102 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" is amended to read

Section 102 Definintions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

* * *

"Population" shall mean the population as determined by the last preceding [decennial] official census of the United States

* * *

On the question?

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

A verification of the roll was requested by Messrs. LIGHT, STONER and STROUP.

The roll was verified and was as follows:

YEAS—92

Adam,	Fineman,	McLaughlin,	Sarraf,
Amarando,	Flint,	McWherter,	Scarcelli,
Anderson, M. S.,	Floyd,	Meholchick,	Schuster,
Anderson, S. A.,	Flynn,	Mihm,	Sherman,
Barnatovich,	Frank,	Mills,	Smith, Wm. B.,
Boles,	Frascella,	Monroe,	Stank,
Bonner,	Gaffney,	Moran,	Steckel,
Boory,	Gelfand,	Muldowney,	Stone,
Branca,	Hocker,	Mullen,	Taylor,
Brennan, A. P.,	Holt,	Munley,	Thomas,
Brennan, J. J.,	Kamyk,	Murray, J. J.,	Thompson,
Breth,	Kolankiewicz,	Musto,	Toll,
Bucchin,	Leonard,	Needham,	Varallo,
Capano,	Leven,	Olsen,	Vaughan,
Cioffi,	Limper,	O'Neil,	Verona,
Cochran,	Lopresti,	Pacchioli,	Wallace,
Comer,	Lovett,	Pashley,	Walsh,
Cooper,	Lutty,	Petrosky,	Wargo,
Curwood,	Maxwell,	Polaski,	Welsh,
Dougherty,	McCann,	Reibman,	Whitenight,
Eilberg,	McCormack,	Reidenbach,	Williams,
Farabaugh,	McGee,	Renwick,	Yetter,
Filo,	McKeever,	Rovansek,	Yetzer,

NAYS—96

Agnew,	Gibb,	Leiby,	Rudisill,
Ashton,	Goldstein,	Leisey,	Smith, C. C.,
Auker,	Gramlich,	Light,	Snider,
Banker,	Guss,	Lippincott,	Stebbins,
Bazin,	Guthrie,	Magee,	Stephens,
Bell,	Hamilton, R. K.,	Mahan,	Stevenson,
Bower,	Hass,	Markley,	Stoner,
Breisch,	Helm,	McInroy,	Strausser,
Brenninger,	Henzel,	Metz,	Stroup,
Brown,	Hewitt,	Mikula,	Swartz,
Bullen,	Horst,	Moody,	Tompkins,
Cianfrani,	Houk,	Moscrip,	Toomey,
Davis,	Isaacs,	Murphy,	Varner,
Donahue,	Johnson,	Murray, H. P.,	Wall,
Donaldson,	Jones, T. H. W.,	Murray, P. G.,	Weidner,
Down,	Jump,	Naugle,	Wescott,
Ehrgood,	Kehler,	Ogilvie,	Wheeler,
Erb,	Keller,	Parry,	Willaredt,
Eshleman,	Kent,	Paulhamus,	Wilt,
Ewing,	Kline,	Pomeroy,	Wood,
Foster,	Knecht,	Price,	Worley,
Frost,	Kooker,	Pursley,	Young,
Garlock,	Kromer,	Rigby,	Ziegler,
George,	Lafore,	Royer,	Andrews, Speaker

NOT VOTING—19

Blair,	Heavey,	Lawyer,	Rosen,
Connelly,	Jenkins,	Miller,	Rubin,
Gibson,	Jones, G. E.,	Pettigrew,	Sigman,
Greenwood,	Kornick,	Polen,	Waterhouse,
Haudenshield,	Kratz,	Readinger,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1928, entitled:

An Act amending the act of May 20, 1949 (P. L. 1594) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" extending its provisions to ice milk and ice milk confections and conferring additional powers and duties on the Department of Agriculture changing labeling requirements and regulating sales of packaged ice milk

On the question,

Shall the bill pass finally?

Mr. PETROSKY. Mr. Speaker, are we proceeding to a roll call on House Bill 1928, Printer's No. 1425?

The SPEAKER pro tempore. That is correct.

Mr. PETROSKY. Mr. Speaker, I was holding a series of conferences on this bill and the gentleman I was to confer with again has not come back as yet. Will you hold this bill over?

The SPEAKER pro tempore. The Chair understood that Majority Leader wanted this bill put before the House.

Mr. PETROSKY. I would like to have the opportunity of securing the material I have been using to confer upon this bill, it is in my desk upstairs. I would like to bring it down and debate the bill.

Would you put it over temporarily until I secure my material?

The SPEAKER pro tempore. Does the gentleman desire to make a motion to postpone action on this bill—temporarily, at least?

Mr. PETROSKY. I am agreed. I ask that it be held over until I secure my material.

The SPEAKER pro tempore. Does the gentleman desire to make a motion to postpone action on this bill temporarily?

MOTION TO POSTPONE

Mr. PETROSKY. I so move, Mr. Speaker.

On the question,

Will the House agree to the motion?

Mr. KENT. Mr. Speaker, I would like to object to this motion for this reason: I had the same understanding that the Chair had from the Majority Floor Leader. The bill has been on the calendar for, I believe, at least four weeks. It was amended, I think, as long as two weeks ago. It has been in its present form for at least two weeks. It was agreed last week by the gentleman from Westmoreland, Mr. Petrosky, that it would be held over.

The Members on this side of the House are ready to vote on the bill in its present form. I object and ask the Members to vote down this motion.

Mr. PETROSKY. Mr. Speaker, I agree with what the gentleman states. However, I had asked that this bill be held over until such time as a gentleman who was concerned with this measure had conferred with the Department which would administer its provisions.

The gentleman has not come back to me for a further conference, and I was awaiting his pleasure.

Mr. Speaker, in the event that you want to move on the bill, I would like to pass it over at least temporarily so I can get my material and debate on the bill. As the bill now stands, I wish to oppose it.

The SPEAKER pro tempore. How much time would the gentleman desire in order to obtain his material?

Mr. PETROSKY. About five minutes.

The SPEAKER pro tempore. What is the pleasure of the gentleman from Crawford, Mr. Kent.

Mr. KENT. Mr. Speaker, I do not want to be unduly pressing in this situation. I would not have any objection to waiting five minutes, although it seems to me, there has been ample time. Being one of the sponsors of the bill, no one has consulted me about any difficulties in the bill at all, if they exist.

Possibly any difficulty which the gentleman speaks about could be taken care of as a departmental matter in enforcement or procedure or the technicality could be taken care of when the bill reaches the Senate, if it does. If it does not reach the Senate, he does not have anything to worry about.

I still object to the motion as it stands before the House now.

BILL PASSED OVER

The SPEAKER pro tempore. Without objection, the Chair would like to suggest that we pass over this bill temporarily for about five minutes. In the meantime we will take up the next bill, then we will return to this bill immediately following.

The Chair hears no objection. The gentleman will get his papers and return to the House.

BILLS ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HOCKER.

The House resumed the consideration on final passage of House Bill No. 319, as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" permitting the exchange of certain retail dispensers licenses for liquor licenses and establishing procedure therefore and establishing procedure therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 461 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" is amended to read

Section 461 Limiting Number of Retail Licenses To Be Issued In Each Municipality (a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand inhabitants or fraction thereof in any municipality exclusive of licenses granted to hotels as defined in this section and clubs but at least one such license may be granted in each municipality except in municipalities where the electors have voted against the granting of any retail licenses Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class or to issue a restaurant liquor license to a holder of and in exchange for an existing eating place retail dispenser's license issued under the provisions of this act or to issue a club liquor license to a holder of and in exchange for an existing club retail dispenser's license issued under the provisions of this act notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed but where such number exceeds the limitation prescribed in this section no new license except for hotels as defined in this section and except in exchange as above provided shall be granted so long as said limitation is exceeded Every licensee surrendering a retail dispenser's license issued under the provisions of this act shall furnish bond as required by this act The fee for a liquor license thus issued in exchange for a retail dispenser's license shall be the difference between the amount which the applicant paid for the retail dispenser's license and the fee prescribed for the issuance of a liquor license No liquor license shall be issued in any locality where the electors by local option have voted against the granting of liquor licenses

After a liquor license has been issued to any applicant as herein provided he shall be entitled to the same privileges and shall be subject to the same restrictions as other holders of liquor licenses

* * *

On the question recurring,

Shall the bill pass finally?

Mr. MORAN. Mr. Speaker, House Bill 319 is not opposed by the Liquor Control Board. It will not increase licenses under the quota law.

The beer license is counted in the quota law as a full license at the present time, but is deprived of the full right or the equal rights of a full license. It comes under the same restriction as retail liquor licenses.

House Bill 319 will give the beer licensee equal rights. It will give additional thousands of dollars to the municipalities where those licenses are located, as well as to the state.

Mr. Speaker, I ask the Members of the House to vote "aye" on this bill.

Mr. McCORMACK. Mr. Speaker, I ask permission of the Chair to interrogate one of the sponsors of the bill, please.

The SPEAKER pro tempore. Will the gentleman from Dauphin, Mr. Hocker, permit himself to be interrogated?

Mr. HOCKER. I shall, Mr. Speaker.

Mr. McCORMACK. Mr. Speaker, what does this bill purport to do?

Mr. HOCKER. Mr. Speaker, sometime back this bill was debated at length on the floor. This bill will allow a man who holds a beer license only to turn that beer license in to the Liquor Control Board and pick up a beer and liquor license by paying the additional fee required for the two licenses.

Mr. McCORMACK. Mr. Speaker, are both retail liquor licenses and retail dispenser licenses under the quota system?

Mr. HOCKER. They are. It will not add any new taverns, if that is what the gentleman is getting at.

Mr. McCORMACK. Mr. Speaker, are both the quotas filled today?

Mr. HOCKER. They could be filled, I mean, the extent that a man holds only a beer license, yes.

Mr. McCORMACK. What I mean, Mr. Speaker, is that under the existing law today, if I were to apply to the Liquor Control Board for a retail dispenser license, the right to sell beer alone, would I be able to get such a license?

Mr. HOCKER. Very definitely, no.

Mr. McCORMACK. If I were today to apply to the same Board for a retail liquor license, would I be able to get a license from the Control Board?

Mr. HOCKER. No, the gentleman would not.

Mr. McCORMACK. Because the quotas are filled, is that correct?

Mr. HOCKER. That is right.

Mr. McCORMACK. In order for me to purchase a retail beer license in the open market today, can the gentleman tell me what the cost would be?

Mr. HOCKER. I have no idea. I am not a dealer in liquor or beer licenses.

Mr. McCORMACK. Would it surprise the gentleman to know, Mr. Speaker, that I could purchase an existing retail dispenser license, that is, a license which would permit me to sell beer, for approximately $2,500?

Mr. HOCKER. I have no idea what the gentleman could buy one for. I imagine it would depend upon the location, how much business they do, and so on and so forth.

Mr. McCORMACK. I am speaking about Philadelphia in particular now. The gentleman does not know those figures?

Mr. HOCKER. No, I do not.

Mr. McCORMACK. Would the gentleman happen to know the figures insofar as the market value of a retail liquor license today in Philadelphia?

Mr. HOCKER. No, I would not.

Mr. McCORMACK. Would it surprise the gentleman to know that in order to purchase a retail liquor license in Philadelphia you have to pay approximately $14,500?

Mr. HOCKER. I would not know that, Mr. Speaker.

Mr. McCORMACK. If I were to apprise the gentleman of the corrections of those figures today, Mr. Speaker, would he still say this is a fair bill?

Mr. HOCKER. Yes, I think it is a fair bill. I am sure it is a fair bill, because all over this Commonwealth there are people who have been laboring under a beer license. All over this Commonwealth there are some veterans' clubs and other clubs that only have a beer license. I am of the opinion, and I honestly believe, that irrespective of price I do not think this is going to put anyone into the business of buying or selling licenses. I do not think so.

Mr. McCORMACK. Mr. Speaker, the gentleman is not saying that this bill on the calendar today applies to veterans' organizations?

Mr. HOCKER. If some of them only have a beer license.

Mr. McCORMACK. It should apply to them only incidentally then, is that right?

Mr. HOCKER. Incidentally is right.

Mr. McCORMACK. It would not limit it?

Mr. HOCKER. No, it would not limit it. It would take in anyone that holds a beer license, and there are 1,400 licensees in this state who only hold a beer license.

Mr. McCORMACK. When these people who presently hold licenses to sell beer only applied, they applied for that license, is that right?

Mr. HOCKER. A lot of that happened way back under the old method of issuing licenses, when the county treasurer had the power to issue a license.

Mr. McCORMACK. I mean, they were not deceived in any way, were they?

Mr. HOCKER. I do not think so.

Mr. McCORMACK. Mr. Speaker, I think in the face of the answers elicited from one of the sponsors of the bill this is so fundamentally unfair to those who hold valuable liquor license today that we should not in conscience vote to change the law.

I, therefore, ask the House to vote against it.

Mr. LOVETT. May I interrogate the gentleman from Dauphin, Mr. Hocker?

The SPEAKER pro tempore. Will the gentleman from Dauphin, Mr. Hocker, permit himself to be interrogated?

Mr. HOCKER. I am getting awful tired, but I would never turn down my old friend.

Mr. LOVETT. I will be very fair about it. Does the gentleman have any knowledge of how many beer licenses are now held by people who do not serve beer in their establishments?

Mr. HOCKER. How many beer licenses are held by people who do not serve beer?

Mr. LOVETT. That is right.

Mr. HOCKER. That is like a fellow holding a marriage license and not intending to get married. I do not know of any, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, I thank the gentleman. I may enlighten him of at least one or two that I know of personally who hold a beer license but do not serve beer in their establishments. I am sure if you transfer it to a liquor license, they would be very glad to go into the business.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—55

Adam,	Hocker,	Markley,	Renwick,
Anderson, M. S.,	Isaacs,	McCann,	Rovansek,
Ashton,	Jenkins,	Moody,	Royer,
Banker,	Johnson,	Moran,	Smith, Wm. B.,
Boies,	Jones, T. H. W.,	Murray, H. P.,	Stank,
Bonner,	Kehler,	Murray, J. J.,	Steckel,
Brennan, A. P.,	Knecht,	Musto,	Taylor,
Bucchin,	Kolankiewicz,	Needham,	Thomas,
Farabaugh,	Lafore,	Olsen,	Vaughan,
Flint,	Leonard,	Pacchioli,	Wallace,
Flynn,	Limper,	Petrosky,	Weidner,
Foster,	Lippincott,	Readinger,	Whitenight,
Frank,	Lopresti,	Reibman,	Williams,
Gaffney,	Lutty,		Yetter,

NAYS—131

Agnew,	Frost,	McGee,	Sherman,
Anderson, S. A.,	Garlock,	McInroy,	Smith, C. C.,
Auker,	Gelfand,	McKeever,	Snider,
Barnatovich,	George,	McLaughlin,	Stebbins,
Bazin,	Gibb,	McWherter,	Stephens,
Bell,	Gibson,	Meholchick,	Stevenson,
Boory,	Goldstein,	Metz,	Stone,
Bower,	Gramlich,	Mikula,	Stoner,
Branca,	Guss,	Mills,	Strausser,
Breisch,	Guthrie,	Monroe,	Stroup,
Brennan, J. J.,	Hamilton, R. K.,	Moscrip,	Swartz,
Breth,	Hass,	Muldowney,	Thompson,
Brown,	Haudenshield,	Mullen,	Toll,
Bullen,	Helm,	Munley,	Tompkins,
Capano,	Henzel,	Murphy,	Toomey,
Cianfrani,	Holt,	Murray, P. G.,	Varallo,
Cioffi,	Houk,	Naugle,	Varner,
Cochran,	Jump,	Ogilvie,	Verona,
Comer,	Kamyk,	O'Neil,	Wall,
Cooper,	Keller,	Parry,	Walsh,
Curwood,	Kent,	Pashley,	Wargo,
Davis,	Kline,	Paulhamus,	Welsh,
Donahue,	Kooker,	Polaski,	Wescott,
Donaldson,	Kromer,	Polen,	Wheeler,
Down,	Leiby,	Pomeroy,	Willaredt,
Ehrgood,	Leisey,	Price,	Wilt,
Eilberg,	Leven,	Pursley,	Wood,
Erb,	Light,	Reidenbach,	Worley,
Eshleman,	Lovett,	Rigby,	Yetzer,
Ewing,	Magee,	Rudisill,	Young,
Filo,	Mahan,	Sarraf,	Ziegler,
Fineman,	Maxwell,	Scarcelli,	Andrews,
Floyd,	McCormack,	Schuster,	Speaker

NOT VOTING—21

Amarando,	Greenwood,	Kornick,	Pettigrew,
Blair,	Heavey,	Kratz,	Rosen,
Brenninger,	Hewitt,	Lawyer,	Rubin,
Connelly,	Horst,	Mihm,	Sigman,
Dougherty,	Jones, G. E.,	Miller,	Waterhouse,
Frascella,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 2009 MADE SPECIAL ORDER

Mr. READINGER. Mr. Speaker, I call up the report of the Committee of Conference on House Bill No. 2009 and move that it be made a special order of business immediately.

The motion was agreed to.

The SPEAKER pro tempore. The Chair lays before the House the special order fixed for this time, being the report of the Committee of Conference on House Bill No. 2009.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 2009, entitled "An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation"

Respectfully submitted the following bill as our report.

EDWARD J. KESSLER,
ROWLAND B. MAHANY,
(Committee on the Part of the Senate)

ALBERT R. READINGER,
J. DEAN POLEN,
ALLEN M. GIBSON,
(Committee on the Part of the House of Representatives)

An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Short Title and Definitions

Section 1 Short Title This act shall be known and may be cited as the "Selective Sales and Use Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

(a) "Department" The Department of Revenue of this Commonwealth

(b) "Person" Any natural person association partnership or corporation Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment or both the term "person" as applied to an association shall include the members thereof and as applied to a corporation the officers thereof

(c) "Purchase" Acquiring tangible personal property for a consideration whether the transaction was effected by a transfer of title or of possession or of both or a license to use or consume whether such transfer shall have been absolute or conditional and by whatsoever means the same shall have been effected whether such consideration be a price or rental in money or by way of exchange or barter

(d) "Purchase price" (1) The total consideration paid by a user for the purchase of tangible personal property excluding only any consideration received for returnable containers materials labor or service in delivering installing applying or warranting the property sold if such consideration is stated separately from the consideration paid for the purchase lease or transfer of the tangible personal property there shall be deducted any allowance actually made for any tangible personal property as herein defined actually taken in trade or exchange for the whole or any part of the purchase price

(2) In any transaction not at arm's length the sale price shall not be less than the prevailing market price for similar tangible personal property

(e) "Storage" Any keeping or retention of tangible personal property within this Commonwealth

(f) "Tangible personal property" shall mean

1 Motor vehicles trailers semi-trailers and aircraft and all accessories parts and equipment used in the mainteance operation or repair of such motor vehicles trailers semi-trailers and aircraft except gasoline

2 Formal day or evening apparel and articles made of fur on the hide or pelt and articles of which such fur is the component material of chief value but only if such value is more than three times the value of the next most valuable component material

3 All materials supplies and equipment used in the construction reconstruction remodeling repair and maintenance of any real estate

4 Furnishing appliances supplies fittings ornament's furniture equipment and accessories for home business industrial or commercial use for indoor or outdoor purposes

5 Business industrial professional and commercial supplies equipment and machines of all types including parts and accessories purchased on or used in connection therewith

6 Cosmetics toilet preparations toilet articles drugs and medical supplies except when sold on prescription

7 All tobacco products except such products already subject to tax under the laws of this Commonwealth

8 Luggage leather goods and related articles including fittings and accessories

9 Jewelry watches clocks and related articles

10 Books stationery and stationery supplies

11 Toys games hobby supplies photographic and projection equipment and supplies sporting goods and athletic equipment and supplies therefor pleasure boats equipment parts and accessories used in conjunction therewith regardless of the use made of such property

12 Flowers plants shrubbery trees fertilizer sprays and insecticides bulbs and seeds and supplies and equipment used in connection therewith

13 Fuel oil and petroleum products for heating purposes natural manufactured and bottled gas steam

14 Hardware tools paint and painting materials and equipment

15 Live animals fish and birds and supplies and equipment used in connection therewith

16 Radios television receiving sets and receiving equipment phonographs sound recorders musical instruments or any combination of the foregoing and parts components and accessories for the same and records and sheet music

17 Food and beverage when purchased for consumption on the premises (i) from persons engaged in the business of operating public restaurants cafes lunch counters other eating places and clubs except when purchased from a school church or hospital in the ordinary course of the activities of such organizations (ii) from persons engaged in the business of catering when in either case the purchase price of the total transaction is more than fifty cents (50c) beverages shall not include soft drinks malt and brewed beverages and spirituous and vinous liquors

(g) "Tangible personal property" shall not include any tangible personal property purchased by the United States the Commonwealth of Pennsylvania a political subdivision public authority or by any charitable education or religious organization

(h) "Manufacture" the performance of manufacturing or operations which place tangible personal property in a

form different from that in which it is acquired and shall include but not be limited to building repairing and making additions to or replacements in or upon vessels designed for commercial use of registered tonnage of fifty tons or more when produced upon special order of the purchaser or when repaired or enlarged or when replacements are made upon order of or for the account of the owner publishing of books newspapers magazines or other periodicals refining exploring mining and carrying for or otherwise extracting from the earth any natural resources but shall not include constructing alerting repairing or improving real estate or repairing or installing tangible personal property

(i) "Taxpayer" Any person required to pay or collect the tax imposed by this act

(j) "Use" The exercise of any right or power incidental to the ownership or leasing of tangible personal property and shall include but not be limited to transportation storage and consumption except that it shall not include the use for demonstration by a person of the property in any form as tangible personal property in the regular course of business "Use" shall not mean the interim use of tangible personal property by a manufacturer wholesaler or retailer before he sells such tangible personal property and shall not mean the physical incorporation of tangible personal property as an ingredient or constituent into other tangible personal property (1) which is sold in the regular course of business or (2) which the person incorporating such ingredient or constituent therein has undertaken at the time of purchase to cause to be transported in interstate commerce to destinations outside the Commonwealth nor shall use mean the use of tangible personal property used or consumed directly (i) in the manufacture of tangible personal property or (ii) in farming agriculture horticulture or floriculture engaged in as a business enterprise or (iii) in the producing delivering or rendering of a public utility service use shall not include the interim storage or transportation of tangible personal property purchased outside the Commonwealth of Pennsylvania for use outside the Commonwealth of Pennsylvania

(k) "Maintaining place of buisiness in Commonwealth" Any person having or maintaining within this Commonwealth directly or by a subsidiary an office distribution house sales house warehouse or other place of business or any agent operating within this Commonwealth under the authority of the person or its subsidiary irrespective of whether the place of business or agent is located here permanently or temporarily or whether such person or subsidiary is authorized to do business within this Commonwealth

Article II

Imposition of Tax and Credits

Section 201 (a) There is hereby imposed an excise tax of three per centum of the purchase price upon the use within the Commonwealth of all tangible personal property as defined in this act purchased after the effective date of this act the tax shall be payable by the person who uses such property

(b) The tax shall be computed as follows

(1) If the purchase price is ten cents (10c) or less no tax shall be collected

(2) If the purchase price is eleven cents (11c) or more but less than forty-one cents (41c) one cent (1c) shall be collected

(3) If the purchase price is forty-one cents (41c) or more but less than seventy-one cents (71c) two cents (2c) shall be collected

(4) If the purchase price is seventy-one cents (71c) or more but less than one dollar and one cent ($1.01) three cents (3c) shall be collected

(5) If the purchase price is more than one dollar ($1) three per centum of each dollar of purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected

Section 22 Exclusions from Tax The tax imposed by section 21 shall not apply with respect to

(a) The use of tangible personal property other than motor vehicles trailers and semi-trailers purchased in an isolated transaction from a person not a seller or from a person who is a seller but is not a seller with respect to the article acquired

(b) The use of tangible personal property purchased by a nonresident person outside of and brought into this Commonwealth for temporary use therein not to exceed a period of five days or while passing therethrough

(c) The use after the effective date of this act of tangible personal property in the fulfillment of contracts for the construction reconstruction remodeling repairing or maintenance of real estate entered into prior to that date which are fixed price agreements not subject to change or modification by reason of the tax imposed by this act provided however that notice of such contract is given by the taxpayer to the department within sixty days after the effective date of this act

Article III

Licenses

Section 301 Licenses (a) Every person maintaining a place of business in this Commonwealth selling or leasing tangible personal property the use of which is subject to tax on or before the thirtieth day after the effective date of this act or prior to the beginning of business thereafter make application to the department on a form prescribed by the department for license and pay to the department the sum of two dollars ($2) therefor If such person maintains more than one place of business in this Commonwealth the license shall be issued for the principal place of business in this Commonwealth

(b) The department shall after the receipt of an application issue the license applied for under subsection (a) of this section The license shall be nonassignable and of permanent duration

(c) Any person who after May 1 1956 shall maintain a place of business in this Commonwealth for the purpose of selling or leasing tangible personal property the use of which is subject to tax without having first been licensed by the department pursuant to the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both together with costs of prosecution. The penalties imposed by this section shall be in addition to any other penalties imposed by this act

(d) Failure of any person to obtain a license shall not relieve him of liability to pay the tax imposed by this act

Article IV

Prepaid Tax Receipts

Section 401 Cancelling Prepaid Tax Receipts On and after the effective date of this article the payment of the tax shall be evidenced by cancelling prepaid tax receipts equal in face value to the amount of the tax in the manner provided by this article No profit other than the compensation provided for by this act shall accrue to a vendor or other person from the collection of any tax imposed by this act Any person collecting any such tax shall cancel the proper amount of prepaid tax receipts equal in face value to the tax collected for each purchase at retail If the total amount of taxes so collected in any period shall be in excess of two per centum of the sale price of the sales by the person collecting taxes during such period the person shall nevertheless account to the department for the total amount of taxes collected as well as the total amount of prepaid tax receipts cancelled without deducting the amount by which the taxes collected exceed two per centum of the sale price of his sales during such period and without making any other deduction other than the compensation allowed by this act

Section 402 Issuance of Prepaid Tax Receipts The department shall issue prepaid tax receipts in such denominations and classifications as it deems necessary and it shall adopt and promulgate such rules and regulations as it may deem necessary in order to carry out the provisions of this act

Section 403 Distributors The department shall distribute the prepaid tax receipts to any bank or trust company in this Commonwealth which applies for a permit to act as a distributor of prepaid tax receipts to vendors As a commission for handling and distributing the prepaid tax receipts each distributor shall be allowed a commission of one-half of one percentum of the total value of stamps sold to vendors Each distributor shall also furnish to the Departments of Revenue a semi-annual report showing an accounting of such sales It shall be the duty of the Department of Revenue to conduct audits and make investigations to determine whether or not each distributor makes a proper accounting of the distribution of prepaid tax receipts

Section 404 Purchase by Vendors Each vendor making taxable sales shall purchase and have on hand at all times prepaid tax receipts in suitable denominations and in amounts sufficient to supply the normal requirements of his business A vendor shall procure prepaid tax recepits only from authorized distributors licensed as such by the Commonwealth For the purpose of compensating vendors for the keeping of prescribed records and the proper accounting of taxes and prepaid tax receipts by them such vendors shall be allowed to purchase prepaid tax receipts at a discount of two per centum upon each purchase amounting to twenty-five dollars ($25.00) or more

Section 405 Redemption To encourage the assistance of health welfare charitable religious educational fraternal patriotic and volunteer firemen's organizations and the general public in the collection of the tax the department shall redeem the consumer's or purchaser's portion of prepaid tax receipts at two per centum of the face value when presented in accordance with rules and regulations prescribed by the department in amounts aggregating one hundred dollars ($100) or more

Article V

Procedure and Administration

Part I

Returns

Section 501 Persons Required to Make Returns Every taxpayer shall file returns with respect to such tax

Section 502 Form of Returns The returns required by section 501 shall be on forms prescribed by the department and shall show such information with respect to the taxes imposed by this act as the department may reasonably require

Part II

Time and Place for Filing Returns

Section 520 Time for Filing Returns (a) Monthly Returns A return shall be filed monthly with respect to the preceding month by every licensee Such return shall be filed on or before the last day of the month succeeding the month with respect to which the return is made

(b) Annual Returns In addition to the return required by subsetion (a) a return shall be filed annually with respect to the preceding calendar year by every licensee Such return shall be filed by the thirty-first day of January in the year succeeding the year with respect to which the return is made

(c) Other Returns Any person other than a licensee liable to pay to the department any tax under this act shall file a return on or before the last day of the month succeeding the month in which such person becomes liable for the tax

Section 521 Extension of Time for Filing Returns The department may on written application and for good cause shown grant a reasonable extension of time for filing any return required under this article However the time for making a return shall not be extended for more than three months

Section 522 Place for Filing Returns Returns shall be filed with the department at its main office or at any branch office which it may designate for filing returns

Part III

Payment of Tax

Section 530 Payment When a return of tax is required under this article the person required to make the return shall pay the tax to the department

Section 531 Time of Payment (a) Monthly Payments The tax imposed by this act and collected by a licensee shall be due and payable in monthly installments on or before the last day of the month succeeding the month during which the purchases subject to the tax were made and shall accompany the return for such preceding month

(b) Annual Payments If the amount of tax due for the preceding year as shown by the annual return of any taxpayer is greater than the amount already paid by him in connection with his monthly returns he shall send with such annual return a remittance for the unpaid amount of tax for the year

(c) Other payments Any person other than a licensee liable to pay any tax under this act shall remit the tax at the time of filing the return required by this act

Section 532 Other Times for Payment In the event that the department authorizes a taxpayer to file a return at other times than those specified in section 520 the tax due shall be paid at the time such return is filed

Section 533 Place for Payment of Tax The tax imposed by this act shall be paid to the department at the place fixed for filing the return

Section 534 Commissions The licensee shall be entitled to apply and credit against the amount of tax payable by him an amount equal to two per centum of the gross tax collected by him to cover his expense in the collection and remittance of said tax provided however that nothing contained in this section shall apply to any licensee who shall fail or refuse to file his return with and pay the tax to the department within the time prescribed

Part IV

Assessment and Collection of Taxes

Section 540 Assessment The department is authorized and required to make the inquiries determinations and assessments of the tax (including interest additions and penalties) imposed by this act

Section 541 Mode and Time of Assessment (a) Underpayment of Tax Within a reasonable time after any return is filed the department shall examine it and if the return shows a greater tax due than the amount of tax remitted with the return the department shall forthwith assess the difference The difference shall be paid to the department within thirty days after a notice of the assessment has been mailed to the taxpayer

(b) Understatement of Tax If the department determines that any return or returns of any taxpayer understates the amount of tax due the department shall assess the proper amount and shall determine the difference between the amount of tax shown in the return and the amount assessed such difference being hereafter sometimes referred to as the "deficiency" The deficiency shall be paid to the department within thirty days after a notice of the assessment thereof has been mailed to the licensee

(c) Failure to File Return In the event that any licensee fails to file a return required by this act the department may make an estimated assessment (based on the best information available) of the probable amount of tax owing by the licensee and the tax shall be paid within thirty days after a notice of such estimated assessment has ben mailed to the licensee

(d) Authortiy to Establish Effective Rates by Business Classifications If a return required by this act is not filed or a return when filed is incorrect or insufficient the amount of tax due shall be determined by the department from such information as may be obtainable

The department is authorized to make the studies necessary to compute effective rates by business classification based upon the ratio between the tax required to be collected and taxable sales and to use such rates in arriving at the tax liability of a licensee

Any assessment based upon effective rates established by the department shall be binding upon the taxpayer unless such assessment is appealed in accordance with the provisions of this act

Section 542 Reassessment Any licensee against whom an assessment is made may petition the department for a reassessment Notice of an intention to file such a petition shall be given to the department prior to the time the assessment becomes due and payable The department shall hold such hearings as may be necessary for the purpose at such times and places as it may determine and each licensee who has duly notified the department of an intention to file a petition for assessment shall be notified by the department of the time when and the place where such hearing in his case will be held A petition for reassessment if filed shall set forth explicitly and in detail the grounds upon which the licensee claims that the assessment is erroneous or unlawful in whole or in part and shall be accompanied by an affidavit under oath or affirmation certifying to the facts stated in the petition

It shall be the duty of the department within six months after the hearing or after receiving a filed petition for reassessment to dispose of the issue raised at such hearing or by such filed petition Notice of the action taken shall be given to the petitioner promptly after the date of reassessment by the department

Section 543 Review by Board of Finance and Revenue Within sixty days after the date of mailing of notice by the department of the action taken on any petition for reassessment filed with it or after the department's failure to act within the time specified the person against whom such assessment was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reasons on which the petitioner relies or shall incorporate by reference the petition for reassessment in which the reasons are stated The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall act finally in disposing of petitions filed with it within six months after they have been received In the event of the failure of the board to dispose of any petition within six months the action taken by the department upon the petition for reassessment shall be sustained The Board of Finance and Revenue may sustain the action taken on the petition for reassessment or it may reassess the tax due on such basis as it deems according to law The board shall give notice of its action by mail to the department and to the petitioner

Section 544 Appeal to the Court of Common Pleas of Dauphin County Any person or the Commonwealth aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon a petition for review within six months may within sixty days appeal to the Court of Common Pleas of Dauphin County from the decision of the board or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

Section 545 Burden of Proof In all cases of petitions for reassessment review or appeal the burden of proof shall be upon the petitioner or appellant as the case may be

Section 546 Collection of Taxes (a) Collection by Department The department shall collect the tax in the manner provided by law for the collection of taxes imposed by the laws of this Commonwealth

(b) Collection by Persons Maintaining Place of Business in Commonwealth Every person maintaining a place of business in this Commonwealth and selling or leasing tangible personal property the use of which is subject to tax at the time of making the sale or lease shall collect the tax from the purchaser or lessee and remit the tax to the department

(c) Exemption Certificates If the tax does not apply to the sale or lease of tangible personal property the purchaser or lessee shall furnish to the seller or lessor a certificate indicating that the sale is not legally subject to the tax The certificate shall be in such form as the department by regulation shall prescribe Where the identity of the user is such that the transaction is never subject to the tax imposed or where the tangible personal property is never subject to the tax imposed or where the sale or lease is in interstate commerce no such certificate need be furnished.

(d) Direct Payment Permits The department may authorize a purchaser or lessee who acquires tangible personal property under circumstances which normally make it impossible at the time of acquisition to determine the manner in which it will be used to pay the tax directly to the department and waive the collection of the tax by the sellers No such authority shall be granted or exercised except upon application to the department and the issuance by the department of a direct payment permit If a direct payment permit is granted then the payment of tax on all acquisitions including acquisitions of tangible personal property the use of which is known at the time of the acquisition shall be made directly to the department by the permit holder If such person is a licensee the tax shall be paid at the same time and in the same manner as is prescribed for a licensee

Section 547 Collection Upon Failure to Request Reassessment Review or Appeal The department may collext any tax

(a) If an assessment of tax is not paid within thirty days after notice thereof to the licensee and no petition for reassessment has been filed.

(b) Within sixty days from the date of reassessment if no petition for review has been filed

Within sixty days from the date of reassessment if no petition for review has been filed

(c) Within sixty days from the date of the decision of the Board of Finance and Revenue upon a petition for review or of the expiration of the board's time for acting upon such petition if no appeal has been made and

(d) In all cases of judicial sales receiverships assignments or bankruptcies

In any such case in a proceeding for the collection of such taxes the person against whom they were assessed shall not be permitted to set up any ground of defense that might have been determined by the department the Board of Finance and Revenue or the courts

Section 548 Lien for Taxes (a) Lien Imposed If any person liable to pay any tax neglects or refuses to pay the same after demand the amount (including any interest addition or penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the Commonwealth against all real estate within the Commonwealth of any taxpayer but only after same has been entered and docketed of record by the prothonotary of the county where such real estate is situated as hereafter provided

(b) Priority and Effect of Lien The department may at any time transmit to the prothonotaries of the respective counties certified copies of all liens for taxes imposed by this act and penalties and interest It shall be the duty of each prothonotary receiving the lien to enter and docket the same of record in his office which lien shall be indexed as judgments are now indexed All such liens shall have priority to and be fully paid and satisfied out of the judicial sale of the real estate before any other obligation judgment claim lien or estate with which the real estate may subsequently become charged or for which it may subsequently become liable subject however

to mortgage or other liens existing and duly recorded at the time the tax lien is recorded save and except the cost of sale and of the writ upon which it is made and real estate taxes imposed or assessed upon the property The lien of the taxes interest and penalties shall continue for five years from the date of entry and may be revived and continued in the manner now or hereafter provided for renewal of judgments and it shall be lawful for a writ of scire facias to issue and be prosecuted to judgment in the manner in which such writs are ordinarily employed

(c) Duty of Prothonotary Any wilful failure of any prothonotary to carry out any duty imposed upon him by this section shall be a misdemeanor and upon conviction he shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and costs of prosecution or to undergo imprisonment not exceeding one year or both

Part V

Refunds and Credits

Section 550 Refund or Credit for Overpayment In the case of any overpayment the department within the applicable period of limitations may credit the amount of such overpayment against any liability in respect of the tax imposed by this act on the part of the person who made the overpayment and shall refund any balance to such person

Section 551 Restriction on Refunds No refund shall be made under section 550 without the approval of the Board of Finance and Revenue

Part VI

Limitations

Section 560 Limitation on Assessment and Collection The amount of the tax imposed by this act shall be assessed within three years after the date when the return required by subsection (b) or (c) of section 520 is filed Any such assessment may be made at any time during such period notwithstanding that the department may have made one or more previous assessments against the taxpayer for the year in question or for any part of such year In any such case no credit shall be given for any penalty previously assessed or paid

Section 561 Failure to File Return Where no return is filed the amount of the tax due may be assessed and collected at any time as to taxable transactions not reported

Section 562 False or Fraudulent Return Where the taxpayer files a wilfully false or fraudulent return with the intent to evade the tax imposed by this act the amount of tax due may be assessed and collected at any time

Section 563 Extension of Limitation Period Notwithstanding any of the foregoing provisions of this part where before the expiration of the period prescribed therein for the assessment of a tax a taxpayer has consented in writing that such period be extended the amount of tax due may be assessed at any time within such extended period The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period

Section 564 Limitations on Refund or Credit (a) Application for Refund Any application for refund must be filed with the department within three years from the time the return is required to be filed (determined without regard to any extension of time) or two years from the time the tax was paid whichever is later

(b) Assessment Where No Return Filed If an assessment of tax is made where no return is filed then any application for refund must be filed with the department within one year from the time of payment

Part VII

Interest Additions Penalties and Crimes

Section 570 Interest If any amount of tax imposed by this act is not paid on or before the last date prescribed for payment interest on such amount at the rate of one-half of one per centum per month for each month or fraction thereof from such date shall be paid for the period from such last date to the date paid The last date prescribed for payment shall be determined under subsections (a) or (c) of section 531 without regard to any extension of time for payment In the case of any amount assessed as a deficiency or as an estimated assessment the date prescribed for payment shall be thirty days after notice of such assessment

Section 571 Additions to Tax (a) Failure to File Return In the case of failure to file any return required by section 501 on the date prescribed therefor (determined with regard to any extension of time for filing) there shall be added to the amount required to be shown as tax on such return five per centum of the amount of such tax if the failure is for not more than one month with an additional five percentum for each additional month or fraction thereof during which such failure continues not exceeding twenty-five per centum in the aggregate but in no case shall the amount added be less than ten dollars ($10)

(b) Failure to Pay Tax Through Negligence or Fraud

(1) If any part of any deficiency is due to negligence or intentional disregard of rules and regulations (but without intent to defraud) there shall be added to the tax an amount equal to five per cent of the underpayment

(2) If any part of any deficiency is due to fraud there shall be added to the tax an amount equal to fifty per centum of the deficiency This amount shall be in lieu of any amount determined under paragraph (1)

(c) Interest If the department assesses a tax according to section 541 (b) or (c) there shall be added to the amount of the deficiency interest at the rate of one-half of one per centum per month for each month or fraction thereof from the date prescribed by section 531 (a) or (c) of this act for the payment of the tax to the date of notice of the assessment

(d) Uncollectible Checks Whenever any check issued in payment of any tax assessment or for any other purpose shall be returned to the department as uncollectible the secretary shall charge a fee of five dollars ($5) plus all protest fees to the person presenting such check to him to cover the cost of its collection

Section 572 Penalties (a) Penalty Assesesed as Tax The penalties and liabilities provided by this act shall be paid upon notice and demand by the department and shall be assessed and collected in the same manner as taxes Except as otherwise provided any reference in this act to "tax" imposed by this act shall be deemed also to refer to the penalties and liabilities provided by this Part

(b) Attempt to Evade or Defeat Tax Any person who wilfully attempts in any manner to evade or defeat the tax imposed by this act or the payment thereof or assists any other person to evade circumvent or defeat the tax imposed by this act the payment thereof or to receive a refund improperly shall in addition to other penalties provided by law be liable for a penalty equal to the total amount of the tax evaded No penalty shall be imposed under subsection (b) of section 571 for any offense to which this section is applicable

Section 573 Crimes (a) Fraudulent Return Any person who with intent to defraud the Commonwealth shall wilfully make or cause to be made any return required by this act which is false shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two thousand dollars ($2000) or undergo imprisonment not exceeding three years or both

(b) Other Crimes Except as otherwise provided by subsection (a) any person maintaining a place of business in this Commonwealth who advertises or holds out or states to the public or to any purchaser or user directly or indirectly that the tax or any part thereof imposed by this act will be absorbed by such person or that it will not be added to the selling price of the tangible property sold or if added that the tax or any part thereof

will be refunded other than when such person refunds the selling price because of such property being returned to the seller and any person maintaining a place of business in this Commonwealth and selling or leasing tangible personal property the use of which by the purchaser is subject to tax hereunder who shall wilfully fail or refuse to collect the tax from the purchaser and remit the same to the department and any person who shall wilfully fail neglect or refuse to file any return or report required by this act or any taxpayer who shall refuse to pay any tax penalty or interest imposed or provided for by this act or who shall wilfully fail to preserve his books papers and records as directed by the department or any person who shall refuse to permit the department or any of its authorized agents to examine his books records or papers or who shall knowingly make any incomplete false or fraudulent return or report or who shall do or attempt to do anything whatever to prevent the full disclosure of the amount or character of taxable sales or purchases made by himself or any other person or shall provide any person with a false statement as to the payment of tax with respect to particular tangible personal property shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1000) and costs of prosecution or undergo imprisonment not exceeding one year or both The penalties imposed by this section shall be in addition to any penalties imposed by any provision of this act other than subsection (a)

Part VIII

Enforcement and Examinations

Section 580 Rules and Regulations (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with the provisions of this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

Section 581 Keeping of Records Every person liable for any tax imposed by this act or for the collection thereof shall keep the records render such statements make the returns and comply with such rules and regulations as the department may from time to time prescribe Whenever in the judgment of the department it is necessary it may require any person by notice served upon such person or by regulations to make such returns render such statements or keep such records as the department deems sufficient to show whether or not such person is liable for the tax under this act

Section 582 Examinations The department or any of its authorized agents is hereby authorized to examine the books papers and records of any taxpayer in order to verify the accuracy and completeness of any return made or if no return was made to ascertain and assess the tax imposed by this act The department may require the preservation of all such books papers and records for any period deemed proper by it not to exceed however three years from the end of the calendar year to which the records relate Every such taxpayer is hereby required to give to the department or its agent the means facilities and opportunity for such examinations and investigation The department is further authorized to examine any person under oath concerning taxable sales or purchases by any taxpayer or concerning any other matter relating to the enforcement or administration of this act and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes to have knowledge of such matters The procedure for such hearings or examinations shall be the same as that provided by the Fiscal Code relating to inquisitorial powers of fiscal officers

Section 583 Unauthorized Disclosure Any information gained by the department as a result of any return investigation hearing or verification required or authorized by this act shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law and any person unlawfully divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of one thousand dollars ($1000) and costs of prosecution or to undergo imprisonment for not more than one year or both

Section 584 Cooperation with Other Governments Notwithstanding the provisions of section 583 the department may permit the Commissioner of Internal Revenue of the United States or the proper officer of any state or the authorized representative of either such officer to inspect the tax returns of any taxpayer or may furnish to such officer or his authorized representative an abstract of the return of any taxpayer or supply him with information concerning any item contained in any return or disclosed by the report of any investigation of the return of any taxpayer The permission shall be granted only if the statutes of the United States or of such other state as the case may be grant substantially similar privileges to the proper officer of the Commonwealth charged with the administration of this act

Section 585 Bonds (a) Where the secretary in his discretion deems it necessary to protect the revenues to be obtained under the provisions of this act he may require any taxpayer to file with him a bond issued by a surety company authorized to do business in this Commonwealth and approved by the insurance commissioner as to solvency and responsibility in such amounts as the secretary may fix to secure the payment of any tax or penalties due or which may become due from such taxpayer in the event that the secretary determines that a taxpayer is to file such a bond he shall give notice to such taxpayer to that effect specifying the amount of the bond required the taxpayer shall file such bond within five days after the giving of such notice unless within such five days the taxpayer shall request in writing a hearing before the secretary at which hearing the necessity propriety and amount of the bond shall be determined by the secretary such determination by the secretary shall be final and shall be complied with within fifteen days after the taxpayer is given notice thereof

(b) In lieu of the bond required by this section securities approved by the secretary or cash in such amount as he may prescribe may be deposited which shall be kept in the custody of the secretary who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due and for that purpose the securities may be sold by the secretary at public or private sale without notice to the depositor

Article VI

Miscellaneous Provisions

Section 601 Saving Clause Notwithstanding anything contained in any law to the contrary the validity of any law or any ordinance or part of law or of any ordinance or any resolution or part of any resolution and any amendments or supplements thereto now or hereafter enacted or adopted by the Commonwealth or any political subdivision thereof providing for or relating to the imposition levy or collection of any tax shall not be affected or impaired by anything contained in this act

Section 602 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 603 Appropriation So much of the proceeds of the tax imposed by this act as shall be necessary for the payment of refunds provided for hereunder is hereby appropriated for the payment of such refunds

Section 604 Effective Date The provisions of this act shall take effect the day following final enactment but the provisions of Article iv shall not be operative until July 1, 1956

The rate of tax imposed by section 201 shall be two per centum of the purchase price on and after June 1, 1957 and shall be computed as follows

(1) If the purchase price is ten cents (10c) or less no tax shall be collected

(2) If the purchase price is eleven cents (11c) or more but less than sixty-two cents (62c) one cent (1c) shall be collected

(3) If the purchase price is sixty-two cents (62c) or more but less than one dollar and one cent ($1.01) two cents (2c) shall be collected

(4) If the purchase price is more than one dollar ($1) two per centum of each dollar of the purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. READINGER. Mr. Speaker, this Conference Report which is before us is the sales tax bill. Admittedly, it is not perfectly drawn. There will have to be some amendments made following its enactment. They are mostly correctional amendments. There is no intention to change any of the substantive parts of the bill, but in going over it in the last two days, we have found it is so worded in parts that it will be difficult to work out. The fact that the stamp plan was included when it passed the House, that it was removed in the Senate and is now back in the Conference Report has in some sense complicated this bill.

The conferees discussed all of these different matters and have agreed that amendments are necessary. Those amendments will be prepared as speedily as possible and will probably be before us next week.

I do not think it is necessary to say much more about the merits or the demerits of this bill, so much has been said before. We on this side of the House are going to furnish a substantial number of votes for its passage. Many of us will vote for it without in any degree liking to do so, and perhaps many persons on your side will be voting for it who do not particularly like it.

One of the items upon which there was a compromise agreement was the matter of removing from the tax utility consumer bills. The conferees have agreed to take out of Section 13 of the original bill relating to this particular tax the tax on electricity and the tax on telephone and telegraph services. I might say that the conferees on this side objected to removing those taxes, because we felt the yield of the entire bill was being reduced below what it should be, below what is needed

The conferees on the Republican side compromised also, by finally agreeing to allow some of the utility services included in that section to remain under this tax. There has been a lot of give-and-take in this matter in order that Pennsylvania might get a tax program. We do not like it, as we have said so many times, but we are here today and we are ready to vote for it.

Mr. CHARLES C. SMITH. Mr. Speaker, we do not intend to debate the bill on this side of the House. I am in complete agreement with the Majority Leader as far as this bill and, in most respects, as far as the compromise is concerned. We on this side of the House, even though it is a sales tax bill and came from a Republican Senate, do not completely agree with some of their thinking.

The main subject of debate was Section 13, which taxes telephone and electric light service to the consumer.

We also would have liked to have taken out of the bill fuel oil, natural gas and steam for heating purposes, we feel those things are necessities of life, but we were unable to do so. To agree on a compromise bill, we had to take what was given to us on that Section 13.

If I could interrogate the Majority Leader at this point, I would like to do so.

The SPEAKER pro tempore. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. CHARLES C. SMITH. Mr. Speaker, the gentleman said there are some corrective amendments needed at this time because of the necessity of swinging around some of these sections of the bill. I would like to ask you in good faith whether he will supply to the best of his ability votes for this side on any of these corrective amendments to make this a workable bill?

Before the gentleman answers, I would like only to say there may be some people, and he is not one of them, who would probably do everything humanely possible to kill this bill. We do not want a tax bill, after we have passed it in this House and in the Senate, to die because of technical disagreements. If he will give us an answer in good faith that he will supply votes, that the bill will remain basically the same and there will be no main clauses torn out of it, but so that we can make the Ohio plan, and whatever other technical amendments are needed workable, that is the only answer I ask.

Mr. READINGER. Mr. Speaker, I would answer the gentleman by saying that we are acting in good faith in helping to pass this bill. We certainly would not be maintaining good faith on this side if we tried to distort and remove main sections of the bill by amendments after it became law. I will certainly pledge him my most earnest endeavors to have all of those on this side who vote for this bill support these corrective amendments. That includes corrective amendments to the stamp tax plan, which I sincerely detest, but which I will vote for. I will vote to help correct any defects that might be in this bill because we desire to get it passed now.

I pledge my support of his proposal, if you can call it that.

Mr. CHARLES C. SMITH. I thank the gentleman because I felt sure that would be his answer.

Mr. LOVETT. You members were not in any hurry yesterday. You had lots of time yesterday. I was in a hurry yesterday.

Mr. Speaker, I would like to interrogate the Minority Floor Leader.

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Smith, permit himself to be interrogated?

Mr. CHARLES C. SMITH. I shall, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, will the gentleman admit that this is the bill that he—this bill, this conference report on the bill that was worked out in conference and sent to the Senate, is this the bill?

Mr. CHARLES C. SMITH. Mr. Speaker, I wish the gentleman would re-word his question. I may be stumbling a little bit, I have a couple of lozenges in my mouth with a sore tongue, but would the gentleman just reword that question so we get it exact?

Mr. LOVETT. I ask the gentleman if the Conference Report that we now have before us is on the original

bill that was part of his program, nonpartisan program, that was sent to the Senate with the income tax that we sent to the Senate of Pennsylvania?

Mr. CHARLES C. SMITH. Mr. Speaker, that is a five or six edged question. I think the gentleman knows that the bill which came back from the Senate is not the bill that went over to the Senate. I think he will agree with that.

As far as the Conference Report goes, that I do not believe is our Conference Report any more than it is his. There happen to be five signatures on the back, one Senator Kessler, one Senator Mahany, one Representative Readinger, Mr. Polen and Mr. Gibson. I think the Conference Report is an agreed upon report on both sides of the Legislature.

Mr. LOVETT. I then ask the gentleman, is the bill the same number bill as was sent to the Senate?

Mr. CHARLES C. SMITH. We will buy the number.

Mr. LOVETT. The gentleman will go by the number?

Mr. CHARLES C. SMITH. Yes, we will take the number. It is the same number, yes.

Mr. LOVETT. Mr. Speaker, the gentleman said there were five names on this Conference Report. Does the gentleman miss any names on that Report?

Mr. CHARLES C. SMITH. Yes, I would say there might be the gentleman who is quite willing to sign his name and add his voice to most things who did not seem to want to sign this Report.

Mr. LOVETT. Would the gentleman state to the House just who that Member is?

Mr. CHARLES C. SMITH. I would say that under the Speaker's ruling I do not believe it would be proper for me to state the gentleman's name in the Senate. I think the gentleman knows who it would be.

Mr. LOVETT. Would the gentleman admit that the names of the two Members of the Senate which appear on this bill are Republican Members of the Senate and that the one who does not appear is a Democratic Member of the Senate?

Mr. CHARLES C. SMITH. I would agree with the gentleman on that statement, yes.

Mr. LOVETT. Could the gentleman give me any good reason why the Democratic Member's name does not appear on this Conference Report?

Mr. CHARLES C. SMITH. One of the policies I have learned during my term as Majority Leader, as Speaker and as the Minority Leader is never to try to speak for any individuals in the Senate. I do believe, if the gentleman is interested in knowing why, he could probably consult with the gentleman himself. I could not answer that question and be honest and be sure that I am right in my answer.

Mr. LOVETT. Mr. Speaker, I might say to the gentleman that I am trying to be fair and honest. The Senator's name which does not appear on this Conference Report happens to be my Senator from Westmoreland County. Naturally, I am interested. I did not have an opportunity to ask the gentleman why. This has been a pretty hurried-up job in a way, and in another way it has not been too hurried.

If I have embarrassed the gentleman by my questions, I apologize. I was only trying to learn why the name of my Senator from Westmoreland did not appear on the Conference Report.

Mr. CHARLES C. SMITH. The only answer I could give the gentleman, Mr. Speaker, would be this,—it would be two answers: First of all, I presume he is on speaking terms with the gentleman he is talking about. Secondly, there is a gentleman sitting at his left who was on the Conference Committee, who sat in, and who probably would know a lot more about those answers than I do, because I did not sit in on any of the meetings except for a period of about three minutes. I would suggest that the gentleman interrogate the Majority Leader, who could probably give him an answer.

Mr. LOVETT. May I thank the gentleman, Mr. Speaker, for his information as to where I can receive the information I would like to receive, but since the gentleman is not on too good terms with the Senate Members of his party, from what I understand, and he admits himself—

Mr. BRETH. Mr. Speaker, I object to the gentleman's statement he has just made.

The SPEAKER pro tempore. The gentleman will confine his remarks to the question before us on adopting the Report of the Committee.

Mr. LOVETT. Mr. Speaker, may I say that I think I am not out of order when I talk about the name of a Member of the Conference Committee that is not on this Report.

I ask the House in all fairness, do you Members think it is unfair to ask that question?

The SPEAKER pro tempore. The gentleman from Westmoreland knows the various Members on the Committee, and by examination of the Report can determine that the Democratic Senator has not signed it. That can be determined without interrogation. As to why the Senator did not sign, that would not be a proper interrogation.

Mr. LOVETT. Does the Speaker mean it is not proper interrogation to find out why a particular member of the Conference Committee refused to sign the Conference Report?

The SPEAKER pro tempore. That is not proper interrogation of other Members of that Committee. It might be proper interrogation of a Member of the Committee were he a Member of this body.

Mr. LOVETT. But to ask any other Member is not proper interrogation? Do I understand the Speaker to so rule.

The SPEAKER pro tempore. The Chair rules that it is not proper interrogation for the gentleman to inquire, about the reasons of someone other than a Member of this House for not signing this Report.

Mr. LOVETT. I will gladly abide by the Speaker's ruling, and I want to again thank the gentleman.

I just want to say to the membership of this House that while yesterday I fought very vigorously here to have this bill enacted and sent to the Governor, that in the Conference Report which we now have before us there is very little difference in the bill now than there was yesterday, and you have lost thousands of dollars by delaying action on this particular legislation.

I am not here trying to delay action, I am only seeking to find out where we are going. I will be glad, if you gentlemen feel now that you have improved this bill, to go along with you and vote for it. I personally do not think you have made very much improvement. I would

prefer if you had gone along with me yesterday and passed the bill.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—123

Agnew,	Hamilton, R. K.,	McInroy,	Smith, Wm. B.,
Ashton,	Hass,	McWherter,	Snider,
Banker,	Haudenshield,	Mihm,	Stank,
Blair,	Helm,	Mikula,	Stebbins,
Boies,	Henzel,	Miller,	Steckel,
Breisch,	Hewitt,	Mills,	Stephens,
Brenninger,	Hocker,	Moody,	Stevenson,
Brown,	Horst,	Moscrip,	Stone,
Bullen,	Houk,	Munley,	Stoner,
Cochran,	Isaacs,	Murray, H. P.,	Strausser,
Cooper,	Johnson,	Murray, P. G.,	Stroup,
Davis,	Jones, T. H. W.,	Naugle,	Swartz,
Donahue,	Jump,	Ogilvie,	Thompson,
Donaldson,	Kamyk,	Olsen,	Tompkins,
Down,	Kehler,	O'Neil,	Toomey,
Ehrgood,	Keller,	Parry,	Vaughan,
Erb,	Kent,	Paulhamus,	Wall,
Eshleman,	Kline,	Petrosky,	Walsh,
Ewing,	Knecht,	Polen,	Wargo,
Flynn,	Kooker,	Pomeroy,	Waterhouse,
Foster,	Kromer,	Price,	Weidner,
Frank,	Lafore,	Pursley,	Wescott,
Frost,	Leiby,	Readinger,	Wheeler,
Garlock,	Leisey,	Reibman,	Whitenight,
George,	Lippincott,	Renwick,	Willaredt,
Gibb,	Lovett,	Rigby,	Wilt,
Gibson,	Magee,	Royer,	Wood,
Goldstein,	Mahan,	Rudisill,	Young,
Gramlich,	Markley,	Sarraf,	Ziegler,
Greenwood,	Maxwell,	Schuster,	Andrews,
Guthrie,	McCann,	Smith, C. C.,	Speaker

NAYS—74

Adam,	Comer,	Light,	Pacchioli,
Amarando,	Curwood,	Limper,	Pashley,
Anderson, M. S.,	Dougherty,	Lopresti,	Polaski,
Anderson, S. A.,	Eilberg,	Lutty,	Reidenbach,
Auker,	Farabaugh,	McCormack,	Rovansek,
Barnatovich,	Filo,	McGee,	Scarcelli,
Bazin,	Fineman,	McKeever,	Sherman,
Bell,	Flint,	McLaughlin,	Taylor,
Bonner,	Floyd,	Meholchick,	Thomas,
Boory,	Frascella,	Metz,	Toll,
Bower,	Gaffney,	Monroe,	Varallo,
Branca,	Gelfand,	Moran,	Varner,
Brennan, A. P.,	Guss,	Muldowney,	Verona,
Brennan, J. J.,	Holt,	Mullen,	Wallace,
Breth,	Jenkins,	Murphy,	Welsh,
Bucchin,	Kolankiewicz,	Murray, J. J.,	Williams,
Capano,	Leonard,	Musto,	Worley,
Cianfrani,	Leven,	Needham,	Yetter,
Cioffi,			Yetzer,

NOT VOTING—10

Connelly,	Kornick,	Lawyer,	Rosen,
Heavey,	Kratz,	Pettigrew,	Rubin,
Jones, G. E.,			Sigman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

REASONS FOR VOTE

Mr. FRANK filed the following reasons for his vote.

Today I voted for a three per cent sales tax, a tax that will not be welcomed by many taxpayers, but what tax is?

I openly opposed and campaigned against a sales tax. I did not and do not favor this means of raising revenue. However, after fifteen months of futile attempts to reach the opposing political faction in the Legislature with the tax proposals of the Democratic Party, during which time the welfare of the State was in the balance, I felt it was time to forget partisanship and my own personal inclinations and go along with the sales tax.

I am willing to take my stand behind the sales tax, which I did not and do not favor, for the general well being of our Commonwealth, so that we have a functioning tax program whereby we can obtain revenue to adequately provide for our schools, hospitals, institutions and the overall program of our State.

The delay in providing for the general welfare of our Commonwealth is of no political value to either party.

REASONS FOR VOTE

Mrs. REIBMAN filed the following reasons for her vote.

As we start the fifteenth month of this Session and I see the essential services in the community being curtailed and in many cases stopped, when I see that the mental hospitals are unable to function and many school districts have been forced to close their doors because of lack of funds, I feel that it is my duty as a responsible Legislator to provide the funds for our future generation's schooling and our handicapped and helpless people, regardless of my personal convictions.

In the face of the inflexible obstinacy of the Republican Party and their wilfull refusal to accept any tax bill based upon ability to pay, and moreover their adamant and callous refusal even to consider a compromise, I am placed in a most difficult position.

Not for one moment do I abandon my opposition to a tax which will cast an unfair burden upon the average citizen of this Commonwealth and in particular will unfairly jeopardize the competitive position of Easton merchants. But, nevertheless, since there is no alternative I am compelled to vote for the Republican Tax program with all its unfairnesses which will at least provide minimum funds for essential services and prevent bankruptcy, chaos and disregard for the helpless citizens of the entire State who need our help most. These considerations must out weigh my personal feelings.

REASONS FOR VOTE

Mr. TOMPKINS filed the following reasons for his vote.

If we had not spent so much time already in trying to resolve our tax problems, and if the Commonwealth were not in such dire need of funds, I would vote against this bill.

I would vote against it because of the rank discrimination against natural gas and fuel oil consumers which has been left in the bill.

Electric, telephone and telegraph utility consumers and users of coal for heating purposes have either been amended or exempted out of the bill. Why then penalize natural gas and fuel oil consumers? Why discriminate only against the gas utility?

With a pistol at our head, however, there is not much choice left at this time but to vote for the bill. I urge, however, that this legislature will at a very early date take all steps necessary to eliminate the gross inequity contained in this bill against natural gas and fuel oil consumers.

REASONS FOR VOTE

Mr. VARNER filed the following reasons for his vote.

Reasons for vote on Report of the Committee of Conference on House Bill No. 2009.

I have not voted for the Conference Committee Report, the "Selective Sales and Use Tax Act" for the following reasons:

1. The Bill does not exempt Natural Gas, a fuel used for heating.

2. The Bill requires merchants to make monthly reports rather than quarterly reports as required under the 1953 Sales and Use Tax Act.

3. The Bill does not specifically ear-mark the revenue produced thereby for educational purposes.

REASONS FOR VOTE

Mr. WALSH filed the following reasons for his vote.

In connection with my voting on House Bill No. 2009, otherwise known as the 3% Sales Tax, I desire to make a brief statement.

For the past fourteen months the people of the Commonwealth of Pennsylvania have patiently awaited a tax program from the General Assembly in order that the needs and services so strongly necessary would be provided. Each day of these fourteen months it has been stated the Commonwealth was losing approximately $1 million dollars of revenue. The wheels of progressive government have almost ceased to function, turning ever so slowly on routine governmental matters. Now and then the General Assembly breathes hope and life that some type of program was forthcoming and that the services deprived to every man, woman, and child would eventually be available. That breath of life, however, was a false alarm and the Commonwealth, the patient, sank back gasping for relief.

Mr. Speaker, for months I have been opposed to various tax programs because I sincerely believed that the type of program offered was not in the best interests of the people of the Commonwealth and to my way of thinking was an extreme burden to most of them.

Although I feel today that House Bill No. 2009, the 3% Sales Tax Bill, contains several undesirable features, it will nevertheless, produce the necessary revenue to provide services and carry out the functions of government. No tax measure can satisfy every interest or all the people of Pennsylvania.

Since services are vitally needed in the field of education, mental health, care and assistance of the aged, blind, indigent and the handicapped and since other valuable services too numerous to mention are vital to the general welfare of the people of Pennsylvania, I therefore cast my vote in favor of House Bill No. 2009 and do so with a deep, sincere and honest conviction.

For all the above reasons my position is clear; the needs of the Commonwealth must supercede my personal feelings and beliefs.

REPORT FROM COMMITTEE

Mrs. PASHLEY from the Committee on Public Health and Sanitation, reported as committed, Senate Bill No. 39, entitled:

An Act amending the act of July 11, 1917 (P. L. 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispending, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties" further defining drugs coming within the scope of said act and changing the penalties for the illegal sale dispensing or giving away of drugs.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 39, entitled:

An Act amending the act of July eleven one thousand nine hundred and seventeen (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delviery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicians dentists veterinarians pharmacists druggists and registered nurses for certain causes and by providing for the enforcement of this act and penalties" further defining drugs coming within the scope of said act and changing the penalties for the illegal sale dispensing or giving away of drugs.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS INTRODUCED AND REFERRED

By Messrs. FRANK and BULLEN.

HOUSE BILL No. 2063.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles, and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," reducing time within which clerks of record must send reports of convictions or acquittals to the department.

Referred to the Committee on Motor Vehicles.

By Messrs. DAVIS and GIBSON.

HOUSE BILL No. 2064.

An Act authorizing the Pennsylvania Historical and Museum Commission to edit, illustrate and publish its

new report on the Frontier Forts of Pennsylvania; providing for the distribution and sale thereof; and making an appropriation.

Referred to the Committee on Appropriations.

By Messrs. BRETH, FILO, WILLIAM B. SMITH, AUKER and BANKER. HOUSE BILL No. 2065.

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," further regulating the issuance of antlerless deer licenses, and imposing penalties for the unlawful issuance thereof.

Referred to the Committee on Conservation and Wild Life.

ANNOUNCEMENT

The SPEAKER pro tempore. For the information of the Members, the Chair is about to declare a recess of the House until 11:00 p. m.

There will also be a session of the House tomorrow morning at 10:00 o'clock. That will be a full session and the calendar will be taken up.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Smith.

Mr. CHARLES C. SMITH. Mr. Speaker, I think for the information of the Members it would be wise if the Chair would announce why we are coming back into session this evening.

The SPEAKER pro tempore. The presence of the Members will not be required tonight. The session will be a token session for the purpose of signing the tax bill, covered by the Conference Report which we have just adopted. It must be signed in the presence of the House. However, tomorrow morning there will be a session at 10:00 o'clock. It will be a full session and all Members are required to return tomorrow.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. HAUDENSHIELD, FLYNN and MAGEE.
(Concurrent) RESOLUTION (Not Printed).

In the House of Representatives, March 6, 1956.

The Honorable William Flinn (1851-1924) was the father of the first chemically prepared hard surfaced road in Pennsylvania. While a member of the State Senate from Allegheny County, this man of extraordinary character, originality and courage, originated and introduced in 1879 in the General Assembly the first recommendation to amend the State Constitution to permit and provide a State-wide improvement of its rural highways. His recommendation as to surfacing highways, like the recommendations of many great men before him who offered new and progressive ideas, was met by the opposition who voiced the opinion that surfacing highways was an impossible engineering feat. However, Senator Flinn, who was a fearless fighter no matter how strong the opposition, never gave up. In 1895 through his untiring efforts and devotion to his progressive concept, and after he solved all the problems to the satisfaction of both the Senate and House as to administering the act, such legislation was passed.

When the first hard surfaced road was laid in Washington County under the "Flinn Road Bill" there were very few people, besides Senator Flinn, who could envision the impact such surfacing would have on the commercial advancement of this great nation. Within a relatively short time, every state followed the example set by the genius from Pennsylvania and paved their highways.

Today beautiful highways are taken as a matter of course. In the passage of time, great achievements and contributions made in realizing such highways by such men as Senator Flinn are sometimes forgotten, except by the few. These few, led by their chairman, Colonel Charles C. McGovern, the county controller, conducted a memorial service in 1926 at which they dedicated a monument, which they placed on the dividing line between Allegheny and Washington Counties, known as the "William Flinn Highway Memorial" in memory of the ingenuity of a great Pennsylvanian who devoted his entire life to the betterment of this Commonwealth. This memorial to Senator Flinn should be made known to and recognized by all the citizens of this Commonwealth in honor of this great man; therefore be it

Resolved (the Senate concurring), That the monument known as the "William Flinn Highway Memorial," which was erected in 1926 by the public at the dividing line between Allegheny and Washington Counties, be accepted by the General Assembly and dedicated to the perpetual memory of the late Honorable William Flinn who in 1895 as the father of hard surfaced roads, built the first such road in Washington County, Pennsylvania; and be it further

Resolved, That the General Assembly, when accepting the monument on behalf of the Commonwealth, shall give it such supervision as will be necessary to carry out the spirit and intentions of the public donors in preserving for posterity a perpetual historical monument in memory of the Senator who contributed to the perfection of a rural highway system in this Commonwealth; and be it further

Resolved, That copies of this resolution be transmitted to Charles C. McGovern, Pittsburgh, Pennsylvania, for the benefit of members who served on the dedication committee and for the benefit of any surviving kin of Senator Flinn.

Referred to the Committee on Rules.

RECESS

The SPEAKER pro tempore. Without objection the Chair now declares a recess until 11:00 o'clock this evening. The Chair hears none.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 2009

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 2009.

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 2009, entitled "An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public offices

manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation"

Respectfully submit the following bill as our report.

EDWARD J. KESSLER,
ROWLAND B. MAHANY,
(Committee on the Part of the Senate)

ALBERT R. READINGER
J. DEAN POLEN
ALLEN M. GIBSON
(Committee on the Part of the House of Representatives)

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 2009.

An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL INTRODUCED AND REFERRED

By Mrs. PASHLEY, Messrs. STANK, AMARANDO, VAUGHAN and McCANN. HOUSE BILL No. 2066.

An Act providing for a referendum in municipalities and townships to determine the will of the electorate in regard to permitting licensed hotels to sell liquor and malt or brewed beverages after two o'clock post meridian on Sundays.

Referred to the Committee on Liquor Control.

ADJOURNMENT

Mr. PRICE. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 7, 1956 at 10:00 a. m.

The motion was agreed to, and (at 11:11 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., WEDNESDAY, MARCH 7, 1956. No. 150.

SENATE

WEDNESDAY, March 7, 1956.

The Senate met at 1:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

In the absence of the Chaplain, the following prayer was offered by the gentleman from Berks, Mr. RUTH:

Dear Lord and Father of all mankind, we thank Thee for another opportunity on this new day to serve Thee.

As we look around ourselves and see new life struggling to burst forth in nature, all around us, which will soon come into a lovely spring, so as we feel Thy Spirit working in our hearts, may it, too, enable us to live a more efficient and abundant life so that Thy Name may have all the honor and the glory in a world without end, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. FLEMING and HAYS, further reading was dispensed with, and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 866, PRINTER'S No. 470

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 866, Printer's No. 470, entitled "An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures and miscellaneous receipts making an appropriation and providing for refunds' by changing the total maximum length of certain vehicles."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 918, PRINTER'S No. 456

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 918, Printer's No. 456, entitled "An Act amending the act of June 21, 1939 (P. L. 626) entitled 'An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties' requiring the board to certify the total value of real property to clerks or secretaries of political subdivisions and prescribing the time for appeal."

GEORGE M. LEADER.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBERS OF THE LAWRENCE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Lawrence County Board of Assistance:

Martin J. Kovach (Dem.), 219 Foch Street, Ellwood City, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Michael A. Barletta, Ellwood City, resigned.

James S. Newton (Dem.), Wurtemburg, Ellwood City, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice P. M. Cox, Volant, whose term expired.

Joseph Bordonaro, Jr., 233 Northview Avenue, New Castle, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice A. W. Thompson, New Castle, resigned.

Ralph H. Ramsey (Dem.), 325 Park Avenue, New Castle, to serve until December 31, 1958. (Reappointment)

Mrs. Florence Long (Rep.), 516 Neshannock Boulevard, New Castle, to serve until December 31, 1956 (Reappointment)

GEORGE M. LEADER.

MEMBER OF THE FAYETTE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Frances P. Hutchinson (Dem.), 33 West Fayette Street, Uniontown, Fayette County, for appointment as a member of the Fayette County Board of Assistance, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Dorothy F. Lewis, Uniontown, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE LEBANON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Lebanon County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Miss Alice Martin Brumbaugh (Ind.), 13 East Main Street, Annville, vice Mrs .Jane E. Erb, Palmyra, whose term expired.

Robert F. James (Rep.), 1025 Cornwall Road, Lebanon. (Reappointment)

Rev. Lee D. Loos (Dem.), Richland. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE MERCER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Mercer County Board of Assistance:

Miss Edna E. Rumbaugh (Dem.), 918 West Ridge Avenue, Sharpsville, to serve until December 31, 1957, and until her successor is duly appointed and qualified. (Reappointment)

Merle Levine (Dem.), 632 New Castle Road, Farrell, to serve until December 31, 1956, and until his successor i duly appointed and qualified, vice Rev. Eugene Liggit Grove City, whose term expired.

Edward B. Madden, Esq., (Dem.), 1268 Carley Stree Sharon, to serve until December 31, 1958, and until hi successor is duly appointed and qualified, vice Edward W Hoagland, Sharon, whose term expired.

Donald C. Atwell (Dem.), 540 Liberty Street, Grov City, to serve until December 31, 1957, and until his suc cessor is duly appointed and qualified, vice G. G. Forque Grove City, deceased.

Rev. William L. Wishart (Rep.), East State Stree Sharon, to serve until December 31, 1958, and until hi successor is duly appointed and qualified, vice Dr. Myro M. Murstein, Sharon, whose term expired.

Rev. John Gallagher (Rep.), R. D. 4, Mercer, to serv until December 31, 1956, and until his successor is dul appointed and qualified, vice Roy C. Gregory, Mercer whose term expired.

Raymond Withersty (Rep.), 1937 Highland Avenue Ext Sharon, to serve until December 31, 1958, and until hi successor is duly appointed and qualified, vice Warren F Keck, Jr., Esq., Greenville, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE INDIANA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth o Pennsylvania:

In conformity with law, I have the honor hereby t nominate for the advice and consent of the Senate th following persons for appointment as members of th Indiana County Board of Assistance:

Arthur Freas Nicholson (Rep.), 1415 Washington Street Indiana, to serve until December 31, 1957, and until hi successor is duly appointed and qualified, vice Joseph B Vargo, Indiana, resigned.

Harry A. Shearer (Rep.), R. D. 4, Indiana, to serv until December 31, 1958, and until his successor is dul appointed and qualified. (Reappointment)

GEORGE M. LEADER.

COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth o Pennsylvania:

In conformity with law, I have the honor hereby t nominate for the advice and consent of the Senat Lauchlin H. McLean, Esq., Aetna Life Insurance Company Hartford, Connecticut, for appointment as Commissione of Deeds for the Commonwealth of Pennsylvania, with residence in the State of Connecticut, for the term o five years to compute from the date of confirmation.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth o Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Elwood L. Christman, Pocono Pines, Monroe County, for appointment as Justice of the Peace in and for the Township of Tobyhanna, Monroe County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 235

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 235, entitled:

An Act amending "The Pennsylvania Occupational Disease Act" * * * by including tuberculosis within the meaning of the term occupational disease.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 530

He also presented communication from the House of Representatives, informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 530, entitled:

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land, property or material or any interest therein by political subdivisions or by authorities created by political subdivisions in the exercise of their power of eminent domain.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 1361, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists on its non-concurrence in Senate amendments to House Bill No. 1361, entitled:

An Act authorizing the creation of regional planning commissions by counties, cities, boroughs, towns or townships; authorizing interstate participation in regional planning under certain conditions, and conferring powers and imposing duties on regional planning commissions.

and has appointed Messrs. WHEELER, STEBBINS and HELM as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

REPORT FROM COMMITTEE

Mr. McGINNIS, from the Committee on Elections, reported as committed, House Bill No. 698, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code" increasing the compensation of election officers in counties of the first and second classes.

RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of holding a meeting of the Committee on Appropriations.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDING OFFICER (Robert D. Fleming) in the Chair.

The PRESIDING OFFICER. The time of recess having elapsed, the Senate will be in order.

BILLS INTRODUCED AND REFERRED

Messrs. STEVENSON and FLEMING read in place and presented to the Chair Senate Bill No. 1019, entitled:

An Act amending the act of May 12, 1943 (P. L. 259), entitled, as amended, "An act providing for the payment by the State Treasurer of the amount of the tax on premiums paid by foreign casualty insurance companies . . . ," further defining policemen and changing the time when unused funds are returned to the General Fund for redistribution.

Which was committed to the Committee on Local Government.

Messrs. BARR and FLEMING read in place and presented to the Chair Senate Bill No. 1020, entitled:

An Act amending the act of May 26, 1949 (P. L. 1828), entitled "Fiduciaries Investment Act of 1949," further prescribing the eligibility for authorized investments of the obligations of municipalty authortes.

Which was committed to the Committee on Local Government.

PETITIONS AND REMONSTRANCES

Mr. LANE. Mr. Presdent and Members of the Senate, no wthat we have mastered the tax crisis, temporarily at least, I feel that it is the consensus of opinion of the Membership of both the House and Senate that we try to adjourn this Session sine die as soon as possible.

Mr. President, I feel that we still have a job to do here. There is lots of legislation over here in the Senate Committees which should be seriously considered. However, I have always said that a good job is a job that is well done. I realize that the newspapers throughout the months have criticized the Legislature, and I know that there are a number of editorials being written and have been written whereby we have been a do-nothing Legislature. I disagree with most of the newspapers, because I feel that the Membership here in the Senate has tried to do a job. I do believe, however, now that the tax program is passed, we should get down to the sensible problem of properly legislating.

Not long ago, Mr. President, I introduced into this Senate a series of bills pertaining to atomic energy. In my conversation with the Membership of the Senate, I find that some of them take the position that perhaps this program is too expensive. I want to advise the Membership of the Senate that the figures I used were approximately one-half of what the State of New York has appropriated for atomic energy. I was reading in the newspaper the other day about the President of the United States being in contact with Premier Bulganin, of Soviet Russia, and they are negotiating in regard to atomic energy. I say to you that this Congressional Act of 1954, giving the States the power and responsibility to establish peacetime atomic energy commissions, is certainly a step in the right direction. We, in Pennsylvania, must not be a backward State. I feel quite confident that in the very near future, atomic energy is going to revolutionize industry as a whole. I feel that this State of Pennsylvania should get in on the ground floor. I feel that we should give serious thought and consideration to estab-

lishing, at least, a temporary Atomic Energy Commission for the State of Pennsylvania.

Mr. President, I have heard it said on the floor of this Senate many, many times that industry was leaving Pennsylvania. Sometimes it was attributed to the tax structure, many unfavorable conditions and a number of other items which are too numerous to mention here today. However, I feel that industry, itself, is interested in the development of atomic energy for peacetime purposes. This Commonwealth should get on the job and do something at this Session of the General Assembly in order to get the wheels going. If you look around you today, you can see that the other major States are taking definite action in regard to the conducting and the construction of atomic energy plants. Pennsylvania should be no exception.

I have felt, and I feel now, that in the future, in all probability, the United States Government may subsidize some of these States that are forward-looking on atomic energy. We might be in a position of being subsidized by the Federal Government for the construction of a couple of peacetime atomic energy plants here in Pennsylvania.

Mr. Prsident, I prevail upon the Membership of the committee, to which these bills were committed, to give them their serious consideration. If you feel that they are too expensive, let us cut the appropriation. However, let us get a start in the right direction and I believe that if we go forward at this Session, we will be proud of our activities at the next regular Session of the Legislature.

Mr. WADE. Mr. President, the gentleman from Washington, Senator Lane, started his statement by saying that he believed there were a number of bills in our Senate Committees which should have attention. He also said that the Senate Session should be continued until these bills have been considered. The conclusion or major part of his discussion was centered around the consideration of three or four bills that have to do with atomic power for peacetime uses within the Commonwealth.

Mr. President, I wonder if the Senator would agree to an interrogation?

The PRESIDING OFFICER. Will the gentleman from Washington, Mr. Lane, permit himself to be interrogated?

Mr. LANE. I will, Mr. President.

Mr. WADE. Mr. President, I wanted to ask the gentleman if there were other bills which should be considered? I take from the first part of his statement that there were a number of bills that should be considered, in addition to these three or four so-called atomic bills.

Mr. LANE. I would say to the gentleman from Cumberland that I have in my files upstairs a compilation of the various bills that have been submitted to the various committees. I think there are quite a number of bills in your Committee on Highways, Senator Wade. I will be glad to supply you with this information. I have a compilation of all these bills which have been referred to each committee here in the Senate. I would say, as an offhand guess, that we have at least 300 or 350 bills over here that we should at least review; the ones which were passed by the House.

Mr. WADE. Mr. President, I thank the gentleman and I think he has answered the question very well.

I would like to ask him further if it would be possible for him to make a copy of his digest, or listing of these bills, so that the chairman of each of the Senate Committees might have a copy by next Monday. Perhaps, he could add a reason for the need of the particular bill as they are listed.

Mr. LANE. Mr. President, I will be glad to supply the gentleman from Cumberland County with a compilation of all the bills. As a matter of fact, I have them set up whereby we have notations as to the committee they were referred to and the approximate date. I do not have an analysis of each particular bill. Of course, that would be a mighty big job. However, I feel that the Chairmen of the Committees should have a little responsibility. They should have the responsibility of looking at the number of the bill and then reading the bill. That way they can arrive at their own conclusions. They generally always do that anyway.

I will be glad to supply you with the information you desire, with the exception of a brief analysis which I do not have.

Mr. WADE. Mr. President, I thank the gentleman.

I want to say for his information, however, that we had a rather lengthy committee meeting of the Committee on Highways. We have a number of bills in that committee, but I do not believe that we have a half dozen in that committee which we have not considered. For time immemorial, the practice around this Senate, and I think in the House of Representatives, has been to consider the bills and if they are deemed not to be necessary at that time, they are shelved, so to speak, by the committee and laid aside. If we are to continue in Session until each one of those bills are brought out to the floor and put on the Calendar and considered in that way, it would be necessary, I think, to provide two chairs for each desk. This Session would reach long into the next Session.

Mr. LANE. Mr. President, I did not say that we should remain in Session until each bill is brought out on the floor. What I did say was this. I said that we should remain in Session until we have considered the major portion of the bills that are now referred to committees. A number of these bills have passed the House. If they passed the House almost unanimously, there should be some merit to them. I do not insist that we act on every bill and have it reported out on the floor. We never did that and I do not expect that we ever will. However, I do say this. Although Senator Wade's committee may be an exception, rather than the rule by doing a lot of work, a number of the committees here in the Senate—I think you will agree—have not done their job so far.

We should go into these committee meetings, start holding them and consider these bills. When we want to discard them, let us kill them off or let us report them out. Let us not, however, close up the Session by just forgetting all about the bills that are now in committees here in the Senate. If we do that, we certainly are going to receive a lot more criticism.

Mr. STIEFEL. Mr. President, when it comes to sartorial spruceness, elegance and courtesy, I know of no one who can beat Senator Wade. In my opinion, he is second to none. I enjoyed very much attending yesterday a meeting of his committee. I had one of those pigeons or turkeys, or whatever you call them, but anyway he gave all the consideration to it.

Mr. President, there is one committee which, in my

opinion, can be likened to a burial ground and I wonder whether we can put some life in it. I happen to have a lot of bills in that committee and I would like to see some action on them. I am speaking of the Committee on Judiciary General. Senator McPherson, whom I highly respect and who, if my eyes do not deceive me, has been promoted to a Commissionership, may be preoccupied with his duties in Washington. My question is, what will happen to the bills on which I labored. I burned my midnight oil working on them and now they are going to nothing.

I may say this. I am very proud to serve on the Committee on Local Government. I think Senator Stevenson is a scholar and a gentleman. He is giving consideration to each bill. Therefore, there will be no rush in his committee. However, some committees ought to meet around the clock and, at least, take action.

I do not want to see any of my bills remain in committee without action. If they are buried and pickled, they are buried. However, I want some pronouncement on them. My question is, what will happen to those bills, which run into the hundreds, not only my bills but other bills, which are in the Committee on Judiciary General. Will we get some action or not?

Therefore, Mr. President, I would ask Senator Wade to answer some of my questions.

The PRESIDING OFFICER. Will the gentleman from Cumberland, Mr. Wade, permit himself to be interrogated?

Mr. WADE. I will agree to be interrogated, but I will not agree that I know the answers to the Senator's questions.

Mr. STIEFEL. It may sound a little bit out of line, but here is my question. Can Senator Wade use his influence, and his tact and felicity of expression in prevailing upon Senator McPherson, as a colleague on the other side, to call a meeting in which all the bills, now lingering in the Committee on Judicial General, will be considered?

Mr. WADE. Mr. President, the Senator paid me a very high honor when he implied that I have prestige or influence with the Senator from Adams County. However, I should like to tell him that the only Senator that I can cooperate with or influence in any other way is the other Senator, living in the Thirty-first District, Senator Barr of Allegheny County.

Mr. STIEFEL. Thank you, sir.

Mr. DENT. Mr. President, I am not going to hold the Senate in a long debate, but I would like to have just a little time. I would like to say that I have been working for two days, in the spare moments that I found, to prepare all of the bills that have passed the House and which are in Senate Committees. I have each Committee of the Senate in a separate envelope. By the next day, I hope to name one Member of each committee from this side and ask him to contact the chairman of the respective committee, in order that, between the chairman of the committee and the member from this side, they can arrive at some listing of bills on which we can operate or work before the end of the Session. If we do not do that, in my opinion, we will probably be floundering around for another five or six weeks. I am very hopeful that by doing this and with the coopeartion of the Republican Chairmen of the Senate Committees, we might be able to work for a target date of a couple of weeks for the final Sessions of this General Assembly.

If you can, I would appreciate it very much if you would give an appointment, you, as the chairmen, to the Member of the Senate who comes to you with this folder of bills that the Administration is interested in and other bills that are over here from the House and the reasons for the bills and the argument for their passage. If the chairman feels that such a bill is not to be taken up at this Session, he will just strike it off the list. It will save us a great deal of time and it will work out a schedule that we can get a target date for final adjournment.

Now, Mr. President, with permission of the Senate, I would like to read an article that appeared in a daily newspaper and one which I think is of grave importance. It is one that I believe is of such importance that this General Assembly ought to do something official about it.

Mr. President, this article appeared in The Pittsburgh Press on the editorial page and it contains a very good looking picture of Senator Mahany and one of Senator Dent. We are not objecting to the picture and I want the paper to know that. We thank them and we are also grateful that they spelled our names right. The substance of this editorial, in my opinion, is a dangerous interpretation of a great American freedom. It is a freedom that I would stand here or anywhere else to defend. I believe the service record of many of the Members of this Senate can testify to the fact that, as a former Senator used to say, "They bared their breasts to the weapons of the enemy in order that the freedoms that we hold dear may survive." I am sure that the Membership of this Senate feels that it, as a body or the Members as individual Senators and citizens, would never hesitate to fight that this particular freedom be held high, and that is the freedom of the press.

I have had on occasion remarks to make about this great American right and I do not think anybody can ever find in any of my utterances any derogatory remarks about the freedom itself. I have, I thought up until now, had the right to criticize what appeared in the press of the State. I thought that perhaps not only as a public servant but as a citizen I, too, enjoyed some rights. I enjoyed the right against false witness, if you please. I enjoyed that right just as much as a press enjoys the freedom of the press. To me it is just as important that we battle to maintain the freedom against false witness as we have the right to battle for the freedoms of the press.

Mr. President, let us see what a large metropolitan newspaper says about this freedom of mine, yours and every yet unborn child of the future generations that is contained in our way of life. Let us see wht they have to say. It is a criticism of Senator Mahany and Senator Dent, because they say we attacked the press on the floor. We did not. We attacked what the press carried as a statement. We felt that such a statement, being untrue, would add to what they called chaos. We felt that intemperate utterances on the part of a newspaper writer could damage the situation to such an extent that instead of fourteen months it could stretch on into eternity. I want to read you what the paper says:

"For the record, we can state that it is none of Mr. Dent's business—or Mr. Mahany's either—what any newspaper prints about them or the Legislature of which they are a part. Both the federal and state constitutions contain guarantees of freedom of the press. They accord to no official or no legislator the right to decide how freedom of expression shall be exercised.

"Newspapers have the right and duty to print the news objectively." We say "amen" to that. "They also have the right to color the news, to be biased, to be prejudiced and to be unfair, if they wish. No law can silence them, and some—like the Communist 'Daily Worker'—take full advantage of this freedom.

"The ultimate test of a newspaper is in public acceptance. If a newspaper serves the interests of its readers, informs them faithfully on the news of the day, gives them the honest information necessary to their understanding of events and maintains its editorial integrity, it can make a strong claim for public support."

Mr. President, we agree, we agree; "If a newspaper serves the interests of its readers, informs them faithfully on the news of the day, gives them the honest information necessary to their understanding of events and maintains its editorial integrity."

Now they say if a newspaper does that, it is fulfilling its public duty. How can a newspaper do that if it holds for itself the right to be above criticism and to reserve to itself the right to be prejudiced, to be unfair, to color the news and to be biased? If they are these things, how can they fulfill their contract to their own conscience when they say that a newspaper must give honest information necessary to their readers' understanding of the events and the problems? They say that is editorial integrity.

Certainly, Mr. President, we do not expect when an editor writes an editorial in a newspaper that all of us will agree with him. If he writes an editorial in the spirit of integrity, I am sure that our criticism would fall upon deaf ears. However, when they hold to themselves the absolute right to be above criticism, are they fostering and maintaining the strength of that inalienable right of freedom of the press? If they practice what they themselves preach to be their doctrine, are they not invading the other inalienable rights of the people to be served by this newspaper? If they publish to the people of this Commonwealth an untruth, a deliberate untruth, and can hide behind such an interpretation of their freedoms, how then can the people ever know the truth about the events or incidents that they are being informed about?

I do not expect to receive any editorial favoring my remarks today, Mr. President, and I go back to Mayor Walker's famous admonition when he said, "Never fight with a newspaper because they go to press too often." I know that, but then I go on back over the century and I think back to that little man, who I believe was named Zenger and who withstood the onslaught of all the criticism of his day, and even suffered in jail and his family starved and his business was sold out from over his head because he would not bow to the destruction of the freedom of the press. He laid in prison to guarantee the right that these people would pervert. He guaranteed the right of a press to criticize government, and men in government, and I stand for that foursquare, but he never guaranteed the right that it could be done in a perverted sense. He never guaranteed the right that it could be done, as they say it shall be done, unfairly, prejudiced and biased. No respectable newspapermen would ask for this right.

Oh yes, Mr. President, it is proper to write an article on the information they have. However, when that information is proven to be untrue, is it not also right for them to make a retraction? Is it not also right for them to correct their error? If I have been critical of a newspaper and have no foundation for my criticism, I will be the first to stand on this floor and apologize to that person who wrote it and to the person I criticized and to the editor or the newspaper itself. Can they be any greater in stature than to do the same, or must they hide behind an inalienable right that we all wish to keep guaranteed for them and to write on the grounds of bias, prejudice, untruth and unfairness?

Certainly, Mr. President, if they are misinformed and they write it, then the paper and the editor or the writer cannot be condemned. When they say they have an inalienable right and that no Member of the Legislature or anybody else has any business criticizing them, have we not reached the stage where they are endangering the very thing they are talking about protecting? They try to draw a comparison, if you please, between the remarks I made on the floor and Hitler, Peron and other dictators. Let us see what they say and I quote:

"Senator John H. Dent, minority floor leader, joined with Mr. Mahany in denouncing the press. He is quoted as saying:

" 'There is a difference between the freedom of the press to print news, and the freedom of the press to express that news in such a fashion that it is editorialized to their own benefit or some party, or some interest that they espouse.' "

Mr. President, I believed that when I said it and I believe it now. I do not believe, even if they claim that right, that they have a right to take a piece of legislation which is in the interest of the public and print a deliberate false account of that legislation in order that the people become enraged or aroused against a piece of legislation when the merits are not known to them. I still believe that the function of a newspaper is to be as truthful as it can possibly be.

The editorial then goes on to say:

"This has an ominous sound." They are referring to my remarks. "It is almost exactly, word for word, the way dictators like Hitler, Mussolini, Peron and various communist functionaries have justified the steps they took to extinguish the right of the people to know what is going on, through a free press. The fact that Mr. Dent saw fit to utter such sentiments on the floor of the Senate indicates that he needs re-education in the processes of democracy."

Mr. President, I have a faint suspicion as to the man who wrote this editorial, and I would like to put my record for democracy up against his. I would like to just take my record, both as a father, grandfather, laborer, businessman and a Members of his body, and I would like to have, with him, the same right and challenge him to a proposition that I write my interpretations of democracy in his editorial pages, line for line and word for word, and let us see who believes in the kind of democracy that I have stood willing to die for before and would be again. Let us see which one of us utters the words that ape the press of Mussolini, Peron and Hitler and the communists.

Let me ask this membership a question in all fairness. What is wrong with the press of these totalitarian countries? I will tell you what is wrong with it. They enjoy the right to print the news biased, prejudiced and unfair. That is what makes them so contrary to what we

believe in. They have the absolute right to write anything they want and they are beyond criticism. If there are communistic and Hitlertistic and Fascistic doctrines being promoted or expersed, it is in that paragraph of this paper which says that they want the same rights enjoyed by the press of totalitarian governments. They want the right to write anything they want and if it is biased, it is their business and a right. If it is untruthful, it is their business and a right. If it is unfair, it is their business and a right. That is the way they write the newspapers in those countries and they, too, are beyond criticism. The only difference here is that they cannot get their long, sinewy fingers around Mr. Mahany's neck and mine physically like they can in these other countries.

Mr. President, I am saying this today and I am not caring one hoot what they write about me because, in my own mind and in my own heart and in my own conscience, I have absolutely no distrust of my Democratic feelings. I know that so long as there are men like Senator Mahany and your humble servant to raise their voice against prejudice, bias and untruth and to raise their voice in a legitimate criticism of the action of anybody, whether it be a newspaper, a corporation, a labor union or anyone else, then so long will the freedoms which are contained in the freedom of the press and the inalienable rights of citizens be contained in our way of life.

I only say to the editor of this paper, whoever is responsible for it, that if ever an enunciation was uttered that strikes at the very freedom of the individual, particularly to that individual's right and freedom against false witness, they have clearly written it here. I shall keep, if I can, this editorial, in order that my children and grandchildren will grow up, if I can help them to, with the same fierce feeling of love for freedom that my father gave to me.

Mr. WADE. Mr. President, the early part of Senator Dent's talk was on this matter which we have been discussing at some length, the matter opened up by Senator Lane. I know that the casual visitor, or ever a Member of our Body, might receive the impression from his statement this afternoon, and others, that we, as Chairman of the Senate Comimttees, are prone to hold all bills in committee, and not give them any consideration.

Mr. President, I think that page 173 of the current Senate History, dated March 5th, would be beneficial to all of us. For the purpose of the record, I would like to point out that the Senate Bills passed in the Senate and sent to the House of Representatives total 288. The next category, Senate Bills passed in the House of Representatives, totals 167. In other words, just a few over half of the Senate Bills that were passed by this Body have been passed by the House.

We all are well acquainted with the fact that the House Committees are all chairmaned by members of the Democratic Party. I fail to find in the House History a similar analysis. It would be very interesting I think to have that. However, Mr. President, I did not want to let this matter that we were discussing go without pointing out the fact that we, in the Senate, do consider many bills. I think if Senator Lane sits down over the weed end, he will find that the bills which have not been brought to the floor of the Senate or from the various Senate Committees do not have, at least, State-wide merit.

Mr. LANE. Mr. President, it seems to be invariable that as soon as we start to talk about legislation, it becomes political. I did not have the thought in mind of criticizing the chairmen here because they are Republicans or of praising the chairmen in the House because they are Democrats. The point I am trying to make is this. We have a lot of bills over here which I think we should at least consider.

When Senator Wade quoted his figures here, it looks very good on paper. However, we do not know how many bills passed the House, which are House Bills, and came over here to the Senate. I think quite a lot came over here. I do not have the percentages. The way Senator Wade is trying to make it appear is that the Senate Bills which passed here and went over to the House seem to be greater than the House Bills. That may be correct; I do not know. Percentage wise, though, I believe the House has passed a lot more bills than what the Senate has and quite a lot of them are over here.

I am talking about getting the constructive legislation out, regardless of whether it is sponsored by Republicans or Democrats. After all, we want to get the legislation passed and I feel that each committee chairman should sit down, and I will supply them with the lists. They should look over the legislation and if they do not approve it, kill it. If it has merit, report it out and let us act on it. Let us not close up this Session of the Legislature in a hurry-up way because if we do, we are doing to make some terrible mistakes. That was the gist of my argument here today.

Mr. President, Senator Dent has advised me that he is going to appoint a number of persons on our side to contact the chairman over there, and sit down with them and give them the list of the bills. That is the idea.

Senator Wade, I wish to assure you that I was not thinking along political lines when I made my speech here today.

Mr. MAHANY. Mr. President, there is very little I can add to what Senator Dent has stated relative to our position in connection with newspaper stories which were circulated, charging us with having lobbyists, who pester people, come into our meeting that was held a week ago in my office, relative to our tax legislation. Even after Senator Dent and I denied that there were lobbyists in our office and attending this meeting, the next day the newspaper still insisted that there was something wrong. I notice that in the same newspaper to which I referred in my remarks at the time, the next day it had headlines: "Mahany-Dent Deny Visits By Lobbyists." Then, in the subtitle: "Pressure Boys just Disappeared Or So They Say."

Mr. President, there were a number of people at that meeting. We gave their names to the newspaper reporters. Had they desired to show that we were wrong or that we were falsifying our account of the meeting, they could have done so. They could have interrogated people who were there. They could have interrogated any of the people who were in my office and they would have found that they were definitely wrong about these people being at that meeting.

Then, Mr. President, they started to soften up a bit and said that they did not mean that they were in my room, but they saw these people come into a suite which is commonly known as "Committee Alley." They said

that they went into a room there and the newspapermen just thought they had gone on back to my office. However, the editorial writers then took it up and in this same newspaper they had the editorial. The first paragraph is as follows,

"While the State Senate permits lobbyists to riddle with exemptions a three per cent sales tax, the citizens of Pennsylvania may reflect sorrowfully upon the lamentable inadequacy of their mental health facilities."

You see, a false story leads to somebody writing an editorial based upon the story which was false and, therefore, the editorial has a false base to it. That is the thing that worries me most. The newspapers, perhaps, take it for granted that they can color a story or they can slant the story or they can be unfair. However, they know that they cannot be untrue and have an untrue statement injure someone's character or their reputation. We have, on the books, libel laws and if someone comes out here and puts into a newspaper some statement that is false about me and that statement would tend to injure my reputation, character and cause me damage, I have a right to take that newspaper into court and sue it under the libel laws. Of course, we kind of let it go and get up here and say, "Well, rather than bring suit or anything such as that, we are just going to try to correct the story which appeared in yesterday's paper so that our people back home will not think that we are doing the things which are alleged in the newspapers."

I was not irate, although they said I was. I do not believe Senator Dent was. We were just trying to correct a false story which eminated from Harrisburg. We were then both hopped upon by the newspapers and they said that we were blowing off steam; we were doing all manner of things down here that were silly. I do not think we were silly at all. When I see a story in a newspaper relative to me that is untrue, one which I feel is unfair in its implications, then certainly I feel that I have the right to stand here in the only forum that I have available to me at this time and certainly contradict the story and say that it is untrue and ask that the same newspaper that printed the untrue story also take space to print a retraction, if it finds that its original story was untrue.

Mr. President, I feel that the fact that we did keep out newspaper reporters at that particular meeting, and all others, helped us in trying to solve this tax difficulty which we were in. We worked long and hard that afternoon in order to come up with what we thought was a solution to the tax problem. As it turned out, I think we did ninety per cent of the work which resulted in solving this tax problem at that particular meeting.

Then since that meeting and including yesterday, when we had conferences at the rear of the Senate, we had reporters on us everytime we got our heads out the door. I suppose they were trying to get a story that their editor was asking them to get and I do not blame them. However, we just cannot do our work properly if we have to spend so much time getting pulled around by people for stories as to what we are doing minute by minute. When we were in that conference room, I even looked up on several occasions and saw reporters jumping up as high as they could to peek in the window which looks into the conference room. They were trying to see who was there. Then every time I would come out, they would want to know everything we were doing; what did Dent say and was it true that the Governor said this or that, and what was I going to do and all such stuff as that. If we had taken time out to answer all those questions, we still would be there today. We would not have solved our problems.

Mr. President, I ask the newspaper reporters—and I have a lot of respect for them—to try to be a little bit more respectful to the Members of this Senate, to understand that they are trying to do a work for the Commonwealth of Pennsylvania and to try to allow us to do that work so that we can do our jobs for the people. When we feel that there are stories that should go out relative to what we are doing and also when we feel that the questions they ask are pertinent to what we are doing, we will be happy to answer them. However, please give us an opportunity to do the work we were sent down here to do.

SENATE RESOLUTION, SERIAL No. 50, TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Resolution, Serial No. 50, for consideration at this time.

The Clerk read the resolution as follows:

REQUESTING THE DEPARTMENT OF MINES TO INVESTIGATE THE CAUSE OF MINE SUBSISTENCE IN THE BOROUGH OF FORTY FORT

In the Senate, June 29, 1955.

It has come to our attention that a mine subsidence of unknown cause and origin has occurred in a large part of the residential area of the Borough of Forty Fort, Luzerne County; therefore be it

Resolved, That the Department of Mines be requested to make a thorough investigation of the cause, extent of damage and responsibility for the mine subsidence that has occurred in the Borough of Forty Fort, Luzerne County, and what steps can be taken to prevent further damage therefrom; and to report its findings and recommendations to the Senate at its present legislative session.

SENATE RESOLUTION, SERIAL No. 50, ADOPTED

Mr. MAHANY. Mr. President, I move that the Senate adopt the resolution just read by the Clerk.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

SENATE RESOLUTION, SERIAL NO. 78, TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Resolution, Serial No. 78, for consideration at this time.

The Clerk read the resolution as follows:

URGING THAT THE DEPARTMENT OF PUBLIC INSTRUCTION MAKE A STUDY AND RECOMMENDATIONS REGARDING PLANS OF ALL SCHOOL BUILDINGS BUILT WITHIN THE PAST FEW YEARS

In the Senate, October 11, 1955.

The General Assembly is currently considering legislation increasing the total amount of reimbursable costs for the construction of public school buildings from $425,000,000 to $925,000,000.

It is of prime importance to the Commonwealth that school buildings be built as economically as possible consistent with efficiency and practicability.

In many instances certain phases of school construction do not always meet with the best requirements of the school districts. School officials and architects can well profit by the experience of the past. It becomes mandatory that information be collated and disseminated with respect to school building in view of the fact that the Legislature may increase the amount of reimbursable costs by $500,000,000.

Better schools would be built and in some instances at a great saving, if the information were made available to school districts and architects. This information may be best obtained by the Department of Public Instruction through the School Plant Division; therefore be it

Resolved, That the Department of Public Instruction:

(1) Study the various plans of all school buildings built within the past few years.

(2) Send questionnaires to all architects and school districts involved in school building construction designed to elicit information with respect to the relative efficiency and operating costs of one-story and two-story buildings construction of gymnasiums and auditoriums, together with ideas on how they could be utilized in connection with other school programs, costs and efficiency of heating systems, time loss due to the moving of pupils from one room to another, the number, dimensions and types of entrances and windows as well as the dimensions of classrooms, unforeseen defects, general and specific maintenance costs and, in the light of their experiences, suggested changes in plans and specifications which would result in better school buildings.

(c) Collate the information, make a study thereof, and make it together with recommendations, available to the General Assembly and to school districts erecting school buildings.

SENATE RESOLUTION, SERIAL No. 78, ADOPTED

Mr. MAHANY. Mr. President, I move that the Senate adopt the resolution just read by the Clerk.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

SENATE CONCURRENT RESOLUTION, SERIAL No. 143, TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Concurrent Resolution, Serial No. 143, for consideration at this time.

The Clerk read the resolution as follows:

JOINT STATE GOVERNMENT COMMISSION TO STUDY AND INVESTIGATE THE PENNSYLVANIA MORTGAGE SYSTEM

In the Senate, August 30, 1955.

Due to economic changes, the raising of the standards of living and the facility of financing the purchase of property for business and dwelling purposes, each year untold thousands of deeds and mortgages are left for recording with the recorder of deeds of the several counties of this Commonwealth.

As a result of the recording of this vast number of deeds and mortgages, the various offices of the recorder of deeds are being filled to capacity.

Our Legislature saw fit years ago to enact legislation providing for a "short form" deed which was designed to conserve space in the office of the recorder of deeds.

Many states have appropriate legislation, which provide a title abstract system and the incorporation of descriptions in conveyances which result in shorter deeds and mortgages.

Attorneys at law, financing institutions, public officials and the general public would be greatly benefited by legislation that would simplify the conveyancing and mortgaging of property; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission be directed to study and investigate:

1. The various types of "short form mortgages" and the integration thereof into the Pennsylvania system of mortgaging property;

2. The establishment of abstract of title systems with respect to the ownership and conveyancing of property together with methods whereby descriptions of property may be incorporated into deeds and mortgages by reference to prior deeds; and be it further

Resolved, That the Joint State Government Commission report to the next regular session of the General Assembly its findings and recommendations with drafts of legislation necessary to carry the recommendations into effect.

SENATE CONCURRENT RESOLUTION, SERIAL No. 143, ADOPTED

Mr. MAHANY. Mr. President, I move that the Senate adopt the resolution just read by the Clerk.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

SENATE CONCURRENT RESOLUTION, SERIAL No. 150, TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Concurrent Resolution, Serial No. 150, for consideration at this time.

The Clerk read the resolution as follows:

REQUIRING THAT PHYSICAL EDUCATION PROGRAMS BE ESTABLISHED IN ALL PUBLIC SCHOOLS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

In the Senate, September 26, 1955.

Recently, at a White House luncheon, the problem of the physical fitness of the youth of the United States was brought to the attention of the President of the United States in the form of a report given by Hans Kraus, M.D., Associate Professor of Physical Medicine and Rehabilitation at New York University and Miss Ruth Prudden, Director of the Institute for Physical Fitness at White Plains, New York.

The President said that the problem is a very serious one and even more alarming than he had imagined.

According to studies and tests, the percentage of American youths who are physically unfit with respect to muscular strength and flexibility is any where from thirty-four per cent to forty-nine per cent higher than that for youths of European countries.

This condition has been brought about to a great extent by indulgent parents, unwillingness of children to participate in exercise and excessive use of buses, automobiles and television.

Our country will not long endure, as a leading power among great nations, if our youth is allowed to waste away and the time has come for us to attack the problem with a constructive program.

Our public schools are ideal places for carrying out a program of rehabilitating physically unfit youths. There, children may be made to engage in drills, calisthenics and exercises that will help to build healthy bodies; therefore be it

Resolved (the House of Representatives concurring), That the Department of Public Instruction require that all public schools meet the present minimum requirements established by the State Council of Education.

SENATE CONCURRENT RESOLUTION, SERIAL No. 150, ADOPTED

Mr. MAHANY. Mr. President, I move that the Senate adopt the resolution just read by the Clerk.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

HOUSE CONCURRENT RESOLUTION No. 16 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table House Concurrent Resolution No. 16, for consideration at this time.

The Clerk read the resolution as follows:

DELAWARE RIVER

In the House of Representatives, February 16, 1955.

The Delaware River has been an important factor in the development of this great Commonwealth of Pennsylvania.

It has been used in the transportation of raw materials and products to and from the Commonwealth to all parts of the world.

Because of the size of sea-going vessels and the great volume of shipping, the Delaware River fails to meet present day needs and to play a greater part in the progress of this Commonwealth, the channel in the Delaware River should be deepened.

The Governor, George M. Leader, and the several members of Congress from Pennsylvania have worked diligently and with perseverance in soliciting the Federal Government to use its facilities and funds to deepen the Delaware River; therefore be it

Resolved (the Senate concurring), That the General Assembly commend the Governor of Pennsylvania, George M. Leader, and the members of Congress from Pennsylvania for the stand they have taken in the matter of the deepening of the Delaware River; and be it further

Resolved, That the General Assembly memorialize the Congress of the United States to support and enact legislation providing for the deepening of the Delaware River at Federal expense; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of Pennsylvania, George M. Leader, the presiding officers of each house of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

HOUSE CONCURRENT RESOLUTION No. 16 ADOPTED

Mr. MAHANY, Mr. President, I move that the Senate adopt the resolution just read by the Clerk.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE BILL No. 1361 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table House Bill No. 1361, entitled:

An Act authorizing the creation of regional planning commissions by counties, cities, boroughs, towns or townships; authorizing interstate participation in regional planning under certain conditions, and conferring powers and imposing duties on regional planning commissions.

and move a committee of conference on the part of the Senate be appointed.

Mr. WADE. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 235 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Bill No. 235, Printer's No. 509, entitled:

An Act amending the act of June 21, 1939 (P. L. 566), entitled "The Pennsylvania Occupational Disease Act," by including tuberculosis within the meaning of the term occupational disease in the occupation of nursing.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 235

Mr. MAHANY. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 235, and that a Committee of Conference on the part of the Senate be appointed.

Mr. WADE. Mr. President, I second the motion.

The motion was agreed to.

COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 235

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. SCOTT, PECHAN and LANE, as a committee of conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 235.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 305 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Bill No. 305, Printer's No. 166, entitled:

An Act to add Section 1201.1 to the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "The Vehicle Code," by providing for traffic courts in cities of the third class.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 305

Mr. MAHANY. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 305, and that a Committee of Conference on the part of the Senate be appointed.

Mr. WADE. Mr. President, I second the motion.

The motion was agreed to.

COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 305

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. KOPRIVER, JR., VAN SANT and HALUSKA, as a committee of conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 305.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 530 TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Bill No. 530, Printer's No. 501, entitled:

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land, property or material or any interest therein by political subdivisions or by authorities created by political subdivisions in the exercise of their power of eminent domain.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 530

Mr. MAHANY. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 530, and that Committee of Conference on the part of the Senate be appointed.

Mr. WADE. Mr. President, I second the motion.

The motion was agreed to.

COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 530

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. FLEMING, KOPRIVER, JR. and BARR, as a committee of conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 530.

Ordered, That the Clerk inform the House of Representatives accordingly.

COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 729

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. KESSLER, McPHERSON, JR. and SEYLER, as a committee of conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two Houses in relation to Senate Bill No. 729.

Ordered, That the Clerk inform the House of Representatives accordingly.

COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 813

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. WAGNER, FLEMING and SEYLER, as a committee of conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 813.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE RESOLUTION REFERRED TO COMMITTEE AMENDING SENATE RULES

Mr. LANE, on behalf of Mr. MILLER, offered the following resolution which was twice read and referred to the Committee on Rules:

In the Senate, March 7, 1956.

Resolved, That the Rules of the Senate be amended by adding, after Rule 14, the following new rule:

14.1 No bill shall be introduced with the name of a sponsor signed thereto when the sponsor is absent from the Senate Chambers, unless the floor leader or his representative of the political party with which the absent sponsor is affiliated shall approve the introduction of the bill.

BILL INTRODUCED AND REFERRED

Mr. FLACK. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDING OFFICER. Is there objection. The Chair hears none.

Mr. FLACK, on behalf of Mr. PECHAN, read in place and presented to the Chair Senate Bill No. 1021, entitled:

An Act authorizing the recovery of damages from parents of children destroying property.

Which was committed to the Committee on Judiciary General.

SENATE BILL No. 862 TAKEN FROM TABLE

Mr. SCHMIDT. Mr. President, I call from the table Senate Bill No. 862, Printer's No. 384, which was recalled from the Governor, for the purpose of amendment.

RECONSIDERATOIN OF SENATE BILL No. 862

Mr. SCHMIDT. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 862, entitled:

An Act amending the act of June 16, 1836 (P. L. 715), entitled "An act relating to Reference and Arbitration," providing by rule of the County Court of Allegheny County for the arbitration of certain suits at issue.

passed finally on December 12, 1955.

The PRESIDING OFFICER. How did the Senator vote?

Mr. SCHMIDT. Mr. President, I voted with the prevailing side.

Mr. LANE. Mr. President, I second the motion.

The PRESIDING OFFICER. How did the Senator vote?

Mr. LANE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. SCHMIDT. Mr. President, I move that Senate Bill No. 862, on final passage, be recommitted to the Committee on Judiciary General.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

BILL INTRODUCED AND REFERRED

Mr. McMENAMIN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDING OFFICER. Is there objection. The Chair hears none.

Mr. McMENAMIN read in place and presented to the Chair Senate Bill No. 1022, entitled:

An Act relating to condemnation proceedings; requiring the filing of plans and imposing duties on the recorder of deeds.

Which was committed to the Committee on Local Government.

CALENDAR

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS, RECALLED FROM THE GOVERNOR

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on concurrence in House amendments, recalled from the Governor, go over in their order:

House Bill No. 53, Printer's No. 1429; and

House Bill No. 1174, Printer's No. 1431.

The PRESIDING OFFICER. Is there objection. The Chair hears none.

BILL ON CONCURRENCE IN HOUSE AMENDMENT, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 1319, as follows:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" clarifying the effect of certain provisions of the act with respect to powers granted by other laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article XI act of May 1, 1933 (P. L. 103) known as "The Second Class Township Code" reenacted and amended July 10, 1947 (P. L. 1481) is amended by adding at the end thereof a new subsection to read

Article XI

Roads Streets and Highways

* * *

(r) Legislative Intent

Section 1197 Powers and Exercise Thereof Supplemental to Other Laws The foregoing sections in this Article XI shall be deemed to provide an additional and alternative method to any local or special existing laws for the doing of things authorized by article XI and shall be regarded as supplemental and additional to powers conferred by such local or special existing laws

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL No. 1319, RECALLED FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 1319, recalled from the Governor.

Mr. TAYLOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Hays,	Mullin,	Taylor,
Berger,	Kessler,	Pechan,	Van Sant,
Blass,	Kopriver, Jr.	Peelor,	Wade,
Camiel,	Lane,	Propert,	Wagner,
Chapman,	Madigan,	Ruth,	Watkins,
Dent,	Mahany,	Schmidt,	Watson,
Diehm,	Mallery,	Scott,	Weiner,
DiSilvestro,	McCreesh,	Seyler,	Whalley,
Donolow,	McGinnis,	Silvert,	Wolfe,
Flack,	McMenamin,	Stevenson,	Yosko,
Haluska,	McPherson, Jr.	Stiefel,	Fleming,
Harney,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 1623, as follows:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" extending retirement benefits to veterans of armed conflicts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (d) of Section 1710 of Article XVII of the act of July 28, 1953 (P. L. 723) known as "The Second Class County Code" is amended to read

Section 1710 Employes entitled to retirement allowances

* * *

(d) Any county employe who on and after the sixteenth day of September one thousand nine hundred forty has been employed by the county or county institution district for a period of six or more months and who on or subsequent to such date shall have enlisted or been inducted into military service of the United States in time of war or national emergency so proclaimed by the President or the Congress of the United States or any police action in which the United States is engaged or shall serve in the military service of the United States during any armed conflict shall have credited to his employment record for retirement benefits all of the time spent by him in such military service during the continuance of such war armed conflict national emergency or police action if such person returns or has heretofore returned to his employment within one year after his separation from military service and such payments as are required to be made by such county employe into the county employes' retirement fund shall be paid into such fund by the county or county institution district upon application by such county employe for retirement benefits any county employe who has been in military service and returned to the employ of the county or county institution district shall within one year after the effective date of this article file with the board a record of the time spent by him in such military service any county employe who has been in military service prior to the effective date of this article and has made payments into the county employes' retirement fund to secure for his employment record credit for his military service shall be reimbursed to the full extent of such payments by the board

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL No. 1623, RECALLED FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 1623, recalled from the Governor.

Mr. TAYLOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Hays,	Mullin,	Taylor,
Berger,	Kessler,	Pechan,	Van Sant,
Blass,	Kopriver, Jr.	Peelor,	Wade,
Camiel,	Lane,	Propert,	Wagner,
Chapman,	Madigan,	Ruth,	Watkins,
Dent,	Mahany,	Schmidt,	Watson,
Diehm,	Mallery,	Scott,	Weiner,
DiSilvestro,	McCreesh,	Seyler,	Whalley,
Donolow,	McGinnis,	Silvert,	Wolfe,
Flack,	McMenamin,	Stevenson,	Yosko,
Haluska,	McPherson, Jr.	Stiefel,	Fleming,
Harney,	Miller,		Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE,OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 215, Printer's No. 559, a Report of Committee of Conference, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

THIRD READING CALENDAR

BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 30, Printer's No. 536; and

Senate Bill No. 223, Printer's No. 64.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 367, as follows:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" adding a new route in Allegheny County

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" is amended by adding the following new route

Route 02247 Beginning at a point on the Penn Township-Verona Borough Line thence over Allegheny River Boulevard to a point on Route 02196 in the Boroughs of Verona and Oakmont Allegheny County a distance of about .75 of a mile

Section 2 This act shall take effect January 1, 1956.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Hays,	Mullin,	Taylor,
Berger,	Kessler,	Pechan,	Van Sant,
Blass,	Kopriver, Jr.	Peelor,	Wade,
Camiel,	Lane,	Propert,	Wagner,
Chapman,	Madigan,	Ruth,	Watkins,
Dent,	Mahany,	Schmidt,	Watson,
Diehm,	Mallery,	Scott,	Weiner,
DiSilvestro,	McCreesh,	Seyler,	Whalley,
Donolow,	McGinnis,	Silvert,	Wolfe,
Flack,	McMenamin,	Stevenson,	Yosko,
Haluska,	McPherson, Jr.	Stiefel,	Fleming,
Harney,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 526, as follows:

An Act amending the act of May 27, 1949 (P. L. 1903) entitled "An act providing for powers responsibilities duties and limitations of the Governor Adjutant General Department of Military Affairs Pennsylvania State Armory Board Military Reservation Commission in connection with the armed Military and Naval forces and the internal security of the Commonwealth for the defintion organization powers and limitations of the unorganized miltia Pennsylvania National Guard Pennsylvania Guard Naval Militia Pennsylvania Naval Militia and for coordination with the government of the United States in the organization and functioning of the Pennsylvania National Guard and the National Guard of the United States apportioned the Commonwealth" further regulating membership of the Military Advisory Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 316 act of May 27, 1949 (P. L. 1903) known as "The Military Code of 1949" is amended to read

Section 316 Military Advisory Commission The Governor is hereby authorized to appoint a commission known as the Military Advisory Commission of not to exceed [six] seven persons both military and civilian for the purpose of investigating studying advising and recommending on all matters affecting the military and naval forces of the Commonwealth and the internal security of the State The Adjutant General and an active member of the Department of Pennsylvania Reserve Officers Association of the United States shall be [one of the six] two of the seven members of this commission

The commission shall elect from among its members a chairman and a secretary

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Hays,	Mullin,	Taylor,
Berger,	Kessler,	Pechan,	Van Sant,
Blass,	Kopriver, Jr.,	Peelor,	Wade,
Camiel,	Lane,	Propert,	Wagner,
Chapman,	Madigan,	Ruth,	Watkins,
Dent,	Mahany,	Schmidt,	Watson,
Diehm,	Mallery,	Scott,	Weiner,
DiSilvestro,	McCreesh,	Seyler,	Whalley,
Donolow,	McGinnis,	Silvert,	Wolfe,
Flack,	McMenamin,	Stevenson,	Yosko,
Haluska,	McPherson, Jr.,	Stiefel,	Fleming.
Harney,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. LANE. Mr. President. I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 910, Printer's No. 549; and

Senate Bill No. 933, Printer's No. 556.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 969, as follows:

A Supplement to the act of June 2, 1915 (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" providing for the payment of compensation to auxiliary police or their dependents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to those persons included within the definition of the word "employe" as defined in section 104 of the act of June 2, 1915 (P. L. 736) known as "The Pennsylvania Workmen's Compensation Act" reenacted and amended June 21, 1939 (P. L. 520) there shall be included all auxiliary police of the various cities boroughs incorporated towns and townships who shall be "employes" of such cities boroughs incorporated towns townships for all the purposes of the act and shall be entitled to receive compensation in case of injuries received while actually engaged as policemen or while going to or returning from their place of duty or while participating in instruction or while answering any emergency call for any purpose or while performing any other duty authorized by the city borough incorporated town or township

Section 2 The city borough incorporated town or township as employer shall in all cases be deemed to have knowledge of all other employment of all auxiliary police incuding self employment and earnings in such employment shall be included in computing average weekly wages In all cases where an injury compensable under the provisions of this act is received by an auxiliary policeman who is in whole or in part a self employer and loss of earnings results therefrom such earnings shall for the purposes of this act be regarded as wages The average weekly wage as so regarded shall be that most favorable to the employe computed by dividing by thirteen the total earnings of the employe in the first second third or fourth period of thirteen consecutive calendar weeks in the fifty-two weeks immediately preceeding the accident

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Hays,	Mullin,	Taylor,
Berger,	Kessler,	Pechan,	Van Sant,
Blass,	Kopriver, Jr.,	Peelor,	Wade,
Camiel,	Lane,	Propert,	Wagner,
Chapman,	Madigan,	Ruth,	Watkins,
Dent,	Mahany,	Schmidt,	Watson,
Diehm,	Mallery,	Scott,	Weiner,
DiSilvestro,	McCreesh,	Seyler,	Whalley,
Donolow,	McGinnis,	Silvert,	Wolfe,
Flack,	McMenamin,	Stevenson,	Yosko,
Haluska,	McPherson, Jr.,	Stiefel,	Fleming.
Harney,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1246, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" authorizing boards of school directors of school districts of the second third and fourth classes with the approval of the Superintendent of Public Instruction to levy an additional tax to pay for amortization of certain bond issues

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of section 672 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" amended January 18, 1952 (P. L. 2126) and January 21, 1952 (P. L. 2195) is amended to read

Section 672 Tax Levy Limitations * * *

(b) Boards of school directors of school districts of the second third and fourth classes are hereby authorized and directed to levy annually a tax on each dollar of the total assessment of all property assessed and certified for taxation therein (1) To pay the minimum salaries and increments of the teaching and supervisory staff provided for herein and (2) to pay rentals due any municipality authority or due the State Public School Building Authority Neither of said taxes shall be invalidated or affected by reason of the fact that it may increase the total annual school tax levy of any school district beyond the millage fixed or limited by this section Provided That in districts of the fourth class the tax herein authorized to pay minimum salaries and increments together with all other school taxes except taxes to pay rentals due any municipality authority or due the State Public School Building Authority levied in the district shall not exceed thirty-five

(35) mills on each dollar of the assessed valuation thereof and the tax to pay rentals due any municipality authority or due the State Public School Building Authority together with the maximum rate permitted by this section for purposes other than to pay minimum salaries and increments shall not exceed thirty-five (35) mills on each dollar of the assessed valuation thereof and in cases of emergency with the approval of the Superintendent of Public Instruction an additional five (5) mills to provide for obligations due any municipality authority or due the State Public School Building Authority under a lease or contract previously entered into or to pay for amortization of a bond issue which provided a school building since 1945

In financially handicapped and distressed school districts boards of school directors of such districts are authorized to levy an additional tax of ten (10) mills on each dollar of the total assessment of all property assessed and certified for taxation Provided however That the following conditions and provisions are complied with the Department of Public Instruction shall determine (1) by investigation that the district is financially handicapped and distressed (2) that all taxable property in the district has been levied upon (3) that all other taxes available to the district and deemed advisable by the Superintendent of Public Instruction have been utilized (4) that the district has complied with economical standards set forth by the Department of Public Instruction as determined prior o January 1, 1952 including (a) that the ratio of teachers to pupils shall not exceed one to twenty-five (b) that the cost of administration and operation shall not exceed the average of districts of the same class within the same county and shall be in compliance with good business practices

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Hays,	Pechan,	Van Sant,
Berger,	Kessler,	Peelor,	Wade,
Blass,	Kopriver, Jr.,	Propert,	Wagner,
Camiel,	Lane,	Ruth,	Watkins,
Chapman,	Madigan,	Schmidt,	Watson,
Dent,	Mahany,	Scott,	Weiner,
Diehm,	Mallery,	Seyler,	Whalley,
DiSilvestro,	McCreesh,	Silvert,	Wolfe,
Donolow,	McGinnis,	Stevenson,	Yosko,
Flack,	McPherson, Jr.,	Stiefel,	Fleming,
Haluska,	Mullin,	Taylor,	Presiding Officer
Harney,			

NAYS—1

McMenamin,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1792, entitled:

An Act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. SEYLER. Mr. President, on behalf of Senator Berger and myself, I ask unanimous consent to offer amendments at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Sec. 1, page 3, lines 1 to 19, and page 4, lines 1 to 4, by striking out all of said lines; amend Sec. 2, page 4, line 5, by striking out "2" and inserting in lieu thereof: "1"; amend Sec. 3, page 4, line 15, by striking out "3" and inserting in lieu thereof: "2"; amend Sec. 4, page 5, line 5, by striking out "4" and inserting in lieu thereof: "3"; amend Sec. 5, page 5, line 7, by striking out "5" and inserting in lieu thereof: "4."

On the question,

Will the Senate agree to the amendments

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. SEYLER. Mr. President, I ask unanimous consent that House Bill No. 1792, Printer's No. 1412, on third reading, go over in its order, as amended.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1932, as follows:

An Act amending the act of July 12, 1935 (P. L. 677) entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States" including members of the United States Air Force

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of July 12, 1935 (P. L. 677) entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States" is amended to read

Section 1 Be it enacted &c That all officers and employes of the Commonwealth of Pennsylvania or of any political subdivision thereof members either enlisted or commissioned of any reserve component of the United States Army Navy [or] Marine Corps or Air Force shall be entitled to leave of absence from their respective duties without loss of pay time or efficiency rating on all days not exceeding fifteen in any one year during which they shall as members of such reserve components be engaged in the active service of the United States or in field training ordered or authorized by the Federal forces

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Hays,	Mullin,	Taylor,
Berger,	Kessler,	Pechan,	Van Sant,
Blass,	Kopriver, Jr.,	Peelor,	Wade,

Camiel,	Lane,	Propert,	Wagner,
Chapman,	Madigan,	Ruth,	Watkins,
Dent,	Mahany,	Schmidt,	Watson,
Diehm,	Mallery,	Scott,	Weiner,
DiSilvestro,	McCreesh,	Seyler,	Whalley,
Donolow,	McGinnis,	Silvert,	Wolfe,
Flack,	McMenamin,	Stevenson,	Yosko,
Haluska	McPherson, Jr.,	Stiefel,	Fleming,
Harney,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 2020, as follows:

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the legislative session of 1955

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as is necessary are appropriated to the Senate and to the House of Representatives for the legislative sessions of 1955 The sums appropriated hereby shall be in addition to any sums heretofore appropriated for the purposes

(1) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the President pro tempore the sum of two thousand five hundred dollars ($2,500)

(2) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the Majority Floor Leader the sum of two thousand five hundred dollars ($2,500)

(3) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the Minority Floor Leader the sum of two thousand five hundred dollars ($2,500)

(4) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the Majority Whip, five hundred dollars ($500)

(5) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the Minority Whip five hundred dollars ($500)

(6) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the majority caucus chairman five hundred dollars ($500)

(7) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the minority caucus chairman five hundred dollars ($500)

(8) To the Senate for the payment of contingent expenses of the chief clerk including postage of the legislative journal bills and calendars session of one thousand nine hundred fifty-five the sum of four thousand dollars ($4000)

(9) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the Speaker the sum of two thousand five hundred dollars ($2,500)

(10) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the Majority Floor Leader the sum of two thousand five hundred dollars ($2,500)

(11) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the Minority Floor Leader the sum of two thousand five hundred dollars ($2,500)

(12) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the Majority Whip five hundred dollars ($500)

(13) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the Minority Whip five hundred dollars ($500)

(14) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the majority caucus chairman five hundred dollars ($500)

(15) To the House of Representatives for the payment of contingent expenses including extra services of employes of the House of Representatives and clerical stenographic travel and discretionary charges of the minority caucus chairman five hundred dollars ($500)

Section 2 This act shall take effect immediately.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Hays,	Mullin,	Taylor,
Berger,	Kessler,	Pechan,	Van Sant,
Blass,	Kopriver, Jr.,	Peelor,	Wade,
Camiel,	Lane,	Propert,	Wagner,
Chapman,	Madigan,	Ruth,	Watkins,
Dent,	Mahany,	Schmidt,	Watson,
Diehm,	Mallery,	Scott,	Weiner,
DiSilvestro,	McCreesh,	Seyler,	Whalley,
Donolow,	McGinnis,	Silvert,	Wolfe,
Flack,	McMenamin,	Stevenson,	Yosko,
Haluska,	McPherson, Jr.,	Stiefel,	Fleming,
Harney,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SECOND READING CALENDAR

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 324, Printer's No. 546;

Senate Bill No. 335, Printer's No. 425;

Senate Bill No. 403, Printer's No. 142; and

Senate Bill No. 449, Printer's No. 163.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 510, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the Department of Forests and Waters to lease to religious groups

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. VAN SANT offered the following amendment:

Amend Bill, page 3, by inserting after line 4:

"Section 2 All lease agreements entered into pursuant to the provisions of this amendatory act shall be executed on or before December 31, 1956."

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 873, Printer's No. 1400;
House Bill No. 984, Printer's No. 1461;
Senate Bill No. 996, Printer's No. 553; and
House Bill No. 1276, Printer's No. 487.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1311, entitled:

An Act providing a permanent allocation of a part of the fuels and liquid fuels tax proceeds to cities boroughs incorporated towns and townships for their road street and bridge purposes conferring powers and imposing duties on local officers and the Department of Highways and making an appropriation out of the Motor License Fund.

The first, second and third sections were read and agreed to.

The fourth section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Sec. 4, page 7, by inserting between lines 3 and 4:

"(3) The moneys allocated in clause (1) shall be paid over in the manner provided by law by the Department of Highways to the respective cities, boroughs, towns and townships on the first day of April and October of each year.

"(4) The moneys allocated in clause (2) of this section shall be paid over on requisition by the Secretary of Highways in the manner provided by law to the respective cities, boroughs, towns and townships under the terms of project agreements with the Department of Highways."

They were agreed to.

The section was agreed to as amended.

The fifth section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Section 5, page 7, lines 4 to 14, inclusive, by striking out all of said lines and inserting in lieu thereof:

"Section 5. In order to qualify for its share of the moneys herein provided, each city, borough, town and township shall:

"(1) Furnish evidence annually to the Department of Highways that its treasurer is bonded in accordance with law.

"(2) Submit a report on forms furnished by the Department of Highways concerning the way or ways the funds provided in section 1 of this act shall be expended.

"(3) Submit a proper report on forms furnished by the Department of Highways on the fifteenth day of January for the period ending December Thirty-first each year, showing the cost of work done pursuant to the funds provided in section 4, clause (1) of this act.

"(4) Establish and maintain a special fund into which the moneys provided in section 4, clause (1) of this act shall be deposited and into which no other moneys may be deposited or commingled.

"(5) Furnish evidence to the Department of Highways that a tax to provide funds for road and street purposes is being levied for the year in which the allocation is made."

They were agreed to.

The section was agreed to as amended.

The sixth section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Section 6, page 7, lines 15 to 20, inclusive, and page 8, lines 1 and 2, by striking out all of said lines and inserting in lieu thereof:

"Section 6. All materials used and work done with moneys herein allocated shall conform to the current specifications of the Department of Highways or specifications approved by the Department of Highways."

They were agreed to.

The section was agreed to as amended.

The seventh section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Section 7, page 8, lines 3 to 12, inclusive, by striking out all of said lines and inserting in lieu thereof:

"Section 7. (a) The calculation of mileage shall be determined annually as of the first day of January by the Department of Highways from reports submitted by the municipalities and townships. The term "roads and streets" is defined to mean public roads and streets used for travel by horse-drawn and motor vehicles and to exclude ways, courts and alleys.

"(b) The calculations involving population shall be made by the Department of Highways and shall be based on the latest available official census figures. Where the population of any municipality or township changes by reason of annexation, withdrawal or dissolution, the department shall not be presumed to have notice of such change until furnished with a statement approved by all affected political subdivisions or with an order of a court of competent jurisdiction."

They were agreed to.

The section was agreed to as amended.

The eighth section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendment:

Amend Section 8, page 8, lines 13 to 19, inclusive, by striking out all of said lines and inserting in lieu thereof:

"Section 8. The Department of Highways shall make available to the corporate authorities of the municipalities and townships copies of the laws with special reference to the pertinent provisions thereof and regulations relating to the receipt and expenditure of any funds authorized herein."

It was agreed to.

The section was agreed to as amended.

The ninth section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendment:

Amend Section 9, page 9, lines 1 to 18, inclusive, by striking out all of said lines and inserting in lieu thereof:

"Section 9. The amount allocated hereby to be paid during any calendar year shall be determined by the taxes received during the immediate proceding fiscal year."

It was agreed to.

The section was agreed to as amended.

The tenth section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendment:

Amend Section 10, page 9, line 19, and page 10, lines 1 to 3, inclusive, by striking out all of said lines.

It was agreed to.

The section was agreed to as amended.

The eleventh section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendment:

Amend Sec. 11, page 10, line 4, by striking out "11" and inserting in lieu thereof: "10."

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that House Bill No. 1311, Printer's No. 1462, on second reading, go over in its order, as amended.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1641, entitled:

An Act to further amend the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "Public School Code of 1949" by further regulating education and training for handicapped children.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. VAN SANT offered the following amendment:

Amend Sec. 1, page 2, line 4 by striking out "tion" and inserting in lieu thereof: "tain."

It was agreed to.

The section was agreed to as amended.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. VAN SANT offered the following amendments:

Amend Sec. 2, page 3, lines 18, 19 and 20; page 4, lines 1 and 2 by striking out "nine hundred twenty-five of said act as last" in line 18, all of lines 19 and 20, page 3, and all of lines 1 and 2, page 4 and inserting in lieu thereof: "925 of the act amended April 20, 1949 (P. L. 622), September 28, 1951 (P. L. 1546), July 27, 1953 (P. L. 619) and August 10, 1953 (P. L. 1136) is amended to read:".

Amend Sec. 2 (Sec. 925) page 6, line 9 by striking out "[.] :"

They were agreed to.

The section was agreed to as amended.

The third, fourth and fifth sections were read and agreed to.

The sixth section was read.

On the question,

Will the Senate agree to the section?

Mr. VAN SANT offered the following amendments:

Amend Sec. 6 (Sec. 2509.1) page 18, line 2 by striking out "school" and inserting in lieu thereof: "schools";

Amend Sec. 6 (Sec. 2509.1) page 18, line 5 by striking out "districts" and inserting in lieu thereof: "district."

They were agreed to.

The section was agreed to as amended.

The seventh section and title were read and agreed to.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1693, Printer's No. 1011;

House Bill No. 1848, Printer's No. 1463; and

House Bill No. 1987, Printer's No. 1378.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

INTERROGATION

Mr. MAHANY. Mr. President, I desire to interrogate the gentleman from Lackawanna, Senator McMenamin.

The PRESIDING OFFICER. Will the gentleman from Lackawanna, Mr. McMenamin, permit himself to be interrogated?

Mr. McMENAMIN. I will, Mr. President.

Mr. MAHANY. Senator McMenamin, you and I and other Senators are interested in the Censor Board bill and we both are interested to see that this Session of the Legislature does not adjourn sine die until we do something relative to censorship of movies, books and other matter. I want to ask you the question whether or not the Administration has a bill, in either the House or the Senate, which they feel is constitutional and can stand the test of the courts in the light of the recent United States Supreme Court Decision and which will do the job of censoring motion pictures properly.

Mr. McMENAMIN. It is my understanding, Senator Mahany that House Bill No. 675, which is now in the Senate Law and Order Committee, was drafted by the Attorney General's Office, keeping in mind the United States Circuit Court Decision which invalidated a part of the old Pennsylvania act.

I understand that before this bill was drafted, our Attorney General's Office was in communication with the Attorneys General of Ohio and New York, who had similar legislation nullified by United States Courts and redrafted legislation to meet constitutional objections. I understand that this bill is drafted with that in mind. It is the thought of the Attorney General's Office that it meets the constitutional objections, in so far as it is possible to determine in advance which were expressed in recent Supreme Court cases.

I have tried to find out, and have not yet been informed, whether or not the new New York and Ohio acts have been tested in court. I am not sure about that. However, it is the belief of the Attorney General's Office that this bill, which is in the Senate Committee on Law and Order, in so far as is possible meets the constitutional requirements.

Mr. MAHANY. Then, Senator, from your information, I will try the first of next week, at least by Tuesday, to request Senator Watkins, who is the chairman of this committee, to hold a committee meeting and consider House Bill No. 675 and ask that he do all he can to see that this bill is released to us for consideration in the Senate so that we may have a censorship bill enacted.

Mr. McMENAMIN. Mr. Mahany, I am sure that with your support, which has been constant on this matter for several months, we can look for some success in the near future and that will be good news not only to me but to the church groups, the moral groups and the thousands of mothers and fathers in Pennsylvania who are concerned about lewd and lascivious movies which their children might see.

JUNIOR CLASS OF PORTER TOWNSHIP HIGH SCHOOL PRESENTED TO SENATE

Mr. WADE. Mr. President, seated in the gallery is a rather large delegation from Reinerton, Pennsylvania. It is the Junior Class of Porter Township High School, under the leadership of Mr. Jack Heycock.

These folks are constitutents of Senator Wagner, who had to leave the Session a short time ago. Mr. Heycock is a former resident of the Thirty-first District. May I ask you, Mr. President, to extend the official greeting of the Senate to this fine group of constitutents of Senator Wagner?

The PRESIDING OFFICER. The Chair is very happy that the constitutents of Senator Wagner, the Junior Class from Porter Township High School, are in attendance here today.

We are, indeed, happy that Mr. Heycock, their sponsor and a former resident of Senator Wade's District, is here and we welcome them all to the Senate halls today.

BILLS INTRODUCED AND REFERRED

Mr. McMENAMIN. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDING OFFICER. Is there objection? The Chairs hears none.

Messrs. McMENAMIN, DENT, WADE and DIEHM read in place and presented to the Chair Senate Bill No. 1023, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," changing or deleting certain routes and adding certain new routes.

which was committed to the Committee on Highways.

They also read in place and presented to the Chair Senate Bill No. 1024, entitled:

An Act amending the act of June 22, 1931 (P. L. 720), entitled "City State Highway Law," adding certain new routes.

Which was committed to the Committee on Highways.

They also read in place and presented to the Chair Senate Bill No. 1025, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," changing or deleting certain routes and adding certain new routes.

which was committed to the Committee on Highways.

SENATE CONCURRENT RESOLUTION

RECALLING SENATE BILL No. 929 FROM THE GOVERNOR

Mr. BARR. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. BARR offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 7, 1956.

Resolved (if the House of Representatives concur), That Senate Bill No. 929, Printer's No. 535, entitled "An act amending the act of April 12, 1951 (P. L. 90) entitled 'An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the law relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws' providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

SENATE CONCURRENT RESOLUTION, SERIAL No. 169, REPORTED FROM COMMITTEE

Mr. MAHANY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. MAHANY, from the Committee on Rules, to which was referred resolution offered by Messrs. Mahany and Dent, on March 6, 1956, reported the same without amendment as follows:

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO DEVELOP AND ASSEMBLE CURRENT AND COMPREHENSIVE DATA RELATING TO THE IMPACT AND INCIDENCE OF ALL STATE AND LOCAL TAXES IN PENNSYLVANIA

In the Senate, March 6, 1956.

Whereas, It is frequently represented that Pennsylvania state and local taxes combined impose different burdens upon different types of business activity and different forms of business organizations and place Pennsylvania at a relative disadvantage as compared to other states in encouraging business activity; and

Whereas, It is frequently alleged that the burden of state and local taxes in Pennsylvania is distributed inequitably among individuals in different economic circumstances and falls unequally upon similarly circumstanced individuals; and

Whereas, Data currently available are inadequate to permit realistic and conclusive evaluation of these contentions; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission be directed to develop and assemble current and comprehensive data relating to the impact and incidence of all state and local taxes in Pennsylvania and such data on tax systems in other states as will facilitate valid comparisons with Pennsylvania, and report its findings to the General Assembly.

RULE 39 SUSPENDED

Mr. MAHANY. Mr. President I move that Rule 39, which requires resolutions reported from committee to lie over for one day, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Mr. TAYLOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The roll was called and was as follows:

YEAS—46

Barr,	Hays,	Mullin,	Taylor,
Berger,	Kessler,	Pechan,	Van Sant,
Blass,	Kopriver, Jr.	Peelor,	Wade,
Camiel,	Lane,	Propert,	Wagner,
Chapman,	Madigan,	Ruth,	Watkins,
Dent,	Mahany,	Schmidt,	Watson,
Diehm,	Mallery,	Scott,	Weiner,
DiSilvestro,	McCreesh,	Seyler,	Whalley,
Donolow,	McGinnis,	Silvert,	Wolfe,
Flack,	McMenamin,	Stevenson,	Yosko,
Haluska,	McPherson, Jr.	Stiefel,	Fleming,
Harney,			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

SENATE CONCURRENT RESOLUTION, SERIAL No. 169, ADOPTED

Mr. MAHANY. Mr. President, I move the adoption of this resolution.

Mr. TAYLOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORTS FROM COMMITTEE

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations, reported as amended, Senate Bill No. 31, entitled:

An Act creating a commission to arrange plans for the celebration of the One-hundredth Anniversary of the Battle of Gettysburg and Lincoln's Gettysburg Address and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 54, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvements at the Bloomsburg State Teachers College and for the Commonwealth's share of expenses incurred by the town of Bloomsburg in connection therewith.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 200, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purchase of fire fighting equipment for the Scotland School for Veterans' Children.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 320, entitled:

An Act making an appropriation to the Department of Commerce for the advertisement and advancement of Pennsylvania as a resort and travel area.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 343, entitled:

An Act making an appropriation to the Department of Agriculture for the maintenance and operation of the Regional Poultry Diagnostic Laboratory at the National Agricultural College Farm School Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 425, entitled:

An Act making an appropriation to the Department of Property and Supplies for sanitary and surface drainage sewer disposal at the California State Teachers College.

He also, from the Committee on Appropriations, rereported as committed, Senate Bill No. 474, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State University for the use of the School of Agriculture for the erection of experimental mushroom houses and research in the Communicable diseases of mushrooms and other phases of the mushroom industry.

He also, from the Committee on Appropriations, rereported as amended, House Bill No. 524, entitled

An Act making an appropriation to the House Committee on Conservation and Wild Life for study of our game fish forest and water resources and their proper use and management for the benefit of the public

He also, from the Committee on Appropriations, rereported as committed, Senate Bill No. 562, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire two tracts of land containing 2.42 acres more or less in the City of Lock Haven for the use of the Lock Haven State Teachers College and making an appropriation.

He also, from the Committee on Appropriations, rereported as committed, Senate Bill No. 563, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire sixty-two acres more or less of land in the City of Lock Haven for the use of the Lock Haven State Teachers College and making an appropriation.

He also, from the Committee on Appropriations, rereported as committed, House Bill No. 590, entitled:

An Act amending the act of July 29, 1953 (Appropriation Acts 19 No. 24-A) entitled "An act making an appropriation to the Department of Mines for the sealing and dewatering of and extinguishment of fires in abandoned coal mines" authorizing the use of the funds for flushing mine voids in certain cases.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 597, entitled:

An Act making an appropriation to the Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 656, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware, Commonwealth of Pennsylvania, to provide for a deficiency in the maintenance of wards of the Commonwealth at said institution.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 659, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

He also, from the Committee on Appropriations, rereported as committed, Senate Bill No. 791, entitled:

An Act making an appropriation to the Department of Agriculture for developing and operating a livestock show.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 873, entitled:

An Act making an appropriation to the Brandywine Battlefield Park Commission for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 887, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvement at the Shippensburg State Teachers College and for the Commonwealth's share of expenses incurred by the Borough of Shippensburg in connection therewith.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 905, entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania to provide improved facilities for female juveniles committed by the courts of the Commonwealth.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 963, entitled:

An Act making an appropriation to the Senate committee appointed to cooperate with certain State departments and commissions with regard to certain matters concerning stream pollution in the Lehigh Canal.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 968, entitled:

An Act making an appropriation to the Department of Welfare for use in the treatment of mentally retarded children and for the repair of buildings used in the treatment of mentally retarded children.

He also, from the Committee on Appropriations, rereported as committed, Senate Bill No. 971, entitled:

An Act amending the act of December 22, 1955 (Appropriation Acts No. 29A) entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts" increasing the amount of the appropriation for state teachers colleges.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1035, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire land in the City of Nanticoke Luzerne County for the use of Nanticoke State Hospital and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1036, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire .326 of an acre more or less of land in Newport Township Luzerne County for the use of Retreat State Hospital and making an appropriation.

He also, from the Committee on Appropriations, rereported as committed, House Bill No. 1072, entitled:

An Act approving ratifying and enacting into law the Great Lakes Basin Compact making the Commonwealth of Pennsylvania a party thereto creating "The Great Lakes Commission" providing for the members thereof from the Commonwealth of Pennsylvania providing for the carrying out of the purposes of the compact and making an appropriation.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1306, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathy Philadelphia Pennsylvania for maintenance and support.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1470, entitled:

An Act amending the Act of June 24, 1937 (P. L. 2051) entitled "Public Assistance Law," including financial assistance for nursing home care within the word assistance and making an appropriation.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1486, entitled:

An Act reenacting and amending the title and the act of May 20, 1949 (P. L. 1633) entitled "Housing and Redevelopment Assistance Law" transferring functions of State Planning Board relating to housing and redevelopment to the Department of Commerce removing slum clearance and certain restrictions as to capital grants for redevelopment purposes from provisions of act and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1573, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvements at the Edinboro State Teachers College and for the Commonwealth's share of expenses incurred by the Borough of Edinboro in connection therewith.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1595, entitled:

An Act making an appropriation for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1596, entitled:

An Act making an appropriation to aid certain school districts.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1597, entitled:

An Act making an appropriation to the Department of Public Instruction for payments to school districts on account of rentals payable to municipal authorities and nonprofit corporations.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1598, entitled:

An Act making an appropriation to the Department of Public Instruction for payments to the school districts on account of obligations to the Public School Building Authority as provided by law.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1600, entitled:

An Act making an appropriation to the Moore Institute of Arts Science and Industry Philadelphia Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1601, entitled:

An Act making an appropriation to the Berean Manual Training School at Philadelphia Pennsylvania for the purpose of the maintenance of said school.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1602, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades for maintenance.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1603, entitled:

An Act making an appropriation to the Downingtown Industrial and Agriculture School Downingtown Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1605, entitled:

An Act making an appropriation to the National Agricultural College Farm School Pennsylvania at Doylestown Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1606, entitled:

An Act making an appropriation to the Philadelphia Textile Institute at Philadelphia Pennsylvania.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1607, entitled:

An Act making an appropriation to the Orlando S. Johnson Industrial School of Scranton Pennsylvania for maintenance and purchase of supplies and equipment.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1608, entitled:

An Act making an appropriation to the Pennsylvania Museum School of Art Philadelphia.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1609, entitled:

An Act making an appropriation to the Philadelphia Commercial Museum for maintenance and the purchase of apparatus supplies and equipment.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1614, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings thereon in the Borough of Indiana Indiana County Pennsylvania for the use of the Indiana State Teachers College and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1615, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings thereon in the Township of White Indiana County Pennsylvania containing 7.486

acres more or less for the use of the Indiana State Teachers' College and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1616, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in the Borough of Indiana Indiana County Pennsylvania containing 2.5 acres more or less for the use of the Indiana State Teachers' College and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1632, entitled:

An Act making an appropriation to the Department of Welfare to reimburse State-aided hospitals and the Philadelphia General Hospital for part of the cost of training student nurses in approved schools of nursing.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1633, entitled:

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1634, entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1636, entitled:

An Act making an appropriation to the Department of Health for the use of the Institute for Cancer Research Incorporated Fox Chase Philadelphia Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1638, entitled:

An Act to provide for the interest and sinking fund requirements of the funded debt of the Commonwealth.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1646, entitled:

An Act making an appropriation to the Department of Property and Supplies for a continuance of the acquisition of real estate in connection with the extension of Capitol Park in the City of Harrisburg and for carrying on the work of the Department authorized under the act approved the third day of June one thousand nine hundred forty-three (P. L. 818).

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1647, entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1648, entitled:

An Act making an appropriation to the Department of Mines for the sealing and dewatering and flushing of and extinguishment of fires in abandoned coal mines.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1650, entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania to the Huntingdon Volunteer Fire Company and to the Cresson Voluntary Fire Company of Cresson Pennsylvania and making an appropriation to the Hollidaysburg Volunteer Fire Company and the Duncansville Volunteer Fire Company for the protection of State property.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1651, entitled:

An Act making an appropriation for moneys in the Toll Bridge Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1654, entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1655, entitled:

An Act making an appropriation to the Department of Agriculture for the control of stem rust of wheat oats barley and rye by the eradication of rust spreading barberry bushes and providing for payment thereof to counties making like expenditures of county funds.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1656, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the preservation protection and development of buildings and grounds at Ephrata Cloisters a famous historical shrine belonging to the Commonwealth.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1657, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the preservation and improvement of the Drake Museum and the Drake Well Memorial Park.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1658, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the maintenance and development of the Daniel Boone Homestead.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1659, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the maintenance and development of the Pennsylvania Farm Museum of Landis Valley.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1660, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for repairs to the property known as "Old Economy."

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1665, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in the acquisition of land.

He also, from the Committee on Appropriations, rereported as amended, House Bill No. 1687, entitled:

An Act amending the Act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929," creating the Advisory Board on Problems of Older Workers within the Department of Labor and Industry and placing additional powers and duties in the Department of Labor and Industry with respect to aging and aged persons.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1688, entitled:

An Act making an appropriation to the Department of Property and Supplies for the construction of armory facilities under certain conditions.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1689, entitled:

An Act making an appropriation to the Department of Property and Supplies for repair and improvements to the Pennsylvania Soldiers' and Sailors' Home at Erie.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1692, entitled:

An Act directing the Legislative Reference Bureau to compile and publish a revised compilation of laws relating to war veterans and making an appropriation.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1694, entitled:

An Act making an appropriation to the Department of Welfare for the purpose of administering the "Pennsylvania Hospital Survey and Construction Act of 1947."

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1704, entitled:

An Act making an appropriation to the Department of Forests and Waters for payment of the Commonwealth of Pennsylvania's share of costs for salary and expenses of the River Master for the Delaware River required by Decree of the United States Supreme Court.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1728, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purchase and installation of equipment for the Commonwealth Cafeteria and expenses incident thereto.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1881, entitled:

An Act making an appropriation to the Department of Public Instruction for payment to school districts on account of approved reimbursable rental payable to the State Public School Building Authority municipality authorities and nonprofit corporations.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1955, entitled:

An Act making the act of September 3, 1955 (Appropriation Act No. 17-A) entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August one thousand nine hundred fifty-five," making the moneys appropriated available for flood damage of October 1955.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1975, entitled:

An Act making an appropriation to the Department of Property and Supplies to be used for rehabilitating and reinscribing Chief Cornplanter's monument.

BILLS ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MADIGAN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 31, entitled:

An Act creating a commission to arrange plans for the celebration of the One-hundredth Anniversary of the Battle of Gettysburg and Lincoln's Gettysburg Address and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 54, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvements at the Bloomsburg State Teachers College and for the Commonwealth's share of expenses incurred by the town of Bloomsburg in connection therewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 200, entitled:

An Act maknig an appropriation to the Department of Property and Supplies for the purchase of fire fighting equipment for the Scotland School for Veterans' Children.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 320, entitled:

An Act making an appropriation to the Department of Commerce for the advertisement and advancement of Pennsylvania as a resort and travel area.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 343, entitled:

An Act making an appropriation to the Department of Agriculture for the maintenance and operation of the Regional Poultry Diagnostic Laboratory at the National Agricultural College Farm School Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 425, entitled:

An Act making an appropriation to the Department of Property and Supplies for sanitary and surface drainage sewer disposal at the California State Teachers College.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 597, entitled:

An Act making an appropriation to the Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 656, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware, Commonwealth of Pennsylvania, to provide for a deficiency in the maintenance of wards of the Commonwealth at said institution.

And said bill having been read at lengtn the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 659, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 698, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code" increasing the compensation of election officers in counties of the first and second classes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 873, entitled:

An Act making an appropriation to the Brandywine Battlefield Park Commission for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 887, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvement at the Shippensburg State Teachers College and for the Commonwealth's share of expenses incurred by the Borough of Shippensburg in connection therewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 905, entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania to provide improved facilities for female juveniles committed by the courts of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 963, entitled:

An Act making an appropiration to the Senate committee appointed to cooperate with certain State departments and commissions with regard to certain matters concerning stream pollution in the Lehigh Canal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 968, entitled:

An Act making an appropriation to the Department of Welfare for use in the treatment of mentally retarded children and for the repair of buildings used in the treatment of mentally retarded children.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1035, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire land in the City of Nanticoke Luzerne County for the use of Nanticoke State Hospital and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1036, entitled:

An Act authorizing the Department of Property andplies with the approval of the Governor to acquire. 326 of an acre more or less of land in Newport Township Luzerne County for the use of Retreat State Hospital and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1306, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathy Philadelphia Pennsylvania for maintenance and support.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1470, entitled:

An Act amending the Act of June 24, 1937 (P. L. 2051) entitled "Public Assistance Law," including financial assistance for nursing home care within the word assistance and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1486, entitled:

An Act reenacting and amending the title and the act of May 20, 1949 (P. L. 1633) entitled "Housing and Redevelopment Assistance Law" transferring functions of State Planning Board relating to housing and redevelopment to the Department of Commerce removing slum clearance and certain restrictions as to capital grants for redevelopment purposes from provisions of act and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1573, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvements at the Edinboro State Teachers College and for the Commonwealth's share of expenses incurred by the Borough of Edinboro in connection therewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1595, entitled:

An Act making an appropriation for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1596, entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1597, entitled:

An Act making an appropriation to the Department of Public Instruction for payments to school districts on account of rentals payable to municipal authorities and nonprofit corporations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1598, entitled:

An Act making an appropriation to the Department of Public Instruction for payments to the school districts on account of obligations to the Public School Building Authority as provided by law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1600, entitled:

An Act making an appropriation to the Moore Institute of Arts Science and Industry Philadelphia Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1601, entitled:

An Act making an appropriation to the Berean Manual Training School at Philadelphia Pennsylvania for the purpose of the maintenance of said school.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1602, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades for maintenance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1603, entitled:

An Act making an appropriation to the Downingtown Industrial and Agriculture School Downingtown Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1605, entitled:

An Act making an appropriation to the National Agricultural College Farm School Pennsylvania at Doylestown Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1606, entitled:

An Act making an appropriation to the Philadelphia Textile Institute at Philadelphia Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1607, entitled:

An Act making an appropriation to the Orlando S. Johnson Industrial School of Scranton Pennsylvania for maintenance and purchase of supplies and equipment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1608, entitled:

An Act amaking an appropriation to the Pennsylvania Museum School of Art Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1609, entitled:

An Act making an appropriation to the Philadelphia Commercial Museum for maintenance and the purchase of apparatus supplies and equipment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1614, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings thereon in the Borough of Indiana County Pennsylvania for the use of the Indiana State Teachers College and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1615, entitled:

An Act authorizing the Departament of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings thereon in the Township of White Indiana County Pennsylvania containing 7.486 acres more or less for the use of the Indiana State Teachers' Colege and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1616, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in the Borough of Indiana Indiana County Pennsylvania containing 2.5 acres more or less for the use of the Indiana State Teachers College and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1632, entitled:

An Act making an appropriation to the Department of Welfare to reimburse State-aided hospitals and the Philadelphia General Hospital for part of the cost of training student nurses in approved schools of nursing.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1633, entitled:

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1634, entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1636, entitled:

An Act making an appropriation to the Department of Health for the use of the Institute for Cancer Research Incorporated Fox Chase Philadelphia Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1638, entitled:

An Act to provide for the interest and sinking fund requirements of the funded debt of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1646, entitled:

An Act making an appropriation to the Department of Property and Supplies for a continuance of the acquisition of real estate in connection with the extension of Capitol Park in the City of Harrisburg and for carrying on the work of the Department authorized under the act approved the third day of June one thousand nine hundred forty-three (P. L. 818).

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1647, entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1648, entitled:

An Act making an appropriation to the Department of Mines for the sealing and dewatering and flushing of and extinguishment of fires in abandoned coal mines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1650, entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania to the Huntingdon Volunteer Fire Company and to the Cresson Voluntary Fire Company of Cresson Pennsylvania and making an appropriation to the Hollidaysvurg Volunteer

Fire Company and the Duncansville Volunteer Fire Company for the protection of State property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1651, entitled:

An Act making an appropriation for moneys in the Toll Bridge Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1654, entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1655, entitled:

An Act making an appropriation to the Department of Agriculture for the control of stem rust of wheat oats barley and rye by the eradication of rust spreading barberry bushes and providing for payment thereof to counties making like expenditures of county funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1656, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the preservation protection and development of buildings and grounds at Ephrata Cloisters a famous historical shrine belonging to the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1657, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the preservation and improvement of the Drake Museum and the Drake Well Memorial Park.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1658, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the maintenance and development of the Daniel Boone Homestead.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1659, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the maintenance and development of the Pennsylvania Farm Museum of Landis Valley.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1660, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for repairs to the property known as "Old Economy".

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1665, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in the acquisition of land.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1688, entitled:

An Act making an appropriation to the Department of Property and Supplies for the construction of armory facilities under certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1689, entitled:

An Act making an appropriation to the Department of Property and Supplies for repair and improvements to the Pennsylvania Soldiers' and Sailors' Home at Erie.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1692, entitled:

An Act directing the Legislature Reference Bureau to compile and publish a revised compilation of laws relating to war veterans and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1694, entitled:

An Act making an appropriation to the Department of Welfare for the purpose of administering the "Pennsylvania Hospital Survey and Construction Act of 1947."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1704, entitled:

An Act making an appropriation to the Department of Forests and Waters for payment of the Commonwealth of Pennsylvania's share of costs for salary and expenses of the River Master for the Delaware River required by Decree of the United States Supreme Court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1728, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purchase and installation of equipment for the Commonwealth Cafeteria and expense incident thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1881, entitled:

An Act making an appropriation to the Department of Public Instruction for payment to school districts on account of approved reimbursement rental payable to the State Public School Building Authority municipality authorities and nonprofit corporations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1955, entitled:

An Act amending the act of September 3, 1955 (Appropriation Act No. 17-A) entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August one thousand nine hundred fifty-five," making the moneys appropriated available for flood damage of October 1955.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1975, entitled:

An Act making an appropriation to the Department of Property and Supplies to be used for rehabilitating and reinscribing Chief Cornplanter's monument.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Monday, March 12, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:52 o'clock, p. m., Eastern Standard Time, until Monday, March 12, 1956, at 1:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 7, 1956.

The House met at 10:00 a.m.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Our Father in Heaven, in these quiet moments we beseech Thee to cleanse and purify each one of us and make us instruments of Thine.

Grant that we may be:

Noble instead of ignoble;

Sincere instead of being glib;

Bold for the right instead of timid;

Staunch and unwavering instead of vacillating;

Peace loving instead of pugnacious;

Teachable instead of being impulsive and headstrong;

Enthusiastic rather than melancholy;

Extravagant in our love rather than resentful and peevish.

Lord, save us from ourselves and deliver us so that we may become memorable saints instead of memorable sinners. In Jesus' Name. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal of Tuesday, March 6, 1956, will be postponed until printed. The Chair hears none.

COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 941, 1773, 2009 and 2010.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1956.

To the Honorable, the House of Representatives of the the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 941, Printer's No. 1453, entitled "An Act amending the act of May sixteen one thousand nine hundred thirty-nine (P. L. 208) entitled as amended 'An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net income of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties' changing formula for determining gross receipts where entire business is not transacted in the Commonwealth modifying the manner of imposing tax on certain corporations engaged in business or owning property outside of the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time."

GEORGE M. LEADER.

March 6, 1956.

To the Honorable, the House of Representatives of the the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1723, Printer's No. 1347, entitled "An Act further amending the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled 'An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth' making certain information regarding refunds available for public inspection changing certain provisions as to the imposition and remission of penalties and granting of refunds and clarifying provisions as to settlements."

GEORGE M. LEADER.

March 6, 1956.

To the Honorable, the House of Representatives of the the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 2009, Printer's No. 1460, entitled "An Act to provide revenue for Commonwealth purposes by imposing a tax on the purchase use storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property providing for licenses reports payment and collection of tax interest and penalties assessments collections liens reviews and appeals conferring powers and imposing duties upon the Department of Revenue public officers manufacturers wholesalers retailers corporations partnerships associations and individuals and making an appropriation."

GEORGE M. LEADER.

March 6, 1956.

To the Honorable, the House of Representatives of the the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 2010, Printer's No. 1455, entitled "An Act imposing a tax on the occupancy of rooms in hotels inns motels tourist homes houses or courts lodging houses and rooming houses defined herein as hotels prescribing the manner of collecting the tax providing for licenses imposing duties on and prescribing powers of the Department of Revenue and fixing penalties."

GEORGE M. LEADER.

CERTIFIED COPY OF HOUSE BILL No. 1644 TO BE SUPPLIED

Mr. SNIDER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, March 7, 1956.

Resolved, That House Bill No. 1644, Printer's No. 1198, entitled:

"An Act providing for the construction, transportation, installation, maintenance, marking, use and inspection of liquified compressed gas tanks and containers; prohibiting the filling or refilling of the tanks and containers unless designed for the purpose; authorizing the Department of Labor and Industry to prescribe uniform regulations for the carrying out of the provisions of this act; requiring fees for permits and providing penalties."

having been referred to the Committee on Judiciary Special July 11, 1955, and recommitted to the Committee on Agriculture and Dairy Industries February 7, 1956, and the official copy thereof cannot be found, the Chief Clerk of the House is directed to furnish to the Committee on Agriculture and Dairy Industries a certified copy thereof, which shall be substituted for the original.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 7, entitled:

An Act to provide for an additional law judge of the court of common pleas in the nineteenth judicial district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 297, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number eight and providing for the appointment and election of judges for the court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1217, entitled:

An Act amending the act of July 12, 1913 (P. L. 711) entitled "An act establishng a court for the county of Philadelphia * * *" increasing the number of judges of the Municpal Court of Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1983, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) clarifying provisions relating to the right to participate in the election of county boards of school directors associate district superintendents suspension of professional employes on consolidation of schools rule making power in reference to medical and dental examinations * * *

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1990, entitled:

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning mental health and for related purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 318, entitled:

An Act pertaining to the resignation and retirement of judges under certain conditions fixing their compensation upon resignation or retirement and imposing duties on certain State officers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 333, entitled:

An Act amending the act of January 18, 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing inconsistent laws" increasing the minimum compensation and increments and changing conditions of payment and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 905, entitled:

An Act authorizing the Department of Property and Supplies to acquire by gift ninety-three acres more or less of land with buildings thereon in the City of Pittsburgh Allegheny County for maintenance by the Department of Health as a sanitorium or hospital for the reception and treatment of indigent persons affected with tuberculosis and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 889, entitled:

An Act providing for an additional law judge of the court of common pleas in the thirty-eighth judicial district.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1971, entitled:

An Act relative to Commonwealth printing establishing conditions upon which contracts will be awarded and prescribing remedies and penalties for noncompliance with such conditions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1979, entitled:

An Act amending the act of May 27, 1937 (P. L. 901) entitled "An act for the protection of producers of farm produce * * *" by inserting therein a Section 6 providing for bonding of dealers in farm produce redefining dealers in farm produce and defining cash.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1980, entitled:

An Act to amend section ten of the act approved the thirtieth day of April one thousand nine hundred twenty-nine (P. L. 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock * * *" by providing for bonding of such associations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1981, entitled:

An Act to further amend section eleven of the act approved the twelfth day of June one thousand nine hundred nineteen (P. L. 466) entitled "An act to provide for the incorporation and regulation of coperative agricultural associations not having a capital stock and not conducted for profit and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising beekeeping and horticulture" by providing for bonding of such associations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1984, entitled:

An Act requiring bonds issued by Authorities to be offered for sale at open and competitive bidding and specifying the procedure therefor.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1988, entitled:

An Act to further amend clause seven of section two thousand four hundred one of the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by further regulating the appointment of auditors in union school districts.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1991, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177) providing subsistence allowance for married members of the State Police Force.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2001, entitled:

An Act amending the act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein * * *" fixing a period of limitations for making assessments and for beginning suits for collection of unpaid taxes and reducing the penalty on unpaid taxes.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2013, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) providing for advance payments reimbursements and tuition in the case of area technical schools.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2018, entitled:

An Act amending "The County Code" August 9, 1955 (P. L. 323) authorizing the appointment of solicitors by certain county officials and limiting the duties of the county solicitor.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2021, entitled:

An Act amending "The County Code" approved August 9, 1955 (P. L. 323) providing for the fixing of compensation for officers whose salaries are not prescribed by law.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2045, entitled:

An Act amending the act of July 24, 1913 (P. L. 956) entitled "An act defining commodities regulating the sale thereof and providing penalties for violation hereof" clarifying enforcement provisions of the act.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2051, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) removing certain merger provisions and changing the procedure in the formation of union districts.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2060, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) changing the requirements regarding use of different types of danger and caution signals.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 39, entitled:

An Act amending the act of July eleven one thousand nine hundred and seventeen (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicans dentists veterinarians pharmacists druggists and registered nurses for certain causes and by providing for the enforcement of this act and penalties" further defining drugs coming within the scope of said act and changing the penalties for the illegal sale dispensing or giving away of drugs.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 159, entitled:

An Act amending the act of May 31, 1893 (P. L. 188 No. 138) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" changing the name of Armistice Day to Veterans' Day.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 206, entitled:

An Act amending the act of May 21, 1943 (P. L. 322) entitled "An act providing for the issuance of certified copies of death birth and marriage certificates and divorce decrees by county officers free of charge to disabled war veterans and their dependents in death and compensation cases and prescribing penalties" extending its provisions to veterans of armed conflicts.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 651, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto changing the value of scholarships.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 661, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law * * *" increasing the compensation of assessors.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 802, entitled:

An Act to provide for an additional law judge of the orphans' court in the fifth judicial district.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 865, entitled:

An Act to amend "The Intra-State Tunnel Revenue Bond Act" by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim, financing, through issuance of notes or other obligations of the commission payable solely from revenue of the commission including tolls or from such funds as may be available to the commission for such purpose providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 868, entitled:

An Act authorizing the Department of Forests and Waters to exchange certain lands located in Union Township Bedford County Pennsylvania necessary for improved administration of Blue Knob State Park.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 944, entitled:

An Act amending "The Administrative Code of 1929" requiring cotton fabrics used in State institutions to be flameproofed.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 988, entitled:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 989, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additonal powers with respect to the acquisition of real property and water drainage.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

BILLS PASSED OVER

There being no objection

House Bill No. 641, Printer's No. 1431

was passed over at the request of the SPEAKER.

BILLS ON FINAL PASSAGE

BILL PASSED OVER

There being no objection

House Bill No. 1176, Printer's No. 1415

was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1928, as follows:

An Act amending the act of May 20, 1949 (P. L. 1594) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" extending its provisions to ice milk and ice milk confections and conferring additional powers and duties on the Department of Agriculture changing labeling requirements and regulating sales of packaged ice milk

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 1 to 10 act of May 20, 1949 (P. L. 1594) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbet confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof" are reenacted and amended to read

Section 1 For the purpose of this act "ice cream" is defined as any frozen sweetened milk product which is agitated during the process of freezing and includes every such frozen milk product which contains more than five per centum (5%) by weight of milk fat milk solids not fat or milk fat and milk solids not fat and which in any manner simulates the texture or characteristic of ice cream no matter under what coined or trade name it may be sold but ice cream does not include "ice milk" Ice cream shall be made from a combination of one or more of the following ingredients viz any clean and wholesome cream milk and all forms of milk fat and any clean and wholesome form of milk solids not fat with one or more of the following ingredients sucrose dextrose corn syrup invert sugar any of which may be in dry or syrup form water flavor stablizer emulsifier egg or egg products harmless color which does not conceal either damage or inferiority each of which ingredients shall be wholesome edible material The finished product may contain not more than one-half of one per centum (½ of 1%) by weight of stabilizer and may contain not more than one-fifth of one per centum (1/5 of 1%) by weight

of emulsifier Provided however That the stablizer and/or emulsifier has been approved by the Department of Agriculture The finished product shall contain not less than ten per centum (10%) of milk fat by weight except when fruit nuts cocoa or chocolate cakes or confections are added for the purpose of flavoring then it shall contain not less than ten per centum (10%) by weight of milk fat except for such reduction in milk fat as is due to the addition of such flavoring but in no case shall it contain less than eight per centum (8%) by weight of milk fat and chocolate and cocoa flavored ice cream shall in no event contain less than ten per centum (10%) of total fat

For the purpose of this act "custard ice cream" "french ice cream" "french custard" and "frozen custard" shall conform to the definition and standards hereinbefore defined for "ice cream" no matter under what trade or coined name it may be sold or offered for sale and in addition shall contain not les sthan one and four-tenths per centum (1.4%) by weight of egg yolk solids except when it contains fruit or nuts when it shall contain not less than one and one-tenth per centum (1.1%) by weight of egg yolk solids

For the purpose of this act "ice milk" is defined as any frozen sweetened milk product which is made of the same ingredients as ice cream and in a manner similar to the process used in manufacturing ice cream but which contains less than the minimum percentage of milk fat required for ice cream and not less than fourteen per centum (14%) by weight of total milk solids no matter under what trade or coined name it may be sold or offered for sale The finished product may contain not more than one-half of one per centum (½ of 1%) by weight of stabilizer and may contain not more than one-fifth of one per centum (1/5 of 1%) by weight of emulsifier Provided however That the stabilizer and emulsifier have been approved by the Department of Agriculture

For the purpose of this act "ice milk confections" are defined as "ice milk" manufactured into factory-formed individual servings except they may be frozen without agitation

For the purpose of this act "sherbet" is defined as any frozen sweetened fruit flavored product containing not less than three per centum (3%) nor more than five per centum (5%) by weight of total milk solids the process of manufacture of which is similar to the process of manufacture of ice cream no matter under what trade or coined name it may be sold or offered for sale Sherbet shall be made from any clean and wholesome cream milk and all forms of milk solids and one or more of the following sucrose dextrose corn syrup invert sugar any of which may be in dry or syrup form water fruit or fruit flavoring material stablizer harmless color which does not conceal either damage or inferiority each of which ingredients shall be wholesome edible material The finished product may contain not more than one-half of one per centum (½ of 1%) by weight of stabilizer Provided however That the stabilizer has been approved by the Department of Agriculture and shall contain not less than thirty-five one-hundredths per centum (0.35%) of harmless organic acid as determined by titration with standard alkali and calculated as lactic acid and derived in whole or in part from fruit flavoring material or by the adition of citric tartaric or lactic acid

For the purpose of this act "ice" or "fruit ice" is hereby defined as any frozen sweetened fruit flavored product the process of manufacture of which is similar to the process of manufacture of ice cream no matter under what trade or coined name it may be sold or offered for sale and shall contain no milk solids whatsoever It shall be made from a combination of some or all of the following ingredients viz sucrose dextrose corn syrup invert sugar any of which may be in dry or syrup form water stabilizer harmless coloring which does not conceal either damage or inferiority fruit or fruit flavoring material The finished product shall contain not less than thirty-five one-hundredths per centum (0.35%) of harmless organic acid as determined by titration with standard alkali and calculated as lactic acid and derived in whole or in part from the fruit or fruit flavoring material or by the addition of citric tartaric or lactic acid and the finished product may contain not more than one-half of one per centum (½ of 1%) by weight of stabilizer Provided however That the stabilizer has been approved by the Department of Agriculture

For the purpose of this act "frozen ice confections" are defined as "ice" or "fruit ice" as herein defined manufactured into factoryformed individual servings except they may be frozen without agitation and the acid requirements provided for in the definition of "ice" or "fruit ice" need not be met and imitation flavoring may be used when declared and the product so labeled "imitation"

For the purpose of this act "frozen sherbet confections" are defined as "sherbet" as herein defined manufactured into factoryformed individual servings except they may be frozen without agitation and the acid requirements provided for in the definition of "sherbet" need not be met and imitation flavoring may be used when declared and the product so labeled "imitation"

For the purpose of this act "imitation ice cream" or "ice cream substitute" are defined as (1) any frozen sweetened product regardless of the name under which it is manufactured sold or offered for sale which is made in imitation or semblance of or is manufactured in a manner similar to the process used in manufacturing but is not ice cream custard ice cream ice cream frozen custard ice milk sherbet ice fruit ice ice milk confections frozen ice confection or frozen sherbet confection as defined in this act (2) any frozen sweetened product labeled as a product herein defined which does not comply with such defined standards

For the purpose of this act an "ice cream plant" shall mean any place premises or establishment where ice cream custard ice cream french ice cream frozen custard ice milk sherbet ice fruit ice ice milk confections frozen ice confection or frozen sherbet confection are manufactured prepared or processed for distribution or sale

Section 2 (a) It shall be unlawful for any person by himself or by his agents servants or employes to sell offer for sale expose for sale or have in possession with intent to sell ice cream custard ice cream french ice cream french custard ice milk frozen ice confections or frozen sherbet confections sherbet ice or fruit ice ice milk confections coated or uncoated or the coating thereof which is adulterated within the meaning of this act or to sell offer for sale or expose for sale or have in possession with intent to sell any imitation ice cream or ice cream substitute as defined in this act

(b) It shall be unlawful for any person by himself or by his agents servants or employes to sell offer for sale expose for sale or have in possession with intent to sell any ice cream ice milk custard ice cream french ice cream french custard frozen custard ice milk confections frozen ice confections frozen sherbet confections sherbets ices or fruit ices coated or uncoated which are not registered with the Department of Agriculture as required in this act The possession of any such nonregistered product shall be deemed prima facie evidence of an intent to sell the same Provided however That such establishments as hotels dining rooms and boarding houses where the above named products are produced and consumed only on the premises need not register such products with the Department of Agriculture

(c) It shall be unlawful to import into this Commonwealth for sale any ice cream custard ice cream french ice cream french custard ice milk frozen custard ice milk confections frozen ice confections frozen sherbet confections sherbet ice cream or fruit ice coated or uncoated unless the same are registered with and the manufacture therefore has been licensed by the Department of Agriculture as provided in this act

(d) It shall be unlawful for any person personally or by or through an agent servant or employe to sell offer for sale expose for sale or have in possession with intent to sell ice milk packaged in containers of greater than one-half (½) gallon capacity if the ice milk or any of its ingredients contains added color or any ingredient added for the purpose of imparting a characterizing flavor

Section 3 Any frozen sweetened product referred to in

this act shall be deemed to be adulterated within the meaning of this act

First If it contains any added preservative any artificial sweetener including saccharin dulcin or any other substance or compound that is deleterious to health

Second If it contains any coloring substance deleterious to health Provided That this paragraph shall not be construed to prohibit the use of harmless coloring matter from a list of permitted coloring material established by the Department of Agriculture when such use does not conceal damage or inferiority

Third If it contains any deleterious flavoring matter or flavoring matter not true to name

Fourth If it contains any paraffin synthetic fats oils or fats other than milk fats added to or blended or compounded with it Provided however That chocolate ice cream may contain coca butter and the coating of coated ice cream many contain cocoa butter or other clean and wholesome edible vegetable oils And provided That the use of emulsifying products including lecithin of the nature of polyhydric alcohol esters of fatty acids when approved by the Department of Agriculture and used only to the extent herein provided shall not be deemed in violation of the foregoing provisions

Fifth If it is imitation ice cream or ice cream substitute as defined in this act

Sixth If it is offered for sale from any container compartment or cabinet which contains any article other than ice cream custard ice cream french ice cream french custard ice mik ice milk confections frozen custard frozen ice confections frozen sherbet confections sherbet ice or fruit ice except that ice cream custard ice cream french ice cream french custard ice milk ice milk confections frozen custard frozen ice confections frozen sherbet confections sherbet ice or fruit ice when properly wrapped or packaged by the manufacturer and in unbroken packages or containers for delivery to the consumer may be offered for sale from one or more separate compartments of a refrigerated container or cabinet of which other separate compartments contain properly wrapped unbroken and sealed packages of frozen foods ready for delivery to the consumer Nothing contained in this clause shall be construed to modify in any way section four of this act

Seventh If it falls below the standards or any of them fixed for the particular product by the definition thereof contained in this act or is falsely labeled or labeled contrary to the provisions of this act

Eighth If it is manufactured under conditions not in conformity with the provisions of section five of this act

Ninth If it contains less than one and eight-tenths (1.8) pounds total food solids per gallon in the finished product except in the case of ice milk and ice milk confections if it contains less than one and five-tenths (1.5) pounds total food solids per gallon in the finished product or if it weighs less than four and seventy-five hundredths (4.75) pounds per gallon or if any package or container of a different unit contains less than a proportionate amount of total food solids or weighs proportionately less

Section 4 (a) Every manufacturer shall plainly and distinctly mark every package or container of product sold as ice cream or custard ice cream french ice cream french custard ice milk or ice milk confections frozen custard or sherbet or ice fruit ice or frozen ice confections or frozen sherbet confections or as a combination of these products The products so marked or labeled shall conform with the definitions or standards for such product in this act

(b) It shall be unlawful to sell offer for sale expose for sale or have in possession with intent to sell any ice cream custard ice cream french ice cream french custard ice milk ice milk confections frozen custard frozen ice confections frozen sherbet confections sherbets ices or fruit ices in any container or package which is not plainly and distinctly marked with the name of the manufacturer and the address of the plant of the manufacturer thereof or in lieu of such name and address the name and address of the distributor preceded or followed by the words "distributed by" or "distributor" Packages bearing a distributor's name and address in lieu of the actual name and address of the manufacturer [must bear a code] shall have clearly displayed on the exterior thereof and preceded by the word "Code" or its equivalent a code mark assigned by the Department of Agriculture identifying the manufacturer and the plant where manufactured [Such code record must be kept for five years from the date of sale of the product by both the manufacturer and the distributor and such records shall be open to inspection by the department In addition when products are sold under a distributor's name and address the package or container must bear the words "Registered with the Pennsylvania Department of Agriculture" the following abbreviation being acceptable "Reg Penna Dept Agr" and the code mark shall immediately follow these words]

(c) It shall be unlawful for any person to use or cause or allow to be used any equipment cabinet can or other container or refrigerating device belonging to one ice cream manufacturer for the purpose of preserving or holding any ice cream custard ice cream french ice cream french custard ice milk ice milk confections frozen custard frozen ice confections frozen sherbet confections sherbet ice or fruit ice or any type of frozen food sold or furnished to him by any person not owning said equipment or for any person knowingly to supply or place or deposit ice cream custard ice cream french ice cream french custard ice milk ice milk confections frozen custard frozen ice confections frozen sherbet confections sherbet ice or fruit ice or any type of frozen food of one ice cream manufacturer or distributor in any equipment cabinet can or other container belonging to another ice cream manufacturer or distributor It is unlawful for any person other than the owner to remove erase obliterate cover or conceal any manufacturer's or owner's name insignia device or distinguishing mark which may appear or be placed on any ice cream equipment cabinet can or other container

Section 5 It shall be unlawful to operate any ice cream plant unless it shall be maintained and operated with strict regard for the purity and wholesomeness of the frozen sweetened products produced therein The entire establishment and its appertaining premises including fixtures furnishings machinery apparatus implements utensils receptacles and all equipment used in production keeping storing handling or distributing shall be maintained and operated in a clean sanitary manner All equipment and utensils used in the production of any sweetened frozen product whose surfaces come in contact with any such product or any of the ingredients thereof shall be thoroughly sterilized after using The clothing habits and conduct of the employes shall be conducive to and promote cleanliness and sanitation There shall be proper suitable and adequate toilets and lavatories and equipment for cleansing constructed maintained and operated in a clean and sanitary manner All places where ice cream custard ice cream french ice cream french custard ice milk ice milk confections frozen custard frozen ice confections frozen sherbet confections sherbet ice or fruit ice are made shall be enclosed and the freezers and fillers shall not be operated in a room access to which is allowed to the public unless the freezers fillers and raw materials are set apart in an enclosure so as to prevent contamination

Section 6 (a) It shall be the duty of every person whether resident or nonresident of this Commnowealth operating an ice cream plant or plants to apply to the Department of Agriculture for a license to do so and to register with the department each plant and every brand of product produced or manufactured in such plant on or before the first day of January of each year or before any operation is undertaken if after January first and to pay to the department at the time such application for registration and license is filed an annual license fee which shall expire on the following December thirty-first as follows

For each ice cream plant producing annually not in excess of one hundred thousand (100,000) gallons ten dollars ($10) in excess of one hundred thousand (100,000)

gallons and not in excess of two hundred and fifty thousand (250,000) gallons fifty dollars ($50) and in excess of two hundred and fifty thousand (250,000) gallons one hundred dollars ($100)

(b) The application for a license and registration shall be made on a form to be supplied by the department The application shall have attached thereto the affidavit of the person or of some member or officer of the association co-partnership or corporation applying therefor stating that the facts set forth therein are true and correct

(c) Upon approval of application for registration and license and payment of required license fee and also approval of sanitary conditions in an ice cream plant the Department of Agriculture shall issue to each applicant a license or certificate of registration which shall expire at the end of each calendar year and which will authorize the operation of said plant for the calendar year or portion thereof for which a license or certificate of registration shall be issued

(d) Establishments such as hotels dining rooms and boarding houses where the products defined herein are produced and consumed only on the premises need not comply with the licensing and registration provisions of this act but the other provisions of this law shall apply to such establishments

Section 7 The Department of Agriculture is hereby authorized to revoke any license for cause and where it shall be properly ascertained that the ice cream plant is not operated in a proper and sanitary manner as hereinbefore provided

Section 8 The Department of Agriculture is charged with the enforcement of the provisions of this act Provided however That this provision shall not prevent any person from making complaint in the usual manner before any magistrate alderman or justice of the peace of any city borough incorporated town or township of this Commonwealth where the alleged violation took place for a violation of the provisions of this act

The Department of Agriculture shall adopt promulgate and enforce rules and regulations to carry out the purpose of this act and especially to carry out the following purposes of this act (1) to prevent deception in the sale of ice cream and the other products herein defined and (2) to safeguard the health of consumers and to safeguard the manufacture of ice cream and the other products herein defined whether manufactured in a regular manufacturing plant or in a counter freezer

Section 9 (a) Any person violating any of the provisions of this act or definition and standard of the Department of Agriculture made pursuant thereto shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) and costs of prosecution or in default of such fine and costs in the case of an individual or the officers and members of an association partnership or corporation to undergo an imprisonment in the county jail of not less than thirty (30) days nor more than sixty (60) days and for a third or subsequent offense shall be guilty of a misdemeanor and sentenced to pay a fine not exceeding one thousand dollars ($1000) or in the case of an individual or the officers and members of an association partnership or corporation to undergo an imprisonment not exceeding one year or both in the discretion of the court

All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund

(b) The Attorney General at the request of the department may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining the conduct of business in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 10 (a) The provisions of this act shall not be construed to be impaired or in any way affected by the provisions of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" or its amendments

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—141

Adam,	Gibson,	Lutty,	Schuster,
Amarando,	Goldstein,	Mahan,	Smith, C. C.,
Anderson, S. A.,	Gramlich,	Markley,	Snider,
Ashton,	Guss,	Maxwell,	Stank,
Auker,	Guthrie,	McCann,	Stebbins,
Barnatovich,	Hamilton, R. K.,	McInroy,	Steckel,
Bell,	Hass,	Meholchick,	Stevenson,
Blair,	Haudenshield,	Metz,	Stone,
Boies,	Helm,	Mihm,	Stoner,
Boory,	Henzel,	Mikula,	Strausser,
Bower,	Hocker,	Mills,	Stroup,
Breisch,	Horst,	Moody,	Swartz,
Brennan, A. P.,	Houk,	Moran,	Taylor,
Brennan, J. J.,	Isaacs,	Mullen,	Thomas,
Breth,	Jenkins,	Munley,	Toll,
Brown,	Johnson,	Murphy,	Toomey,
Bucchin,	Jones, T. H. W.,	Murray, H. P.,	Vaughan,
Bullen,	Jump,	Musto,	Wall,
Capano,	Kamyk,	Needham,	Wallace,
Cianfrani,	Kehler,	Ogilvie,	Walsh,
Cioffi,	Keller,	O'Neil,	Wargo,
Curwood,	Kent,	Pacchioli,	Waterhouse,
Davis,	Kline,	Parry,	Weidner,
Donahue,	Knecht,	Pashley,	Welsh,
Erb,	Kolankiewicz,	Paulhamus,	Wescott,
Ewing,	Kooker,	Polaski,	Wheeler,
Farabaugh,	Kromer,	Polen,	Whitenight,
Filo,	Leiby,	Price,	Willaredt,
Flint,	Leisey,	Pursley,	Williams,
Floyd,	Leonard,	Readinger,	Wood,
Flynn,	Leven,	Reibman,	Worley,
Frank,	Light,	Reidenbach,	Yetter,
Frascella,	Limper,	Renwick,	Yetzer,
Frost,	Lopresti,	Rovansek,	Ziegler,
Gaffney,	Lovett,	Sarraf,	Andrews,
Garlock,			Speaker

NAYS—0

NOT VOTING—66

Agnew,	Fineman,	McCormack,	Rigby,
Anderson, M. S.,	Foster,	McGee,	Rosen,
Banker,	Gelfand,	McKeever,	Royer,
Bazin,	George,	McLaughlin,	Rubin,
Bonner,	Gibb,	McWherter,	Rudisill,
Branca,	Greenwood,	Miller,	Scarcelli,
Brenninger,	Heavey,	Monroe,	Sherman,
Cochran,	Hewitt,	Moscrip,	Sigman,
Comer,	Holt,	Muldowney,	Smith, Wm. B.,
Connelly,	Jones, G. E.,	Murray, J. J.,	Stephens,
Cooper,	Kornick,	Murray, P. G.,	Thompson,
Donaldson,	Kratz,	Naugle,	Tompkins,
Dougherty,	Lafore,	Olsen,	Varallo,
Down,	Lawyer,	Petrosky,	Varner,
Ehrgood,	Lippincott,	Pettigrew,	Verona,
Eilberg,	Magee,	Pomeroy,	Wilt,
Eshleman,			Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 2008, Printer's No. 1425 was passed over at the request of the SPEAKER.

BILL ON FINAL PASSAGE POSTPONED

TIME EXTENDED ON BILL

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1219, Printer's No. 383, on page 9 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calender by Mr. READINGER.

The House resumed the consideration on final passage of House Bill No. 1226, as follows:

An Act requiring the State Treasurer and other State officials to deduct the tax imposed by any first class city upon salaries wages and other compensation paid to officers and employes of the Commonwealth residing within that city and to make a return and remit the tax so deducted to the Revenue Commissioner of the city

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be the duty of the State Treasurer or other appropriate State official to deduct at the time of payment of the salary wage or other compensation to any officer or employe of the Commonwealth of Pennsylvania with the exception of elected officials residing within any first class city the tax imposed by the city on the salary wage or other compensation due by the Commonwealth to any officer or employe thereof The State Treasurer or other appropriate State official shall on or before the last day of April July October and January of each year beginning with October 1955 make a return on a form furnished by or obtainable from the Revenue Commissioner of the city and pay to the Revenue Commissioner the amount of tax so deducted for the three months period ending on the last day of the month preceding

Section 2 This act shall take effect immediately

On the question recurring,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I request a slow roll call and only those present be entered on the roll.

Mr. TOLL. Mr. Speaker, I ask for an extension of five days on House Bill 1226 and ask the Speaker to have the bill go over.

Mr. READINGER. Mr. Speaker, I am objecting to passing the bill over.

The SPEAKER. The Chair hears objection.

The Majority Leader has called this bill from the final passage postponed calendar for action.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—52

Adam,	Frank,	Mihm,	Sarraf,
Anderson, S. A.	Gaffney,	Moran,	Schuster,
Barnatovich,	Garlock,	Munley,	Stank,
Boles,	Guss,	Needham,	Taylor,
Boory,	Kamyk,	O'Neil,	Thomas,
Breth,	Leiby,	Pashley,	Toll,
Bucchin,	Leonard,	Petrosky,	Wallace,
Cianfrani,	Leven,	Polaski,	Walsh,
Cioffi,	Limper,	Polen,	Wargo,
Farabaugh,	Lopresti,	Readinger,	Wheeler,
Filo,	Lutty,	Reidenbach,	Williams,
Flint,	McCann,	Renwick,	Yetzer,
Floyd,	McGee,	Rovansek,	Andrews, Speaker

NAYS—89

Amarando,	Gramlich,	Leisey,	Reibman,
Ashton,	Guthrie,	Light,	Rudisill,
Auker,	Hamilton, R. K.,	Lovett,	Smith, C. C.,
Bell,	Hass,	Mahan,	Snider,
Blair,	Haudenshield,	Markley,	Stebbins,
Bower,	Helm,	Maxwell,	Steckel,
Breisch,	Henzel,	McInroy,	Stevenson,
Brennan, A. P.,	Hocker,	Meholchick,	Stoner,
Brennan, J. J.,	Horst,	Mikula,	Strausser,
Brown,	Houk,	Mills,	Stroup,
Bullen,	Isaacs,	Moody,	Swartz,
Capano,	Johnson,	Moscrip,	Toomey,
Curwood,	Jones, T. H. W.,	Mullen,	Vaughan,
Davis,	Jump,	Murphy,	Wall,
Donahue,	Kehler,	Murray, H. P.,	Waterhouse,
Erb,	Keller,	Musto,	Weidner,
Ewing,	Kent,	Ogilvie,	Welsh,
Flynn,	Kline,	Pacchioli,	Wescott,
Frascella,	Knecht,	Parry,	Whitenight,
Frost,	Kolankiewicz,	Paulhamus,	Willaredt,
Gibson,	Kooker,	Price,	Wood,
Goldstein,	Kromer,	Pursley,	Worley,
			Ziegler,

NOT VOTING—66

Agnew,	Fineman,	Magee,	Rosen,
Anderson, M. S.,	Foster,	McCormack,	Royer,
Banker,	Gelfand,	McKeever,	Rubin,
Bazin,	George,	McLaughlin,	Scarcelli,
Bonner,	Gibb,	McWherter,	Sherman,
Branca,	Greenwood,	Metz,	Sigman,
Brenninger,	Heavey,	Miller,	Smith, Wm. B.,
Cochran,	Hewitt,	Monroe,	Stephens,
Comer,	Holt,	Muldowney,	Stone,
Connelly,	Jenkins,	Murray, J. J.,	Thompson,
Cooper,	Jones, G. E.,	Murray, P. G.,	Tompkins,
Donaldson,	Kornick,	Naugle,	Varallo,
Dougherty,	Kratz,	Olsen,	Varner,
Down,	Lafore,	Pettigrew,	Verona,
Ehrgood,	Lawyer,	Pomeroy,	Wilt,
Eilberg,	Lippincott,	Rigby,	Yetter,
Eshleman,			Young,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

REASONS FOR VOTE

Mr. BELL filed the following reasons for his vote.

This bill extends the provisions of the unjust, discriminatory, and confiscatory Philadelphia Wage Tax. I condemn a tax which levies tribute upon the right of a working man to earn his daily bread. This is a tax on the right to have a job. A tax without representation.

What has happened to the principle so sacred to America's freedom, "no taxation without representation?"

I denounce a wage tax, a tax not based upon a man's ability to pay. Any extension of the grasp of the greedy tax monster of City Hall Philadelphia over the wages of non residents is to be condemned by all free men.

TIME EXTENDED ON BILL

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1379, Printer's No. 1196, on page 9 of today's calender, bills on final passage postponed.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. BRETH asked and obtained permission for the Committee on Conservation and Wild Life to meet during the session of the House.

Mr. AUKER. Mr. Speaker, I request that there be no further action on the calendar until this Committee returns.

The SPEAKER. The Committee has been given permission of the House to retire. The Chair would hold it would be within the province of any Member to object to procedure if there is not a constitutional majority present on the floor. If there is a constitutional majority present on the floor, a Member can ask that no bills be considered if the Majority Leader is so disposed. That arrangement can be concluded by mutual consent. The request of the gentleman from Blair of itself is not compelling unless acquiesced in by the respective Floor Leaders.

Mr. READINGER. Mr. Speaker, may I suggest for the gentleman's information that Mr. Polen is about to ask for permission to address the House on some matter not relating to the calendar, and I presume this Committee will have returned before Mr. Polen has finished speaking.

Mr. AUKER. Mr. Speaker, I would like to request that the gentleman from Washington, Mr. Polen, prolong his remarks, which I know he can do long enough so we can get back.

PERMISSION TO ADDRESS HOUSE

Mr. POLEN asked and obtained unanimous consent to address the House.

Mr. Speaker, the Governor today has authorized the Department of Public Instruction to send the warrants for the payment of the subsidies for the third class school districts to the Auditor General.

I know that will be good news to many of the Members who have been pressed by third class districts in their respective districts asking when they are going to receive their money.

It is anticipated when the warrants go over today that within the next twenty-four to forty-eight hours the checks will be on their way to the third class school districts.

I might state that making this move and approving the payment at this time will reduce the balance in the State Treasury below what is considered a safe figure, and both the fiscal offices and the Budget Director realize it, but at the same time the need for the payments to the third class districts is so great, and with the anticipated revenues we expect to receive during the month of March and the heavier receipts in the month of April, we feel we still will be able to have a sufficient balance to carry on the business of the Commonwealth.

Mr. Auker requested that I prolong my remarks until the Committee returned, but I see the gentleman—

The SPEAKER. The Chair might observe that the gentleman from the western part of the state is waiting and anxious to be recognized for the purpose of saying something or other.

Mr. POLEN. I was just going to state, Mr. Speaker, I note the gentleman from McKean, Mr. Johnson, is before the microphone, so I will close my remarks and I feel sure Mr. Johnson will prolong the matter until the Committee returns.

PERMISSION TO ADDRESS HOUSE

Mr. JOHNSON asked and obtained unanimous consent to address the House.

Mr. Speaker, last evening I was referred to in the Senate as the "local yokel from McKean County." Just so they spell my name right, that's all I care about.

Mr. Speaker, I again want to say I am sure the various school boards in third class school districts and the teachers in the third class school districts will be very, very, very pleased to hear the news Mr. Polen has just imparted to us.

The most significant thing he had to say was his first sentence. He said, "I am happy to say that Governor Leader has just given the Department of Public Instruction—or, I believe the State Treasurer orders to start at once to pay the third class school districts." In other words, here is a public admission of the fact that nobody turns a hand on this Capitol Hill unless they get orders from the Governor.

I pointed that out sometime ago when we were arguing the bill whether the Governor should succeed himself, and I pointed out what a powerful chief executive we have in Pennsylvania by the very nature of the office in our state. The way we are set up constitutionally and the various Acts of Assembly we have passed make our Governor, not as an individual in his own right, but as Governor, probably one of the most powerful chief executives in the nation.

I have said here repeatedly at this microphone that back in October when we called the State Treasury and asked how much money there was in the bank, they reported, $40, $50 or $60 million, or whatever it was, and anticipated revenue of $30-some million to $40 million a month. When the query was asked, "Why haven't you paid the schools," the answer would always come back from the Treasurer's office, "If you fellows would pass the revenue bill, then we would get orders from the Governor's office to draw the checks and we would pay the schools."

In October, as you know, when we had the bill up and it was weighted down with amendments which you knew would kill the bill in the Senate, the schools were not paid.

I brought it up again in December, on December 22nd I think it was, when the bill was finally signed. We called the State Treasurer and wanted to know, "Are the checks going to roll to the schools?" They said, "If the Governor will give us orders to release the checks, the schools will be paid."

I have said repeatedly the reason the schools were not paid was not that you would reduce the cash balance of the state down to a dangerous minimum, I still say the reason for it was a deliberate delay in order to create chaos in Pennsylvania so that the finger of scorn would be put on the Republican Party who have been here trying in all sincerity to pass what we felt was a fair, sensible tax program for this great state of ours.

Finally I think the Governor was smoked out and he just simply had to release the checks to the fourth class districts. They could not hold out any longer in good conscience and good grace.

Today, finally, the third class school districts are getting their money. I am very glad to hear it. As I say, I think it has been an unconscionable delay. It could have been done long ago with absolute safety as far as the finances of the state are concerned, because there was no great emergency facing this state which would

require an unusually large amount of cash at any given point. So, as I say, I am very pleased to hear the schools are being paid.

As a result of what we call a side bar conference here, I have received a list of the banks in Pennsylvania who have state funds on deposit. I believe the total for all funds in the banks throughout the state was some $79 million at a time when the banks were lending state funds to fourth class school districts, some of them at four per cent, some of them at five, and a great number of them at six per cent, when the state could have borrowed for one per cent, 1.2 per cent, in that area. So let us not say, let us not have it heard, that the state did not have the money. We had the money, or we had a great facility to borrow the money at cheap rates, so that our schools could have been paid on time.

Mr. POLEN. Mr. Speaker, the gentleman from McKean, Mr. Johnson, stated that the Governor could and did order the State Treasurer to make payment of these school subsidies. That is not correct. The Governor does not order the State Treasurer to make payment of anything. The State Treasurer makes the payments on warrants which are sent from the Department of Public Instruction.

What the gentleman says is true, in October the warrants could have been sent to the State Treasurer and he could have paid the subsidies due the fourth class school districts. But, Mr. Speaker, there would not have been any money left to run the other affairs of this Commonwealth, and the gentleman from McKean well knows it.

He says there is not any large amount of money due at any particular time. I do not know what he calls a large amount, but on the 29th day of February there was around $30 million in debt service due. I explained to him on previous occasions that we could not proceed any faster to pay the fourth class school districts until we knew with a good degree of certainty that we were going to have the funds available to make this debt payment, because we certainly could not default on our bonds and on the interest.

We did sell $27 million of tax anticipation notes. That amount was not sufficient to even pay the debt service. He speaks of $79 million, I believe that was the amount, which was in different banks in the Commonwealth.

I would like to interrogate the gentleman from McKean regarding that amount.

The SPEAKER. Will the gentleman from McKean permit himself to be interrogated?

Mr. JOHNSON. I shall, Mr. Speaker.

Mr. POLEN. Mr. Speaker, I would like to know if the funds the gentleman mentioned as being in different banks in this Commonwealth are in the General Fund of the Commonwealth of Pennsylvania?

Mr. JOHNSON. No, Mr. Speaker, the sheet I have in front of me encompasses all of the various funds throughout the state.

Mr. POLEN. Mr. Speaker, could the gentleman give me the amount that is in the General Fund deposited in banks of Pennsylvania from his figures?

Mr. JOHNSON. Mr. Speaker, on close examination of this report, which I believe is required by law to be published by the State Treasurer, it gives the balance in the several funds at the close of business on November 30, 1955. It is currently being advertised now according to law. So any figures that I would give the gentleman from this sheet would be outdated.

I would venture to say from figures I have received from the Treasury Department in recent weeks that the sums now are even greater than they were back in November, particularly in the Motor License Fund, a fund from which we could with safety have borrowed within the last several months had the bill passed which we introduced on this side to permit that type of borrowing. So I must say that the $79 million figure that I gave was November 30, 1955. I again repeat that I think the figure would be greater as of today if we had the figures in front of us.

Mr. POLEN. Mr. Speaker, although the figure is rather ancient as of this date in considering financial affairs, the question I asked the gentleman was how much of that $79 million deposited in banks was from the General Fund? That is the amount I would like to know.

Mr. JOHNSON. Before I give the gentleman this figure, I want to add a word of explanation.

This figure shows the balance in the General Fund, that is, the cash balance, on November 30th was $15.7 million, but in addition in the General Fund by reason of the purchase of Federal securities, as I stated here once before, in effect, the loaning of money to the Federal Government by the state, there were bonds purchased which ranged anywhere from $45 million to $60 million, depending upon the cash in what we shall call the "floating fund."

I know our State Treasurer in order to garner interest on what is considered surplus state funds generally purchases Federal securities, or loans the money to the Federal Government during interim, so they can get interim interest on idle funds.

Mr. POLEN. Mr. Speaker, I am sorry I do not have the figure in my possession, I have them upstairs, as to what money the state had loaned the Federal Government on December 1st. I have that figure upstairs, but I do not have it here. I know it is over $40 million and is closed to $60 million.

Mr. POLEN. I thank the gentleman, Mr. Speaker.

The gentleman is speaking about the Commonwealth loaning money to the Federal Government. The gentleman well knows, as everyone else knows, that the Commonwealth is not loaning money to the Federal Government. It has been a practice for many years that funds temporarily held in the State Treasury were invested in short term securities that do give an interest return and bring some money into the Commonwealth.

But as to $79 million being available, that is not correct. In any event, and we have been checking these balances daily to see if there would be any time when we could make these payments, you will find when you take into consideration that we have $30 million of debt service due there was not any time until we did pay these fourth class districts that it could have been done with any degree of security to the credit of the Commonwealth.

Those figures and that statement was not made by me, it was made by the fiscal officers of this Commonwealth. They say that a safe operating balance should be around $50 million, and by the gentleman's own statement the cash was down to $15 million, and I would say for his information at that time the temporary investments were about $30 million, so we had approximately $55 million

available. If you take the $40-some-odd million off that was due, you can see to what extent the cash balance would be reduced.

At all times we must keep in mind that we have a stated obligation, the credit of the Commonwealth pledged for the payment of bonds and bond interest due at the last of February. We simply had to maintain a reserve sufficient that under all conditions we would not default upon the obligations of the Commonwealth.

I am not going to prolong this debate any longer. I think any Member of this House or the public who wants to check the daily balances in the State Treasury and check the receipts and ordinary expenses that go on from day to day—they are readily available—will find that at no time was it safe to have made the payments until such a time as we were certain of the sale of the tax anticipation notes to provide the funds necessary at the end of February to pay the bonded indebtedness and the interest on the indebtedness of the Commonwealth.

Mr. McCANN. I would like to have permission of the House to interrogate the gentleman from McKean, Mr. Johnson.

The SPEAKER. Will the gentleman from McKean, Mr. Johnson, permit himself to be interrogated?

Mr. JOHNSON. I shall, Mr. Speaker.

Mr. McCANN. Mr. Speaker, I would like to know if the gentleman from McKean is aware of the payments that are due by law for the second and first class districts, the total and the date they were due?

Mr. JOHNSON. Mr. Speaker, I believe the amounts due are a matter of public record and they are in our Journals. If the gentleman wants to state them, I will accept the figures, because I believe they are correct as he has previously given them to us.

Mr. McCANN. Mr. Speaker, the gentleman from McKean stated that the payments could have been made at the time they were designated. The first and the second class payments constitute $19 million, and the period we are in now, March, the second payment to the fourth class districts is due. Would the gentleman state to the House that in his opinion these payments could have been made, as he stated, on a given date according to the report that he received from the State Treasurer?

Mr. JOHNSON. Mr. Speaker, I am going to give you a rather lengthy explanation. I would say this, here we have the great state of Pennsylvania, our state government—as I previously stated there was $907 million of taxes on our books which would come into the coffers of this state whether we passed a tax program or whether we did not. I have repeatedly said, yes, there was not enough cash in the State Treasury to retire in full the obligation to our schools, but I said I did not think it was a bad idea, in fact, I think it is a good idea, for this great corporation that our state is to borrow, if necessary, $300 million during this period at a nominal rate of interest and pay it out to the school districts. I say that is good husbandry. That is good business.

All corporations borrow money during times when they are getting in heavy inventories. There is nothing wrong with borrowing money to do business in anticipation of future business.

Everybody in this state knew that eventually we would pass an adequate tax program, whether it was a sales tax or an income tax. We had bills offered which would have made it possible to have borrowed on tax anticipation notes, and bankers would have bought our notes. I noticed the last time the state borrowed the $30 million it was around 1.5 per cent the state paid for those.

For me to say there was cash enough in the till to pay those obligations which amounted to over $100 million, no, I could not say that. I said there was cash enough and there was certainly borrowing power enough, which could have been given them in three or four days' time, to have done the job and given the schools their money.

My local district, for instance, went to the local banks and I believe they said, "If you will borrow money from us on a period longer than a year or two years, something like that, we will give you a very attractive rate of interest. But when you come in here and borrow just a few thousand dollars for a short period of time, it will be six per cent." I believe that is what the interest rates were throughout the northern tier up there.

I believe I have made myself clear. I did not say that we had cash enough, but with the cash and with the great borrowing power of this state we could have paid our schools and saved all this hardship, all this trouble and all this turmoil in the state.

The SPEAKER. The Chair requests the gentleman from Armstrong, Mr. Helm, to preside temporarily.

Mr. HELM IN THE CHAIR.

Mr. McCANN. Mr. Speaker, the gentleman from McKean has made his statement, but time and time again the statements have been conflicting, as to the facts and figures presented to this House. I believe everyone in this House sincerely wants to pay, as well as every fiscal officer of this Commonwealth wants to pay, the obligations of the state when they are due.

You will have to admit it was absolutely impossible to meet those payments on any given date by the fact of the figures that were presented by the State Treasurer.

A moment ago a discussion was held regarding the $27 million which is the normal operating expense of this state in any given month. I believe every effort has been made—and I believe I have lived through this problem the worst that it has ever been and it has been rather rough living with it for many months.

I do not believe any of us should try to insert anything into the record except the facts as they are and present them in a true light. As to the statement regarding the amount of money in the General Fund in the banks, I would appreciate any time the gentleman is ready that he present that report as to the amount of money that is available.

This report, I am sure, would be the same report we have received from the State Treasurer. I believe the question can be answered at this moment as to the amount of money that is available from the General Fund.

I realize the third class district payments had to be delayed; the second and first class districts are delayed. Also, the fourth class district payments which are due this month on the second round will necessarily have to be delayed.

I think everything is being done, they are trying to have enough funds in the treasury to pay these obligations, realizing full well that they have been delayed many times in the past, but never as long as this.

I believe I would like to insert into the record that the facts be presented as they are and not be twisted at any given time for any particular purpose, particularly when they deal with school problems.

QUESTION OF INFORMATION

Mr. LOVETT. I rise to a question of information.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LOVETT. Mr. Speaker, is the rule of courtesy and honor between these two bodies the same in the House and the Senate?

The SPEAKER pro tempore. The Chair does not understand the question of the gentleman.

Mr. LOVETT. In other words, may I make this statement: If it is unfair, or unethical, or discourteous, in this House of Representatives to refer to a Senator in the Senate, or the Senate—I have noticed we have been calling it "the place" lately, not even the Senate, but call it "the place." I want to know if the rules of courtesy between these two bodies are the same, if they owe us the same courtesy in the Senate as we owe to the Senators in the House of Representatives?

The SPEAKER pro tempore. Under parliamentary procedure the Rules of this House apply to the operation of this House. Of course, we feel the same Rules should apply in the Senate.

Mr. LOVETT. Mr. Speaker, I thank you.

I just wanted to say I have noticed lately that we are ruled out of order, ruled as being discourteous to the Senators, when we refer to them by name.

I sat in the Senate last evening and as Mr. Johnson stated, "Mobile," "Mobile something," Mr. Johnson from McKean County. I also heard Candidate Smith being referred to in the Senate of Pennsylvania.

Now, if the courtesy exists between the two Houses, I certainly feel if we extend that courtesy to them, they should extend it to us as Members of the Legislature.

BILL ON FINAL PASSAGE POSTPONED

TIME EXTENDED ON BILL

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1864, Printer's No. 1125, on page 9, of today's calendar, bills on final passage postponed.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 730, Printer's No. 1270 together with the communication from the Governor be taken from the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 730

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 730, Printer's No. 1270, for the purpose of amendment.

GEORGE M. LEADER, Governor.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. PETROSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky, vote on the final passage of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 7, page 4, lines 11 to 13, by striking out "other than a licensed veterinarian or one" in line 11, and all of lines 12 and 13 and inserting "who violates any provision of this act or any rule or regulation thereunder shall."

Amend Section 8, page 4, line 19, by striking out "employed by" and inserting "an employe of."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection

House Bill No. 217, Printer's No. 345
House Bill No. 231, Printer's No. 1381 and
House Bill No. 776, Printer's No. 1300

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 885, entitled:

An Act relating to plumbing providing for certification registration and regulation of persons engaged in plumbing creating a State Public Health Plumbing Board in

the Department of Health prescribing its powers and duties and those of local governments with respect thereto and making an appropriation

On the question,

Will the House agree to the bill on third reading?

Mr. SARRAF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 13, page 16, line 1 by inserting after "minimum" standard where a municipality has a code in effect which is equal to or.

Amend Sec. 13, page 16, line 4 by striking out all of said line.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection

House Bill No. 1240, Printer's No. 1419

was passed over at the request of Mr. READINGER.

There being no objection

House Bill No. 1385, Printer's No. 1324

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1527 as follows:

An Act for the protection of the public health and welfare and the prevention of fraud and deception in the manufacture preparation packaging dispensing and sale of non-alcoholic drinks and the use and operation of automatic vending manufacturing equipment relative thereto prohibiting the sale offering or exposing for sale exchange or the giving away thereof unless registered providing for licensing of places of manufacture preparation compounding and packaging and the licensing or registration of automatic vending manufacturing equipment regulating the manufacture compounding labeling selling sanitation and ingredients of non-alcoholic drinks and the display of presses prohibiting misbranding and adulteration authorizing promulgation of rules regulations and standards providing for penalties and for injunctions in certain cases and the disposition of fees and fines

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions As used in this act

(1) "Non-alcoholic drink" includes (I) all carbonated beverages or still drinks (II) fruit or vegetable juices which have been diluted (III) preserved or sterilized flavored non-alcoholic drinks whether sweetened or unsweetened containing any milk skim milk or buttermilk either in fluid form or as solids or any milk product (IV) mineral waters when ready for use as a beverage whether still or carbonated and (V) all other non-intoxicating drinks The term shall not include undiluted concentrated or reconstituted fruit or vegetable juice unsweetened or sweetened unseasoned or seasoned with salt or spice or any combination of two or more of the foregoing

(2) "Reconstituted fruit or vegetable juice" means a product prepared by the replacement of water not in excess of that which had been removed in the preparation of the fruit or vegetable juice concentrate

(3) "Fruit juice" or "vegetable juice" means the natural juice of fruits or vegetables

(4) "Location" means a place having a specific street and numbered address or a specific place which can be identified as a single specific property and in the instance of any application concerning any automatic or vending manufacturing equipment or any vehicle railroad car or marine vessel

(5) "Automatic vending manufacturing equipment" means any equipment device or machine which is coin operated and which prepares mixes carbonates compounds or dispenses non-alcoholic drinks in bulk or in containers other than closed containers which were packaged in a licensed beverage plant and the beverages registered and each container properly labeled as required by this act but it shall not include any equipment which dispenses any beverage at a temperature above 120° F.

Section 2 Sale of Non-alcoholic Drinks or Operation of Automatic vending manufacturing Equipment Forbidden Unless Registered (a) It is unlawful for any person to sell offer or expose for sale or exchange or give away or have in his possession with intent to sell any non-alcoholic drink except such as is manufactured prepared mixed or compounded by him in his own home for consumption by himself his family or his guests or to operate or cause to be operated any automatic vending manufacturing equipment unless the same has been registered with the Department of Agriculture as hereinafter provided The possession of any non-registered non-alcoholic drink or non-registered automatic vending manufacturing equipment shall be deemed prima facia evidence of an intent to sell or operate the same

(b) It is unlawful for any person to import into this Commonwealth for sale any non-alcoholic drink which is not registered with the Department of Agriculture

Section 3 Registration Application Certificate Fee (a) Any person whether a resident or non-resident of this Commonwealth manufacturing preparing or packaging any non-alcoholic drink within the Commonwealth or who offers such drink for sale within the Commonwealth or who sets up or operates any automatic vending manufacturing equipment to prepare or dispense non-alcoholic drinks shall register the beverages and the equipment with the Department of Agriculture by filing an application for the purpose on a form to be prescribed by the Department of Agriculture The application shall state (1) the name and address of the applicant (2) the location of his manufacturing or packaging plant or place of preparation mixing or compounding (3) the place of location of any automatic vending manufacturing equipment and the number of automatic vending manufacturing machines at each location (4) the name of each non-alcoholic drink to be registered (5) such other information as may be required by the Department of Agriculture The application shall be accompanied by a license fee of fifty dollars ($50) for each plant place or location where non-alcoholic drinks are placed in bottles cans or other containers for delivery sale or consumption off the premises where manufactured prepared mixed or compounded and five dollars ($5) for each location (I) where non-alcoholic drinks are prepared stored in bulk and dispensed for consumption on the premises and (II) where non-alcoholic drinks are manufactured prepared mixed carbonated compounded or dispensed and placed in containers for consumption on the premises where manufactured prepared mixed compounded carbonated or dispensed by automatic vending manufacturing equipment provided however that this section shall not apply to the owner or operator of any public restaurant eating place or soda fountain who neither owns

nor operates any automatic manufacturing equipment at said place or any other place

(b) The Department of Agriculture shall issue to each applicant a license of registration for each plant or location where non-alcoholic drinks are manufactured and for each location where automatic vending manufacturing equipment is installed in accordance with the classification of the particular type of operation as specified under the licensing provisions of this act

(c) Where the applicant manufactures or packages non-alcoholic drinks in more than one location for delivery sale or consumption off the premises where manufactured prepared mixed or compounded separate applications shall be made for each location Where the applicant by the use of automatic vending manufacturing equipment manufactures prepares mixes compounds or dispenses or stores in bulk and dispenses non-alcoholic drinks in more than one location and places them in a container for consumption on the premises separate applications shall be made for each location The applicant upon giving written notice to the department may transfer the registration from one location to another

(d) Each license or registration shall expire one year from the issuance thereof unless renewed annually by the payment of the registration fee Certificates of registration issued by the department shall be posted conspicuously at the location covered by the registration

(e) The Department of Agriculture may revoke any registration whenever it determines that any of the provisions of this act or any other act relating to non-alcoholic drinks have been violated

Section 4 Permitted Ingredients (a) No non-alcoholic drink shall be made except from carbohydrates in the form of sucrose dextrose invert sugar corn syrup any of which may be in dry or syrup form pure honey synthetic sweetening agents as hereinafter provided pure flavoring materials with or without added fruit acids or other edible organic acids or orthophosphoric acid or orthophosphates not in excess of one-tenth of one per centum potable water either carbonated or plain milk or milk products caffeine not in excess of one-half grain per six fluid ounces of non-alcoholic drink and edible stabilizers emulsifiers foam producers essential nutrients bitters or preservatives which are not unsafe and are approved by the Department of Agriculture or harmless odor as hereinafter provided Except when synthetic sweetening agents are used non-alcoholic drinks shall contain not less than eight per centum carbohydrate solids by weight except that this requirement shall not apply to dry ginger ale lime or lemon beverages when labeled as "dry" beverages nor to mineral waters nor to cereal non-alcoholic drinks made in imitation of beer or similar bitter drinks which contain less than one-half of one per centum of alcohol by volume nor to milk product non-alcoholic drinks where a specific standard allows for a lesser amount This section does not prohibit the use of caramel colors or any harmless certified approved synthetic coal tar color The Secretary of Agriculture may adopt and issue standards rules and regulations governing the use of color in beverages when the use of the color is likely to mislead the public by imitating or simulating the appearance of a natural fruit juice

(b) Non-alcoholic drinks prepared with synthetic sweetening agents shall not contain any added carbohydrates solids in the form of a sugar nor shall they contain any other carbohydrates in excess of two per centum by weight

(c) Synthetic sweetening agents when used as ingredients shall only be those which are recognized by the Department of Agriculture as not being unsafe under the probable condition and duration of use or use in pathological conditions or by children

(d) Non-alcoholic drinks made in imitation of beer or similar bitter drinks may be either carbonated or still drinks and shall be made from fermentable carbohydrates malted or plain malt extract yeast hops and potable water yeast nutrients may be employed only to the extent necessary when they contain no harmful ingredient and caffeine may be present not in excess of one-half grain per six fluid ounces of finished cereal beverage

Section 5 Adulteration A non-alcoholic drink shall be deemed to be adulaterated if it contains any added boric acid or borates salicylic acid or salicylates formaldehyde sulphurous acid or sulphites hydrofluoric acid or fluorides fluoroborates fluorosilicates or other fluorine compounds hydrogen peroxide or peroxides or perborates dulcion glucin betanaphthol hydronaphthol abrastol asaprol oxides of nitrogen nitrous acid or nitrites compounds of copper pyroligneous acid or any other substance deleterious to health or if it contains any synthetic sweetening agent which may be harmful to health under the conditions of use or if it contains any ingredient not specified in section 4 or if it is not approved by the Secretary of Agriculture Non-alcoholic drinks may contain not in excess of one-tenth of one per centum of benzoate of soda or its equivalent in benzoic acid or such amounts of other preservatives only when they are not unsafe and are approved by the Department of Agriculture provided the bottles cans or other containers are labeled or capped to show that the non-alcoholic drink contains a preservative and the amount thereof Nothing herein prohibits the use of treated potable water as furnished by any approved public water supply

Section 6 Standards and Regulations The Secretary of Agriculture is hereby authorized to adopt and issue rules regulations and standards including a maximum standard of content for any substance that may be deleterious and minimum standards of composition for the proper enforcement of this act and for the protection of the public health and welfare after public notice hearing and the publication of the findings in the official bulletin such rules regulations and standards shall have the full force and effect of law as if they had been specifically enacted by the Legislature

Section 7 Marking Labeling or Capping Sale in Bulk (a) Every bottle or other container of non-alcoholic drink shall be distinctly marked labeled or capped so as to show (1) the true name of the non-alcoholic drink contained therein and (2) the name and address of the licensed manufacturer or packager as specified on the registration certificate

(b) If artificial colors (except caramel color) or flavors are used in the manufacture of non-alcoholic drinks the bottle or other container shall be distinctly marked labeled or capped "artificially colored" "artificially flavored" or "artificially colored and flavored" as the case may be All beverages made in imitation of a natural product shall be distinctly marked labeled or capped with the word "imitation' followed by the name of the natural product imitated and the word "imitation" shall be in similar type at least one-half the size of the name of the product imitated

(c) All non-alcoholic drinks sold from bulk shall be labeled or marked on the container to comply with all the provisions of this act and in a manner whereby the labeling is readily visible to and easily read by the purchaser All automatic vending manufacturing or manual dispensing equipment shall bear a separate label for each non-alcoholic drink which it contains and the label shall disclose the identity of the beverage and comply with all the provisions of this act in a manner that the labeling is readily visible and easily read by the purchaser of the non-alcoholic drink

(d) Non-alcoholic drinks sweetened by the use of synthetic sweetening agents shall be conspicuously labeled "artificially sweetened" immediately preceding the name of the non-alcoholic drink in similar type at least one-half the size of the type used to name the non-alcoholic drink on the same contrasting background and the name of the non-alcoholic drink shall be immediately followed by an informative statement as prescribed by the Department of Agriculture providing among other requirements information as to the use and purpose of the contents the name of the synthetic sweetening agents and the per centum by weight of the synthetic sweetening agent the

number of calories contributed by any carbohydrate and the total calories both in terms of per fluid ounce and per unit of customary use or serving

Section 8 Misbranding (a) A non-alcoholic drink shall be deemed to be misbranded

(1) If it is an imitation of or offered for sale under the distinctive name of another article or if it is colored or flavored in imitation of the genuine color or flavor of another substance without the label indicating use of artificial color or flavor or that it is an imitation

(2) If it is labeled or capped or branded or tagged so that it may tend to deceive or mislead the purchaser

(3) If the bottle or receptacle containing it or its label or cap bears any statement design or device regarding the ingredients or the substances contained therein which statement design or device is false or misleading in any particular

(b) Any non-alcoholic drink which does not contain any substance other than those permitted under section 4 providing it is labeled in accordance with the provisions of this act shall not be deemed to be adulterated or misbranded under the following conditions

(1) In the case of mixtures or compounds which may be now or from time to time hereafter known as non-alcoholic beverages under their own distinctive names and not an imitation of or offered for sale under the name of another article

(2) In the case of non-alcoholic beverages which are labeled capped branded or tagged so as plainly to indicate that they are imitations are artificial or are blends and the word 'Imitation" "Artificial" or "Blend" as the case may be is plainly stated on the container in which it is offered for sale. The term "blend" as used herein shall mean a mixture of like substances not excluding harmless coloring or flavoring ingredients not prohibited by this act and used for the purpose of coloring or flavoring only

(c) If it is offered for sale or labeled in any manner contrary to the provisions of this act or if it bears any statement that indicates it is approved by the Pennsylvania Department of Agriculture

Section 9 Sanitation of Plant Equipment and Ingredients (a) It is unlawful for any person to manufacture prepare compound package or dispense non-alcoholic drinks in an unclean insanitary establishment or under unclean insanitary conditions or to fill or use any ingredient bottle can or other container receptacle or utensil which is unclean or insanitary

(b) All reusable containers for non-alcoholic drinks before being filled shall be cleansed by soaking in a hot caustic solution containing not less than three per centum caustic or alkali expressed in terms of sodium hydroxide for a period of not less than five minutes at not less than one hundred and ten degrees Fahrenheit or other material by a procedure equivalent in cleasing and germicidal effectiveness at such a temperature as may be required upon approval by the Secretary of Agriculture then thoroughly rinsed with potable or sterile water the cleansing solution shall be changed as often as necessary so as to prevent it becoming foul or insanitary provided automatic vending manufacturing equipment and any manually operated dispensing equipment may be cleansed and sterilized by effective cold sterilization procedures when approved by the secretary of agriculture

(c) Automatic vending manufacturing equipment and any manually operated dispensing equipment shall be maintained in a sanitary manner and be constructed in such a manner and of such materials that all parts are readily accessible for cleaning so that the non-alcoholic drinks dispensed therefrom are not contaminated the ingredients of the non-alcoholic drinks and the non-alcoholic drinks shall be maintained and dispensed at a minimum and maximum temperature consistent with proper maintenance and practice accessory areas and refuse containers shall be maintained in a sanitary condition

(d) All non-alcoholic drinks shall be drawn from closed containers or served from individual bottles packages or containers

(e) No non-alcoholic drinks shall be sold or offered for sale from bulk if kept cool by the addition of ice

(f) No non-alcoholic drink shall be manufactured mixed compounded stored or packaged in any container which may contribute any toxic metal or other toxic material to the non-alcoholic drink or in any unlined wooden pail tub or barrel

(g) No non-alcoholic drink shall be made from any ingredient which has been stored in any manner whereby it may become insanitary or which is insanitary filthy decomposed or if it contains any substance which makes it unsafe for use

Section 10 Display of Press It is unlawful for any person to display any press at any place where non-alcoholic drinks are being sold or dispensed unless the press is actually used in the production of the non-alcoholic drinks being sold or dispensed from bulk at such place and time

Section 11 Enforcement Disposition of Fees and Fines (a) The secretary of agriculture shall have the power and it shall be his duty to enforce the provisions of this act

(b) All license or registration fees and fines paid or recovered under the provisions of this act shall be paid to the Secretary of Agriculture and shall by him be paid into the State Treasury through the Department of Revenue

(c) The Secretary of Agriculture and his agents shall have the right to enter at reasonable times into any place where non-alcoholic drinks are manufactured prepared mixed compounded packaged stored or offered for sale to secure necessary samples and to make the necessary sanitary inspections in order to enforce properly the provision of this act

Section 12 Violations Penalty Injunction (a) Any person violating any of the provisions of this act or interfering with or refusing to give access to the Secretary of Agriculture or any of his agents shall upon conviction thereof in a summary proceeding for the first or second offense be sentenced to pay a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) and costs of prosecution and in default of the payment thereof shall be sentenced to undergo imprisonment in the county jail for not less than thirty days nor more than ninety days and for a third or subsequent offense shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both in the discretion of the court

(b) The Attorney General at the request of the secretary of Agriculture may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining the manufacture and sale of non-alcoholic drinks or the operation of automatic vending manufacturing equipment in this Commonwealth contrary to the provisions of this act and for the purpose jurisdiction is hereby conferred upon the court The Attorney General shall not be required to give bond

Section 13 Act Not to Apply to Certain Other Acts This act does not repeal or in any wise affect any of the provisions of the act of May 21, 1937 (P. L. 788) entitled "An act for the protection of the public health and the prevention of fraud and deception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and the use of containers prescribing penalties and providing for injunctions in certain cases"

Section 14 Repeal The act of May 14, 1925 (P. L. 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creat-

ing a special fund in the State Treasury and providing penalties" and the act of March 11, 1909 (P. L. 15) entitled "An act relating to non-alcoholic drinks defining the same and prohibiting the manufacture sale offering for sale exposing for sale or having in possession with intent to sell of any adulterated or misbranded non-alcoholic drinks and providing penalties for the violation thereof and providing for the enforcement thereof" are repealed

Section 15 Effective Date This act shall take effect immediately but any non-alcoholic drink licenses or registrations now in effect shall continue in force until their regular time of expiration

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Gramlich,	McGee,	Schuster,
Amarando,	Guss,	McInroy,	Sherman,
Anderson, S. A.,	Guthrie,	McWherter,	Smith, C. C.,
Ashton,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Auker,	Hass,	Metz,	Snider,
Barnatovich,	Haudenshield,	Mihm,	Stank,
Bell,	Helm,	Mikula,	Stebbins,
Blair,	Henzel,	Mills,	Steckel,
Boies,	Hewitt,	Moody,	Stevenson,
Bonner,	Hocker,	Moran,	Stone,
Boory,	Horst,	Moscrip,	Stoner,
Bower,	Houk,	Mullen,	Strausser,
Breisch,	Isaacs,	Munley,	Stroup,
Brennan, A. P.,	Jenkins,	Murphy,	Swartz,
Brennan, J. J.,	Johnson,	Murray, H. P.,	Taylor,
Breth,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Brown,	Jump,	Musto,	Toll,
Bucchin,	Kamyk,	Naugle,	Tompkins,
Bullen,	Kehler,	Needham,	Toomey,
Capano,	Keller,	Ogilvie,	Vaughan,
Cianfrani,	Kent,	O'Neill,	Wall,
Cioffi,	Kline,	Pacchioli,	Wallace,
Curwood,	Knecht,	Parry,	Walsh,
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	Paulhamus,	Waterhouse,
Erb,	Kromer,	Petrosky,	Weidner,
Ewing,	Leiby,	Polaski,	Welsh,
Farabaugh,	Leisey,	Polen,	Wescott,
Filo,	Leonard,	Price,	Wheeler,
Flint,	Leven,	Pursley,	Whitenight,
Floyd,	Light,	Readinger,	Willaredt,
Flynn,	Limper,	Reibman,	Williams,
Frank,	Lopresti,	Reidenbach,	Wood,
Frascella,	Lovett,	Renwick,	Worley,
Frost,	Lutty,	Rovansek,	Yetter,
Gaffney,	Mahan,	Royer,	Yetzer,
Garlock,	Markley,	Rudisill,	Young,
Gibson,	Maxwell,	Sarraf,	Ziegler,
Goldstein,	McCann,	Scarcelli,	Andrews, Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1753 entitled:

An Act amending the act of July 8, 1941 (P. L. 288) entitled "An act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto" enlarging the power of the court on habeas corpus

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. AUKER. Mr. Speaker, I would like to request that only those answering to their names be recorded. I may ask for a verification.

The SPEAKER pro tempore. At the request of the gentleman from Blair, Mr. Auker, only those Members answering to their names will be recorded.

Mr. AUKER. Mr. Speaker, I believe this bill originated because of extradition proceedings that were instigated through some one of the southern states, North Carolina or Georgia, it does not matter which, on the return of a criminal to that state. It largely devolved around the treatment by that state—

Mr. READINGER. May I request that the gentleman yield for a question?

The SPEAKER pro tempore. Will the gentleman from Blair, Mr. Auker, yield to the gentleman from Berks, Mr. Readinger?

Mr. AUKER. I shall, Mr. Speaker.

Mr. READINGER. Mr. Speaker, may I ask the gentleman if he would object to this bill's being passed over until we have a full membership so they can hear his remarks on the bill?

Mr. AUKER. No objection, Mr. Speaker.

Mr. READINGER. Then I request the bill be passed over.

The SPEAKER pro tempore. The Chair withdraws its decision as to this bill having been passed on third reading.

BILLS PASSED OVER

There being no objection

House Bill No. 1753, Printer's No. 1420

was passed over at the request of Mr. READINGER.

There being no objection

House Bill No. 1782, Printer's No. 1114

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1801 as follows:

An Act to further amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collections and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its

sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by defining the term "predecessor in title"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1401 of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as reenacted by the act approved the nineteenth day of August one thousand nine hundred fifty-three (P. L. 1146) is hereby further amended to read as follows

Section 1401 Liens of Taxes Interest Penalties and Other Accounts Due to the Commonwealth All State taxes imposed under the authority of any law of this Commonwealth now existing or that may hereafter be enacted and unpaid bonus penalties and all public accounts settled assessed or determined against any corporation association **or person including interest** thereupon shall be a first lien upon the franchises and property both real and personal of such corporation association or person from the date of settlement assessment or determination and whenever the franchises or property of a corporation association or person shall be sold at a judicial sale all taxes interest bonus penalties and public accounts due the Commonwealth shall first be allowed and paid out of the proceeds of such sale before any judgment mortgage or any other claim or lien against such corporation association or person Provided however Where the lien of a ground rent mortgage or other lien created by or entered against a predecessor in title to such corporation association or person is discharged by a judicial sale the lien of the Commonwealth shall be transferred from the property sold to the fund realized from the sale and the purchaser shall take free of the lien of the Commonwealth notwithstanding that the fund may be insufficient to pay all or any part of the same and on distribution of the fund the Commonwealth's lien shall be postponed in payment to said lien or liens created by or entered against such predecessor in title but shall not be postponed in payment to local taxes or municipal claims [;] Provided however That when such a corporation conveys property to any person for the purpose of having such person create an encumbrance upon such property and reconveying the same to the corporation subject to such encumbrance such a person shall not be considered a predecessor in title within the meaning of this section Provided further That the Department of Revenue with the approval of the Attorney General and Auditor General may release from the lien of such taxes such part or parts of the real property of any corporation as may be requested by such corporation or owners or lien creditors thereof upon payment of such proportionate part of the taxes due as the value of the real property released bears to the value of all the real property bound by such lien except in cases where the value of the real property requested to be released is less than the proportionate share of the taxes due then upon payment of such portion of the taxes due as may be deemed equitable by the Department of Revenue with approval of the Attorney General and Auditor General not exceeding however the value of the real property requested to be released and the department shall furnish the person or corporation paying such tax with a certificate showing the property released which certificate may be recorded in the office of the recorder of deeds of the county in which the land lies But the lien of transfer inheritance taxes shall be limited to the property chargeable therewith and unless such taxes shall be sued for within five years after they are due they shall cease to be a lien as against any purchaser of real estate

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Guss,	McInroy,	Sherman,
Amarando,	Guthrie,	McWherter,	Smith, C. C.,
Anderson, S. A.,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Ashton,	Hass,	Metz,	Snider,
Auker,	Haudenshield,	Mihm,	Stank,
Barnatovich,	Helm,	Mikula,	Stebbins,
Bell,	Henzel,	Mills,	Steckel,
Blair,	Hewitt,	Moody,	Stevenson,
Boles,	Hocker,	Moran,	Stone,
Bonner,	Horst,	Moscrip,	Stoner,
Boory,	Houk,	Mullen,	Strausser,
Bower,	Isaacs,	Munley,	Stroup,
Breisch,	Jenkins,	Murphy,	Swartz,
Brennan, A. P.,	Johnson,	Murray, H. P.,	Taylor,
Brennan, J. J.,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Breth,	Jump,	Musto,	Toll,
Brown,	Kamyk,	Naugle,	Tompkins,
Bucchin,	Kehler,	Needham,	Toomey,
Bullen,	Keller,	Ogilvie,	Vaughan,
Capano,	Kent,	O'Neil,	Wall,
Cianfrani,	Kline,	Pacchioli,	Wallace,
Cioffi,	Knecht,	Parry,	Walsh,
Curwood,	Kolankiewicz,	Pashley,	Wargo,
Davis,	Kooker,	Paulhamus,	Waterhouse,
Donahue,	Kromer,	Petrosky,	Weidner,
Erb,	Leiby,	Polaski,	Welsh,
Ewing,	Leisey,	Polen,	Wescott,
Farabaugh,	Leonard,	Price,	Wheeler,
Filo,	Leven,	Pursley,	Whitenight,
Flint,	Light,	Readinger,	Willaredt,
Floyd,	Limper,	Reibman,	Williams,
Flynn,	Lopresti,	Renwick,	Wood,
Frank,	Lovett,	Reidenbach,	Worley,
Frascella,	Lutty,	Rovansek,	Yetter,
Frost,	Mahan,	Royer,	Yetzer,
Gaffney,	Markley,	Rudisill,	Young,
Garlock,	Maxwell,	Sarraf,	Ziegler,
Gibson,	McCann,	Scarcelli,	Andrews,
Goldstein,	McGee,	Schuster,	Speaker
Gramlich,			

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kornick,	Olsen,
Anderson, M. S.,	Eilberg,	Kratz,	Pettigrew,
Banker,	Eshleman,	Lafore,	Pomeroy,
Bazin,	Fineman,	Lawyer,	Rigby,
Branca,	Foster,	Lippincott,	Rosen,
Brenninger,	Gelfand,	Magee,	Rubin,
Cochran,	George,	McCormack,	Sigman,
Comer,	Gibb,	McKeever,	Stephens,
Connelly,	Greenwood,	McLaughlin,	Thompson,
Cooper,	Heavey,	Miller,	Varallo,
Donaldson,	Holt,	Monroe,	Varner,
Dougherty,	Jones, G. E.,	Muldowney,	Verona,
Down,		Murray, P. G.,	Wilt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous permission to address the House.

Mr. Speaker, during this entire session I do believe the Majority Leader has had quite a job on his hands. He has had sometimes an unruly majority and sometimes no majority at all.

Just recently a friend of mine, who is also very well acquainted with the Majority Leader, happened to see something which reminded him very much of the Majority Leader. It was a little cowboy riding a horse. He said, "I can see Al Readinger with his spurs dug in riding and holding on there and really doing a job." And he said, "I remember when he gave you that little bear with a cymbol that you have there on your mantel in the office that claps every day as you walk in."

So we have a little gift here which we would like to present to the Majority Leader and we hope he will wind it up for the benefit of the Members, just show them how it works.

I might suggest that if the Majority Leader will lift the horse's tail up it works much better, it bucks a lot more.

Mr. READINGER. Mr. Speaker, I fear I am going to be embarrassed.

The SPEAKER pro tempore. Will the gentleman from Berks, Mr. Readinger, hold it up so the Members can see how it works?

Mr. READINGER. I certainly will. I am trying to figure out how it is operated.

Mr. Speaker, I hope the Chair will indulge me while I play with this for a moment.

Mr. Speaker, I am deeply indebted to the Minority Leader for this beautiful gift. It puts that monkey to shame that I gave him.

I do not know whether you can see this cowboy riding a donkey or not, but I am glad he is fixed on good and solid or he would be like me, all over the lot, the way things have been going up here.

I do wish to say thanks for the thought and consideration of the Minority Leader and to assure him I hope I can keep those spurs dug in real deep until we adjourn sine die.

The SPEAKER pro tempore. The Chair would like to inquire of the Majority Leader whether it is a bucking bronco or a jubiliant Democratic donkey?

Mr. READINGER. The latter.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1809, as follows:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for the release of land subdivision improvement encumbrances in certain instances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4005 act of June 23, 1931 (P. L. 932) known as "The Third Class City Code" reenacted and amended June 28, 1951 (P. L. 662) is amended to read

Section 4005 Approval of Plans of Building Lots Conflict of Jurisdiction All plans plots or re-plots of lands laid out in building lots and the streets or other portions of the same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto and located within the city limits or for a distance of three miles outside thereof shall be submitted to the city planning commission and be approved by it before it shall be recorded No plan plot or re-plot shall be received or recorded in any public office unless the same shall bear thereon by endorsement or otherwise the approval of the city planning commission as required by law The disapproval of any such plan by the city planning commission shall be deemed a refusal of the proposed dedication shown thereon

Where the plans plots or re-plots have been approved by the city planning commission purchasers and mortgagees of lots within the plans with or without buildings thereon or on any of them shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements as set out in said plans plots or re-plots and any failure to complete or properly complete said improvements shall not encumber any or all of the lots of the subdivision

The approval of the commission shall be deemed an acceptance of the proposed dedication but shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the city shall have made actual appropriation of the same by acceptance entry use or improvement No sewer water or gas main or pipes or other improvement shall be voted or made within the area under the jurisdicition of said commission for the use of any such purchasers or owners nor shall any permit for connection with or other use of any such improvement existing or for any other reason made be given to any such purchasers or owners until such plan is so approved Where the jurisdictional limit of three miles outside of the city limits as provided in this section may conflict with the zone of similar character connected with another municipality the jurisdiction of said commission shall extend only to the point equidistant between the city limits and the limits of said municipality

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Guss,	McGee,	Schuster,
Amarando,	Guthrie,	McInroy,	Sherman,
Anderson, S. A.,	Hamilton, R. K.,	McWherter,	Smith, C. C.,
Ashton,	Hass,	Meholchick,	Smith, Wm. B.

Auker,	Haudenshield,	Metz,	Snider,
Barnatovich,	Helm,	Mihm,	Stank,
Bell,	Henzel,	Mikula,	Stebbins,
Blair,	Hewitt,	Mills,	Steckel,
Boies,	Hocker,	Moody,	Stevenson,
Bonner,	Horst,	Moran,	Stone,
Boory,	Houk,	Moscrip,	Stoner,
Bower,	Isaacs,	Mullen,	Strausser,
Breisch,	Jenkins,	Munley,	Stroup,
Brennan, A. P.,	Johnson,	Murphy,	Swartz,
Brennan, J. J.,	Jones, T. H. W.,	Murray, H. P.,	Taylor,
Breth,	Jump,	Murray, J. J.,	Thomas,
Brown,	Kamyk,	Musto,	Toll,
Bucchin,	Kehler,	Naugle,	Tompkins,
Bullen,	Keller,	Needham,	Toomey,
Capano,	Kent,	Ogilvie,	Vaughan,
Cianfrani,	Kline,	O'Neil,	Wall,
Cioffi,	Knecht,	Pacchioli,	Wallace,
Curwood,	Kolankiewicz,	Parry,	Walsh,
Davis,	Kooker,	Pashley,	Wargo,
Donahue,	Kromer,	Paulhamus,	Waterhouse,
Erb,	Leiby,	Petrosky,	Weidner,
Ewing,	Leisey,	Polaski,	Welsh,
Farabaugh,	Leonard,	Polen,	Wescott,
Filo,	Leven,	Price,	Wheeler,
Flint,	Light,	Pursley,	Whitenight,
Floyd,	Limper,	Reibman,	Willaredt,
Flynn,	Lopresti,	Reidenbach,	Williams,
Frank,	Lovett,	Readinger,	Wood,
Frascella,	Lutty,	Renwick,	Worley,
Frost,	Mahan,	Rovansek,	Yetter,
Gaffney,	Markley,	Royer,	Yetzer,
Garlock,	Maxwell,	Rudisill,	Young,
Gibson,	McCann,	Sarraf,	Ziegler,
Goldstein,		Scarcelli,	Andrews,
Gramlich,			Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1810, as follows

An Act amending the act of May 13, 1927 (P. L. 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" providing for the release of subdivision improvement encumbrances in certain instances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 10 act of May 3, 1927 (P. L. 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" amended May 11, 1939 (P. L. 123) is amended to read

Section 10 Platting Regulations Before exercising the powers referred to in section nine the planning commission shall adopt general regulations governing the subdivision of land within its jurisdiction Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan for adequate and convenient open spaces for traffic utilities access of fire-fighting apparatus recreation light and air and for the avoidance of congestion of population including minimum width and area of building lots

Such regulations may include provisions as to the extent to which streets and other public ways shall be graded and improved and to which water and sewer and other utilities mains piping or other facilities shall be installed as a condition precedent to the approval of the plat The regulations or practice of the commission may provide for a tentative approval of the plat previous to such installation but any such tentative approval shall be revocable and shall not be entered on the plat In lieu of the completion of such improvements and utilities prior to the final approval of the plat the commission may accept a bond with surety to secure to the city the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission The city is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies

All such regulations shall be published and be available for distribution upon request

Where the subdivision plan has been completed as tentatively approved and the plat has been finally approved by the commission or if prior to completion of such improvements and utilities and final approval of the plat a bond with surety to secure the city the actual construction and installation of such improvements and utilities has been accepted by the commission subsequent purchasers and mortgagees of lots in the subdivision with or without buildings thereon or on any of them shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements and utilities above mentioned as set out in said plat or required as a condition precedent to the approval of the plat and any failure to complete or properly complete such improvements and utilities shall not encumber any or all of the lots of the subdivision Final approval of the plat by the commission shall be considered as proof that the improvements and utilities have been completed and accepted by the commission or that a lawful and adequate bond with surety has been approved and accepted

In exercising its said powers the planning commission shall take into consideration the local conditions of the particular district affected by the proposed subdivision of land the existing buildings or improvements on adjoining

or adjacent land and the building line established or observed thereon the extent of the use of any streets or highways upon which the proposed subdivision abuts by motor or other vehicles and pedestrians and the effect of the proposed subdivision upon the public welfare with particular reference to the district of which the proposed subdivision is a part and irrespective of the minimum requirements of any zoning regulations shall disapprove any subdivision which would be detrimental to such public welfare

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Gramlich,	McGee,	Schuster,
Amarando,	Guss,	McInroy,	Sherman,
Anderson, S. A.,	Guthrie,	McWherter,	Smith, C. C.,
Ashton,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Auker,	Hass,	Metz,	Snider,
Barnatovich,	Haudenshield,	Mihm,	Stank,
Bell,	Helm,	Mikula,	Stebbins,
Blair,	Henzel,	Mills,	Steckel,
Boles,	Hewitt,	Moody,	Stevenson,
Bonner,	Hocker,	Moran,	Stone,
Boory,	Horst,	Moscrip,	Stoner,
Bower,	Houk,	Mullen,	Strausser,
Breisch,	Isaacs,	Munley,	Stroup,
Brennan, A. P.,	Jenkins,	Murphy,	Swartz,
Brennan, J. J.,	Johnson,	Murray, H. P.,	Taylor,
Breth,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Brown,	Jump,	Musto,	Toll,
Bucchin,	Kamyk,	Naugle,	Tompkins,
Bullen,	Kehler,	Needham,	Toomey,
Capano,	Keller,	Ogilvie,	Vaughan,
Cianfrani,	Kent,	O'Neil,	Wall,
Cioffi,	Kline,	Pacchioli,	Wallace,
Curwood,	Knecht,	Parry,	Walsh,
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	Paulhamus,	Waterhouse,
Erb,	Kromer,	Petrosky,	Weidner,
Ewing,	Leiby,	Polaski,	Welsh,
Farabaugh,	Leisey,	Polen,	Wescott,
Filo,	Leonard,	Price,	Wheeler,
Flint,	Leven,	Pursley,	Whitenight,
Floyd,	Light,	Readinger,	Willaredt,
Flynn,	Limper,	Reibman,	Williams,
Frank,	Lopresti,	Reidenbach,	Wood,
Frascella,	Lovett,	Renwick,	Worley,
Frost,	Lutty,	Rovansek,	Yetter,
Gaffney,	Mahan,	Royer,	Yetzer,
Garlock,	Markley,	Rudisill,	Young,
Gibson,	Maxwell,	Sarraf,	Ziegler,
Goldstein,	McCann,	Scarcelli,	Andrews, Speaker

NAYS—0.

NOT VOTING—51.

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1811 as follows:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for the release of land subdivision improvement encumbrances in certain instances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (c) of section 3066 act of June 24 1931 (P. L. 1206) known as "The First Class Township Code" re-enacted amended and revised May 27, 1949 (P. L. 1955) is amended to read

Section 3066 Subdivisions Wherein Lots Abut Existing Streets of Insufficient Width or Proposed Streets

* * * *

(c) Improvements or Guarantee Thereof Prerequisite to Approval of Plan Before approving any subdivision plan for recording the board of township commissioners shall either require that the necessary grading paving and other street improvements including where specified by the board curbs sidewalks street lights fire hydrants water mains sanitary sewers and storm sewers shall have been installed in strict accordance with the standards and specifications of the township or that the township be assured by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements as estimated by the township engineer that the said improvements will subsequently be installed by the owner Where the subdivision plan has been approved and recorded either after the specified improvements have been completed and approved by the Board of Township Commissioners or if prior to completion upon proper completion guarantee as aforesaid purchasers and mortgagees of lots in the subdivision with or without buildings thereon or on any of them shall be relieved of any and all liability for any defiiciency in lack of or failure to complete the improvements above mentioned as set out in said plan or required as a condition precedent to the approval of the plan of subdivision and any failure to complete or properly complete said improvements shall not encumber any or all of the lots in the subdivision Recording of the plan of the subdivision upon which plan the approval by the Board of Commissioners acting by the Township Engineer or other authorized official or officials is indicated shall be considered as proof that the improvements have been completed and approved by the Board of Commissioners or that proper completion guarantee has been filed with and approved by the Board of Commissioners

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill bass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Gramlich,	McGee,	Schuster,
Amarando,	Guss,	McInroy,	Sherman,
Anderson, S. A.,	Guthrie,	McWherter,	Smith, C. C.,
Ashton,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Auker,	Hass,	Metz,	Snider,
Barnatovich,	Haudenshield,	Mihm,	Stank,
Bell,	Helm,	Mikula,	Stebbins,
Blair,	Henzel,	Mills,	Steckel,
Boles,	Hewitt,	Moody,	Stevenson,
Bonner,	Hocker,	Moran,	Stone,
Boory,	Horst,	Moscrip,	Stoner,
Bower,	Houk,	Mullen,	Strausser,
Breisch,	Isaacs,	Munley,	Stroup,
Brennan, A. P.,	Jenkins,	Murphy,	Swartz,
Brennan, J. J.,	Johnson,	Murray, H. P.,	Taylor,

Breth,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Brown,	Jump,	Musto,	Toli,
Bucchin,	Kamyk,	Naugle,	Tompkins,
Bullen,	Kehler,	Needham,	Toomey,
Capano,	Keller,	Ogilvie,	Vaughan,
Cianfrani,	Kent,	O'Neil,	Wall,
Cioffi,	Kline,	Pacchioli,	Wallace,
Curwood,	Knecht,	Parry,	Walsh,
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	Paulhamus,	Waterhouse,
Erb,	Kromer,	Petrosky,	Weidner,
Ewing,	Leiby,	Polaski,	Welsh,
Filo,	Leisey,	Polen,	Wescott,
Flint,	Leonard,	Price,	Wheeler,
Floyd,	Leven,	Pursley,	Whitenight,
Flynn,	Light,	Readinger,	Willaredt,
Frank,	Limper,	Reibman,	Williams,
Farabaugh,	Lopresti,	Reidenbach,	Wood,
Frascella,	Lovett,	Renwick,	Worley,
Frost,	Lutty,	Rovansek,	Yetter,
Gaffney,	Mahan,	Royer,	Yetzer,
Garlock,	Markley,	Rudisill,	Young,
Gibson,	Maxwell,	Sarraf,	Ziegler,
Goldstein.	McCann,	Scarcelli,	Andrews, Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1812 as follows:

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the release of land subdivision improvement encumbrances in certain instances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (c) of section 1676 act of May 4, 1927 (P. L. 519) known as "The Borough Code" added July 19, 1951 (P. L. 1026) is amended to read

Section 1676 Subdivisions Wherein Lots Abut Existing Streets of Insufficient Width or Proposed Streets

* * *

(c) Improvements or Guarantee Thereof Prerequisite to Approval of Plan Before approving any subdivision plan council shall require either that the necessary grading paving and other street improvements including where specified by council curbs sidewalks street lights fire hydrants water mains sanitary sewers and storm sewers shall have been installed in strict accordance with the standards and specifications of the borough or that the borough be assured in the form of a bond or deposit of funds or securities in escrow sufficient to cover the cost to the owner of the required improvements as estimated by the borough engineer or any other person designated by council that the said improvements will subsequently be installed by the owner of said subdivision lot tract or parcel of land Where the subdivision plan has been approved and recorded either after the specified improvements have been completed and approved by council or if prior to completion upon proper completion guarantee as aforesaid purchasers and mortgagees of lots in the subdivision with or without buildings thereon or on any of them shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements above mentioned as set out in said plan or required as a condition precedent to the approval of the plan of subdivision and any failure to complete or properly complete said improvements shall not encumber any or all of the lots in the subdivision Recording of the plan of the subdivision upon which plan the approval by council acting by the borough engineer or other authorized official or officials is indicated shall be considered as proof that the improvements have been completed and approved by council or that proper completion guarantee has been filed with and approved by council

* * *

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Gramlich,	McGee,	Schuster,
Amarando,	Guss,	McInroy,	Sherman,
Anderson, S. A.,	Guthrie,	McWherter,	Smith, C. C.,
Ashton,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Auker,	Hass,	Metz,	Snider,
Barnatovich,	Haudenshield,	Mihm,	Stank,
Bell,	Helm,	Mikula,	Stebbins,
Blair,	Henzel,	Mills,	Steckel,
Boies,	Hewitt,	Moody,	Stevenson,
Bonner,	Hocker,	Moran,	Stone,
Boory,	Horst,	Moscrip,	Stoner,
Bower,	Houk,	Mullen,	Strausser,
Breisch,	Isaacs,	Munley,	Stroup,
Brennan, A. P.,	Jenkins,	Murphy,	Swartz,
Brennan, J. J.,	Johnson,	Murray, H. P.,	Taylor,
Breth,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Brown,	Jump,	Musto,	Toll,
Bucchin,	Kamyk,	Naugle,	Tompkins,
Bullen,	Kehler,	Needham,	Toomey,
Capano,	Keller,	Ogilvie,	Vaughan,
Cianfrani,	Kent,	O'Neil,	Wall,
Cioffi,	Kline,	Pacchioli,	Wallace,
Curwood,	Knecht,	Parry,	Walsh,
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	Paulhamus,	Waterhouse,
Erb,	Kromer,	Petrosky,	Weidner,
Ewing,	Leiby,	Polaski,	Welsh,
Farabaugh,	Leisey,	Polen,	Wescott,
Filo,	Leonard,	Price,	Wheeler,
Flint,	Leven,	Pursley,	Whitenight,
Floyd,	Light,	Readinger,	Willaredt,
Flynn,	Limper,	Reibman,	Williams,
Frank,	Lopresti,	Reidenbach,	Wood,
Frascella,	Lovett,	Renwick,	Worley,
Frost,	Lutty,	Rovansek,	Yetter,
Gaffney,	Mahan,	Rudisill,	Yetzer,
Garlock,	Markley,	Royer,	Young,
Gibson,	Maxwell,	Sarraf,	Ziegler,
Goldstein,	McCann,	Scarcelli,	Andrews, Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1813, as follows:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for the release of land subdivision improvement encumbrances in certain instances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (c) of section 1206-A act of May 1, 1933 (P. L. 103) known as "The Second Class Township Code" added May 24, 1951 (P. L. 370) is amended to read

Section 1206-A Subdivisions Wherein Lots Abut Existing Streets of Insufficient Width or Proposed Streets

(c) Improvements or Guarantee Thereof Prerequisite to Approval of Plan Before approving any subdivision plan for recording the board of township supervisors shall either require that the necessary grading paving and other street improvements including where specified by the board curbs sidewalks street lights fire hydrants water mains sanitary sewers and storm sewers shall have been installed in strict accordance with the standards and specifications of the township or that the township be assured by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements as estimated by the township engineer or township supervisors that the said improvements will subsequently be installed by the owner Where the subdivision plan has been approved and recorded either after the specified improvements have been completed and approved by the Board of Township Supervisors or if prior to completion upon proper completion guarantee as aforesaid purchasers and mortgagees of lots in the subdivision with or without buildings thereon or on any of them shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements above mentioned as set out in said plan or required as a condition precedent to the approval of the plan of subdivision and any failure to complete or properly complete said improvements shall not encumber any or all of the lots in the subdivision Recording of the plan of the subdivision upon which plan the approval by the Board of Supervisors acting by the Township Engineer or other authorized official or officials is indicated shall be considered as proof that the improvements have been completed and approved by the Board of Supervisors or that proper completion guarantee has been filed with and approved by the Board of Supervisors

* * *

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Gramlich,	McGee,	Schuster,
Amarando,	Guss,	McInroy,	Sherman,
Anderson, S. A.,	Guthrie,	McWherter,	Smith, C. C.,
Ashton,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Auker,	Hass,	Metz,	Snider,
Barnatovich,	Haudenshield,	Mihm,	Stank,
Bell,	Helm,	Mikula,	Stebbins,
Blair,	Henzel,	Mills,	Steckel,
Boies,	Hewitt,	Moody,	Stevenson,
Bonner,	Hocker,	Moran,	Stone,
Boory,	Horst,	Moscrip,	Stoner,
Bower,	Houk,	Mullen,	Strausser,
Breisch,	Isaacs,	Munley,	Stroup,
Brennan, A. P.,	Jenkins,	Murphy,	Swartz,
Brennan, J. J.,	Johnson,	Murray, H. P.,	Taylor,
Breth,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Brown,	Jump,	Musto,	Toll,
Bucchin,	Kamyk,	Naugle,	Tompkins,
Bullen,	Kehler,	Needham,	Toomey,
Capano,	Keller,	Ogilvie,	Vaughan,
Cianfrani,	Kent,	O'Neil,	Wall,
Cioffi,	Kline,	Pacchioli,	Wallace,
Curwood,	Knecht,	Parry,	Walsh,
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	Paulhamus,	Waterhouse,
Erb,	Kromer,	Petrosky,	Weidner,
Ewing,	Leiby,	Polaski,	Welsh,
Farabaugh,	Leisey,	Polen,	Wescott,
Filo,	Leonard,	Price,	Wheeler,
Flint,	Leven,	Pursley,	Whitenight,
Floyd,	Light,	Readinger,	Willaredt,
Flynn,	Limper,	Reibman,	Williams,
Frank,	Lopresti,	Reidenbach,	Wood,
Frascella,	Lovett,	Renwick,	Worley,
Frost,	Lutty,	Rovansek,	Yetter,
Gaffney,	Mahan,	Royer,	Yetzer,
Garlock,	Markley,	Rudisill,	Young,
Gibson,	Maxwell,	Sarraf,	Ziegler,
Goldstein,	McCann,	Scarcelli,	Andrews, Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence

BILLS PASSED OVER

There being no objection

House Bill No. 1829, Printer's No. 1203

was passed over at the request of Mr. AUKER.

There being no objection

House Bill No. 1839, Printer's No. 1120

was passed over at the request of the SPEAKER pro tempore.

There being no objection

House Bill No. 1865, Printer's No. 1421

was passed over at the request of Mr. SARRAF.

There being no objection

House Bill No. 1891, Printer's No. 1427

was passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceded to the third reading and consideration of House Bill No. 1892, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and

the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and crtain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," increasing compensation of members of the State Civil Service Commission.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

QUESTION OF INFORMATION

Mr. BELL. Mr. Speaker, I rise to a question of information.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BELL. Mr. Speaker, once a bill has been called up for a roll call, can it then be deferred?

The SPEAKER pro tempore. By unanimous consent of the House.

Mr. BELL. Thank you, Mr. Speaker.

The SPEAKER pro tempore. What is the pleasure of the Majority Leader?

Mr. READINGER. I suggest that we pass it over until we have a full House, unless there is objection.

The SPEAKER pro tempore. The Chair withdraws its decision as to this bill having been agreed to on third reading.

BILLS PASSED OVER

There being no objection

House Bill No. 1892, Printer's No. 1330
House Bill No. 1894, Printer's No. 1232,
House Bill No. 1899, Printer's No. 1331,
House Bill No. 1904, Printer's No. 1422,
House Bill No. 1939, Printer's No. 1266,
House Bill No. 1940, Printer's No. 1267,
House Bill No. 1957, Printer's No. 1281 and
House Bill No. 1974, Printer's No. 1340

were passed over at the request of the SPEAKER pro tempore.

There being no objection

House Bill No. 1977, Printer's No. 1416 and
House Bill No. 1978, Printer's No. 1377

were passed over at the request of Mr. READINGER.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1989, as follows:

An Act adopting an interpleader compact for the complete and expeditious adjudication of adverse claims to property in the hands of a stakeholder where one or more claimants are in different jurisdictions and entering into the compact with other states territories and possessions of the United States and the District of Columbia that adopt the compact and are acceptable to this Commonwealth for the purposes of the compact

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as the "Interpleader Compact Law"

Section 2 The following interpleader compact is hereby approved ratified adopted and entered into by this Commonwealth as a party to take effect between this Commonwealth and any other state or states of the United States of America when entered into in accordance with the terms of the compact by the other state or states and not disapproved by the Governor of this Commonwealth under paragraph (c) of article seven of the compact

The Interpleader Compact

The contracting states solemnly agree

Article 1 Purpose The aims of this compact are to promote comity and juicial cooperation among the states party thereto and to relieve from undue risk and uncertainty a person who may be subject to double or multiple liability because of the existence of adverse claimants one or more of whom in the absence of this compact may not be subject to the jurisdiction of the adjudicating court when such person makes all reasonable efforts to secure judicial determination and discharge of his liability

Article 2 Definitions For the purpose of this compact the following definitions shall apply

(a) A state shall mean (1) a state of the United States or any territory or possession of the United States and the District of Columbia acting under Article 1 Section 10 clause 3 of the Constitution of the United States in entering this compact with an American or a foreign jurisdiction or (2) a state of the community of nations and any component governmental unit of such a state which under the laws thereof may validly become party to this compact

(b) A person shall include any entity capable of suing or being sued in the state in which the interpleader is pending

(c) Interpleader shall mean a judicial procedure by which two or more persons who have adverse claims against a third person may be required to litigate these claims in one proceeding

Article 3 Service of process (a) Service of process sufficient to acquire personal jurdisdiction may be made within a state party to this compact by a person who institutes an interpleader proceeding or interpleader part of a proceeding in another state party to this compact provided that such service shall fulfill the requirements for serve of process of the state in which the service is made and provided further that such service shall meet the minimum standards for service of the jurisdiction where the proceeding is pending

(b) No such service of process shall be valid unless either (1) The subject matter of the proceeding is specific real property or tangible personal property situated within the state in which the proceeding is pending or (2) One or more of the claimants shall be either a permanent resident or domiciliary of the state in which the proceeding is pending or (3) A significant portion of the transaction of which the proceeding shall have arisen shall have taken place in the state in which the proceeding is pending or (4) One of the claimants shall have initiated the action

Article 4 Scope of interpleader unaffected Nothing in this compact shall be construed to change any requirement or limitation on the scope of interpleader of the state in which the interpleader proceeding is pending except in relation to acquisition of personal jurisdiction

Article 5 Finality of judgment No judgment obtained against any person in any proceeding to which he had become a party by reason of service of process effected pursuant to the provisions of this compact shall be subject to attack on the ground that the adjudicating court did not have personal jurisdiction over such person

Article 6 Enactment (a) This compact shall enter into

force and effect as to a state one year from the date it it has taken whatever action may be necessary pursuant to its required processes to make this compact part of the laws of such state and the appropriate authority of such state shall have deposited a duly authenticated copy of its statute proclamation order or similar official pronouncement having the force of law and embodying this compact as law with the appropriate officer or agency of each of the states party thereto In the statute proclamation order or similar act by which a state adopts this compact it shall specify the officer or agency with whom the documents referred to in this article shall be deposited

(b) Unless the statute proclamation order or similar act by which a state adopts this compact shall specify otherwise and name the states with which the state intends to compact such adoption shall apply to all other states then part to or who may subsequently become party to this compact In the event that a state shall enter this compact with some states but not with others the deposit of documents required by paragraph (a) of this article shall be effected only with those states to which the adopting state specifies an intention to be bound

Article 7 Withdrawal (a) This compact shall continue in force and remain binding on a party state until such state shall withdraw therefrom To be valid and effective any withdrawal must be preceded by a formal notice in writing of one year from the appropriate authority of that state Such notice shall be communicated to the same officer or agency in each party state with which the notice of adoption was deposited pursuant to article six of this compact In the event that a state wishes to withdraw with respect to one or more states but wishes to remain a party to this compact with other states party thereto its notice of withdrawal shall be communicated only to those states with respect to which withdrawal is contemplated

(b) Withdrawal shall not be effective as to service of process accomplished pursuant to this compact prior to the actual date of withdrawal

(c) Any state receiving a notice of adoption from another state may by action of its executive head within a year from the receipt of such notice in the manner provided for withdrawal in paragraph (a) of this article specify its intention not to be bound to the state depositing such notice and such adoption thereupon shall not be binding upon the state so acting

Article 8 Severability and construction The provisions of this compact shall be severable and if any phrase clause sentence or provision of this compact is declared to be contrary to the constitution of any participating state or in the case of a component governmental unit to the constitution of the state of which it is a part or the applicability thereof to any government agency person or circumstances is held invalid the validity of the remainder of this compact and the applicability thereof to any government agency person or circumstance shall not be affected thereby provided that if this compact shall be held invalid or contrary to the constitution of any government participating therein the compact shall remain in full force and effect as to the remaining governments and in full force and effect as to the government affected as to all severable matters It is the intent that the provisions of this compact shall be reasonably and liberally construed

Section 3 The Secretary of the Commonwealth is hereby designated as the officer to receive all documents deposited pursuant to article six and seven of the interpleader The Secretary of the Commonwealth is also directed to act as the repository for all such documents and to keep and make available upon request a complete list of the states with which this Commonwealth is party to the interpleader compact together with such other information as may be in his possession concerning the status of such compact in respect to enactment and withdrawals therefrom

Section 4 As used in paragraph (c) of article seven of the interpleader compact the phrase "executive head" shall mean the Governor of this Commonwealth In the event that the Governor takes any action pursuant to paragraph (c) of article seven of the interpleader compact he shall promptly notify the Secretary of the Commonwealth and shall deposit with him copies of all official communications and documents relating to the action

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—150

Adam,	Gramlich,	McWherter,	Sherman,
Amarando,	Guss,	Meholchick,	Smith, C. C.,
Anderson, S. A.,	Guthrie,	Metz,	Smith, Wm. B.,
Ashton,	Hamilton, R. K.,	Mihm,	Snider,
Auker,	Hass,	Mikula,	Stank,
Barnatovich,	Haudenshield,	Mills,	Stebbins,
Bell,	Helm,	Moody,	Steckel,
Blair,	Henzel,	Moran,	Stevenson,
Boies,	Hewitt,	Moscrip,	Stone,
Bonner,	Horst,	Mullen,	Stoner,
Boory,	Houk,	Munley,	Strausser,
Bower,	Isaacs,	Murphy,	Swartz,
Breisch,	Jenkins,	Murray, H. P.,	Taylor,
Brennan, A. P.,	Johnson,	Murray, J. J.,	Thomas,
Brennan, J. J.,	Jones, T. H. W.,	Musto,	Toll,
Breth,	Jump,	Naugle,	Tompkins,
Brown,	Kamyk,	Needham,	Toomey,
Bucchin,	Kehler,	Ogilvie,	Vaughan,
Bullen,	Keller,	O'Neil,	Wall,
Capano,	Kent,	Pacchioli,	Wallace,
Cianfrani,	Kline,	Parry,	Walsh,
Cioffi,	Knecht,	Pashley,	Wargo,
Curwood,	Kolankiewicz,	Paulhamus,	Waterhouse,
Davis,	Kooker,	Petrosky,	Welsh,
Donahue,	Kromer,	Polaski,	Wescott,
Erb,	Leiby,	Polen,	Wheeler,
Ewing,	Leonard,	Price,	Whitenight,
Farabaugh,	Leven,	Pursley,	Willaredt,
Filo,	Limper,	Readinger,	Williams,
Flint,	Lopresti,	Reibman,	Wood,
Floyd,	Lovett,	Reidenbach,	Worley,
Flynn,	Lutty,	Renwick,	Yetter,
Frank,	Mahan,	Rovansek,	Yetzer,
Frascella,	Markley,	Royer,	Young,
Frost,	Maxwell,	Rudisill,	Ziegler,
Gaffney,	McCann,	Sarraf,	Andrews,
Garlock,	McGee,	Scarcelli,	Speaker
Gibson,	McInroy,	Schuster,	

NAYS—6

Goldstein,	Leisey,	Light,	Stroup,
Hocker,			Weidner,

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1996, Printer's No. 1389 and

House Bill No. 2011, Printer's No. 1394

were passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2044 as follows:

An Act to amend the act approved the fifth day of August one thousand nine hundred forty-one (P. L. 752) entitled "An act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing service to other State departments or agencies and political subdivisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making certain appropriations and repealing certain acts and parts thereof" decreasing the size of the grouping for purposes of furlough

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight hundred two of the act approved the fifth day of August one thousand nine hundred forty-one (P. L. 752) entitled "An act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing service to other State departments or agencies and political subdivisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making certain appropriations and repealing certain acts and parts thereof" as last amended by the act approved the twenty-ninth day of September one thousand nine hundred fifty-one (1951-52 P. L. 1636) is amended to read as follows

Section 802 Furlough In case a reduction in force is necessary in the classified service no employe shall be furloughed while any probationary or provisional employe is employed in the same classification and no probationary employe shall be furloughed while a provisional employe is employed in the same classification An employe shall be furloughed only if at the time he is furloughed he is within the lowest [quarter] tenth among all employes of the employer in the same classification on the basis of their last regular service ratings and within this [quarter] tenth he shall be furloughed in the order of seniority Provided That the appointing authority may limit the application of this provision in any particular instance to employes in the same classification with headquarters at a particular municipality county or administrative district of the Commonwealth

A furloughed employe shall have the right of return to any classification and civil service status which he previously held provided such classification is contained in the current classification plan of the agency or to any classification and civil service status in the same or lower grade provided that he meets the minimum qualifications given in the classification plan of the agency The appointing authority shall promptly report to the director the names of employes furloughed together with the date the furlough of each is effective and the character of his services Under the rules a permanent employe furloughed shall for a period of one year be given preference for reemployment in the same class of position in the department from which he was furloughed and shall be eligible for appointment to a position of a similar class in other agencies under this act provided that in case of a promotion of another employe such preference shall not be effective if it necessitates furloughing such other employe

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Guss,	McInroy,	Sherman,
Amarando,	Guthrie,	McWherter,	Smith, C. C.,
Anderson, S. A.,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Ashton,	Hass,	Metz,	Snider,
Auker,	Haudenshield,	Mihm,	Stank,
Barnatovich,	Helm,	Mikula,	Stebbins,
Bell,	Henzel,	Mills,	Steckel,
Blair,	Hewitt,	Moody,	Stevenson,
Boies,	Hocker,	Moran,	Stone,
Bonner,	Horst,	Moscrip,	Stoner,
Boory,	Houk,	Mullen,	Strausser,
Bower,	Isaacs,	Munley,	Stroup,
Breisch,	Jenkins,	Murphy,	Swartz,
Brennan, A. P.,	Johnson,	Murray, H. P.,	Taylor,
Brennan, J. J.,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Breth,	Jump,	Musto,	Toll,
Brown,	Kamyk,	Naugle,	Tompkins,
Bucchin,	Kehler,	Needham,	Toomey,
Bullen,	Keller,	Ogilvie,	Vaughan,
Capano,	Kent,	O'Neil,	Wall,
Cianfrani,	Kline,	Pacchioli,	Wallace,
Cioffi,	Knecht,	Parry,	Walsh,
Curwood,	Kolankiewicz,	Pashley,	Wargo,
Davis,	Kooker,	Paulhamus,	Waterhouse,
Donahue,	Kromer,	Petrosky,	Weidner,
Erb,	Leiby,	Polaski,	Welsh,
Ewing,	Leisey,	Polen,	Wescott,
Farabaugh,	Leonard,	Price,	Wheeler,
Filo,	Leven,	Pursley,	Whitenight,
Flint,	Light,	Readinger,	Willaredt,
Floyd,	Limper,	Reibman,	Williams,
Flynn,	Lopresti,	Reidenbach,	Wood,
Frank,	Lovett,	Renwick,	Worley,
Frascella,	Lutty,	Rovansek,	Yetter,
Frost,	Mahan,	Royer,	Yetzer,
Gaffney,	Markley,	Rudisill,	Young,
Garlock,	Maxwell,	Sarraf,	Ziegler,
Gibson,	McCann,	Scarcelli,	Andrews,
Goldstein,	McGee,	Schuster,	Speaker
Gramlich,			

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kornick,	Olsen,
Anderson, M. S.,	Eilberg,	Kratz,	Pettigrew,
Banker,	Eshleman,	Lafore,	Pomeroy,
Bazin,	Fineman,	Lawyer,	Rigby,
Branca,	Foster,	Lippincott,	Rosen,
Brenninger,	Gelfand,	Magee,	Rubin,
Cochran,	George,	McCormack,	Sigman,
Comer,	Gibb,	McKeever,	Stephens,
Connelly,	Greenwood,	McLaughlin,	Thompson,
Cooper,	Heavey,	Miller,	Varallo,
Donaldson,	Holt,	Monroe,	Varner,
Dougherty,	Jones, G. E.,	Muldowney,	Verona,
Down,		Murray, P. G.,	Wilt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2046 as follows:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public

Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifteen million dollars ($15,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Assistance for the payment of assistance and administrative expenses as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred fifty-five and for the payment of assistance and administrative expenses attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred fifty-five

Section 2 Out of the moneys appropriated by section 1 of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 Out of the moneys appropriated by section 1 of this act there is hereby allocated to the Treasury Department the sum of one hundred fifty-seven thousand five hundred dollars ($157,500) and to the Department of the Auditor General the sum of eighty-four thousand dollars ($84,000) to pay the administrative expenses of said department in auditing and disbursing the appropriation made by this act

Section 4 The amount of money expended out of the appropriation made hereby shall be deducted from the general biennial appropriation to the Department of Public Assistance

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	**Gramlich,**	McGee,	**Schuster,**
Amarando,	**Guss,**	McInroy,	Sherman,
Anderson, S. A.,	Guthrie,	McWherter,	Smith, C. C.,
Ashton,	**Hamilton, R. K.,**	**Meholchick,**	**Smith, Wm. B.,**
Auker,	**Hass,**	Metz,	Snider,
Barnatovich,	**Haudenshield,**	**Mihm,**	**Stank,**
Bell,	Helm,	Mikula,	**Stebbins,**
Blair,	**Henzel,**	**Mills,**	Steckel,
Boies,	**Hewitt,**	Moody,	**Stevenson,**
Bonner,	**Hocker,**	Moran,	**Stone,**
Boory,	**Horst,**	Moscrip,	Stoner,
Bower,	**Houk,**	Mullen,	Strausser,
Breisch,	**Isaacs,**	Munley,	Stroup,
Brennan, A. P.,	**Jenkins,**	Murphy,	**Swartz,**
Brennan, J. J.,	Johnson,	**Murray, H. P.,**	Taylor,
Breth,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Brown,	**Jump,**	Musto,	**Toll,**
Bucchin,	**Kamyk,**	Naugle,	Tompkins,
Bullen,	**Kehler,**	Needham,	Toomey,
Capano,	**Keller,**	**Ogilvie,**	Vaughan,
Cianfrani,	**Kent,**	**O'Neill,**	**Wall,**
Cioffi,	**Kline,**	**Pacchioli,**	**Wallace,**
Curwood,	Knecht,	Parry,	**Walsh,**
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	**Paulhamus,**	Waterhouse,
Erb,	Kromer,	Petrosky,	Weidner,
Ewing,	Leiby,	Polaski,	**Welsh,**
Farabaugh,	Leisey,	**Polen,**	Wescott,
Filo,	Leonard,	Price,	Wheeler,
Flint,	Leven,	**Pursley,**	**Whitenight,**
Floyd,	Light,	**Readinger,**	Willaredt,
Flynn,	Limper,	Reibman,	Williams,
Frank,	**Lopresti,**	**Reidenbach,**	Wood,
Frascella,	Lovett,	**Renwick,**	Worley,
Frost,	Lutty,	Rovausek,	Yetter,
Gaffney,	Mahan,	Royer,	Yetzer,
Garlock,	Markley,	**Rudisill,**	**Young,**
Gibson,	Maxwell,	Sarraf,	Ziegler,
Goldstein,	**McCann,**	Scarcelli,	Andrews,
			Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	**Eilberg,**	**Lafore,**	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	**Fineman,**	**Lippincott,**	Rosen,
Branca,	**Foster,**	Magee,	**Rubin,**
Brenninger,	**Gelfand,**	McCormack,	Sigman,
Cochran,	George,	McKeever,	**Stephens,**
Comer,	**Gibb,**	McLaughlin,	Thompson,
Connelly,	**Greenwood,**	Miller,	**Varallo,**
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	**Holt,**	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	**Wilt,**
Down,	**Kornick,**	**Olsen,**	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2049, as follows:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payments to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" further regulating payments to certain beneficiaries under the fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 12 act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" amended February 1, 1956 (Act No. 306) is amended to read

Section 12 (a) Beneficiaries under the fund who retire on or after January 1, 1956 shall be entitled to receive from the fund per month [fifty per centum of the highest average annual salary] an amount equaling not less than fifty per centum of the average monthly salary earned by the contributor as an employe of the bureau of fire of the city during any five calendar years of service or the last sixty months immediately preceding retirement but in no event shall the maximum monthly pension payment exceed two hundred and fifty dollars per month

* * *

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Gramlich,	McGee,	Schuster,
Amarando,	Guss,	McInroy,	Sherman,
Anderson, S. A.,	Guthrie,	McWherter,	Stroup,
Ashton,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Auker,	Hass,	Metz,	Smith, Wm. B.,
Barnatovich,	Haudenshield,	Mihm,	Snider,
Bell,	Helm,	Mikula,	Stank,
Blair,	Henzel,	Mills,	Stebbins,
Boies,	Hewitt,	Moody,	Steckel,
Bonner,	Hocker,	Moran,	Stevenson,
Boory,	Horst,	Moscrip,	Stone,
Bower,	Houk,	Mullen,	Stoner,
Breisch,	Isaacs,	Munley,	Strausser,
Brennan, A. P.,	Jenkins,	Murphy,	Swartz,
Brennan, J. J.,	Johnson,	Murray, H. P.,	Taylor,
Breth,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Brown,	Jump,	Musto,	Toll,
Bucchin,	Kamyk,	Naugle,	Tompkins,
Bullen,	Kehler,	Needham,	Toomey,
Capano,	Keller,	Ogilvie,	Vaughan,
Cianfrani,	Kent,	O'Neil,	Wall,
Cioffi,	Kline,	Pacchioli,	Wallace,
Curwood,	Knecht,	Parry,	Walsh,
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	Paulhamus,	Waterhouse,
Erb,	Kromer,	Petrosky,	Weidner,
Ewing,	Leiby,	Polaski,	Welsh,
Farabaugh,	Leisey,	Polen,	Wescott,
Filo,	Leonard,	Price,	Wheeler,
Flint,	Leven,	Pursley,	Whitenight,
Floyd,	Light,	Readinger,	Willaredt,
Flynn,	Limper,	Reibman,	Williams,
Frank,	Lopresti,	Reidenbach,	Wood,
Frascella,	Lovett,	Renwick,	Worley,
Frost,	Lutty,	Rovansek,	Yetter,
Gaffney,	Mahan,	Royer,	Yetzer,
Garlock,	Markley,	Rudisill,	Young,
Gibson,	Maxwell,	Sarraf,	Ziegler,
Goldstein,	McCann,	Scarcelli,	Andrews,
			Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2050 as follows:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" further regulating the withdrawal of service increment contributions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (4) of section 12.4 act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" added October 21, 1955 (P. L. 717) is amended to read

Section 12.4 In every city of the second class in addition to the pension which is authorized by law and notwithstanding the limitations therein placed upon pensions and upon contributions every contributor who shall have otherwise become entitled to the pension and who has reached the age of fifty years shall also be entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth

(4) Service increment contributions shall be paid at the same time and in the same manner as pension contributions and may be withdrawn in full without interest by persons who leave the employment of the bureau of fire subject to the same conditions by which pension contributions may be withdrawn or by persons who retire before becoming entitled to any service increment When any person is re-employed by the bureau of fire after withdrawal of pension contributions his or her prior service shall not be used in the computation of service increment unless the amount of such contributions be repaid into the pension fund subject to the same conditions by which pension fund withdrawals are permitted to be repaid

* * *

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Gramlich,	McGee,	Schuster,
Amarando,	Guss,	McInroy,	Sherman,
Anderson, S. A.,	Guthrie,	McWherter,	Smith, C. C.,
Ashton,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Auker,	Hass,	Metz,	Snider,
Barnatovich,	Haudenshield,	Mihm,	Stank,
Bell,	Helm,	Mikula,	Stebbins,
Blair,	Henzel,	Mills,	Steckel,
Boies,	Hewitt,	Moody,	Stevenson,
Bonner,	Hocker,	Moran,	Stone,
Boory,	Horst,	Moscrip,	Stoner
Bower,	Houk,	Mullen,	Strausser,
Breisch,	Isaacs,	Munley,	Stroup.
Brennan, A. P.,	Jenkins,	Murphy,	Swartz,
Brennan, J. J.,	Johnson,	Murray, H. P.,	Taylor,
Breth,	Jones, T. H. W.,	Murray, J. J.,	Thomas.
Brown,	Jump,	Musto,	Toll,
Bucchin,	Kamyk,	Naugle,	Tompkins,
Bullen,	Kehler,	Needham,	Toomey,
Capano,	Keller,	Ogilvie,	Vaughan,
Cianfrani,	Kent,	O'Neil,	Wall,
Cioffi,	Kline,	Pacchioli,	Wallace,
Curwood,	Knecht,	Parry,	Walsh,
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	Paulhamus,	Waterhouse,
Erb,	Kromer,	Petrosky,	Weidner,
Ewing,	Leiby,	Polaski,	Welsh,
Farabaugh,	Leisey,	Polen,	Wescott,
Filo,	Leonard,	Price,	Wheeler,
Flint,	Leven,	Pursley,	Whitenight,
Floyd,	Light,	Readinger,	Willaredt,
Flynn,	Limper,	Reibman,	Williams,
Frank,	Lopresti,	Reidenbach,	Wood,
Frascella,	Lovett,	Renwick,	Worley,
Frost,	Lutty,	Rovansek,	Yetter,
Gaffney,	Mahan,	Royer,	Yetzer,
Garlock,	Markley,	Rudisill	Young,
Gibson,	Maxwell,	Sarraf,	Ziegler,
Goldstein,	McCann,	Scarcelli,	Andrews,
			Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

Senate Bill No. 257, Printer's No. 328,
Senate Bill No. 316, Printer's No. 372,
Senate Bill No. 484, Printer's No. 245,
Senate Bill No. 524, Printer's No. 339 and
Senate Bill No. 543, Printer's No. 231

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 608 as follows:

An Act amending the act of May 2, 1925 (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing the use of long bows and arrows for capturing or killing carp

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (d) of section 50 act of May 2, 1925 (P. L. 448) known as "The Fish Law of one thousand nine hundred twenty-five" amended March 31, 1943 (P. L. 26) and May 7, 1943 (P. L. 246) is amended to read

Section 50 Devices to Catch Game-fish Bait-fish and Fish-bait No person shall use any device means or method whatsoever except as in this article otherwise provided for taking fish from the waters within this Commonwealth except the following that is to say for

* * *

(d) It shall be unlawful to take or atempt to take fish of any kind by the methods known as snatch-fishing foul hoking or snag-fishing or the taking or fishing for fish with hook or hooks baited or otherwise attached to rod or line or other device for the taking of or fishing for fish with any device whatsoever which may be used to capture any fish by engaging such device in to or with any part of the body of a fish Nothing in this section shall prohibit the use of long bows and arrows for taking or killing carp

* * *

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Guss,	McInroy,	Sherman,
Amarando,	Guthrie,	McWherter,	Smith, C. C.,
Anderson, S. A.,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Ashton,	Hass,	Metz,	Snider,
Auker,	Haudenshield,	Mihm,	Stank,
Barnatovich,	Helm,	Mikula,	Stebbins,
Bell,	Henzel,	Mills,	Steckel,
Blair,	Hewitt,	Moody,	Stevenson,
Boles,	Hocker,	Moran,	Stone,
Bonner,	Horst,	Moscrip,	Stoner,
Boory,	Houk,	Mullen,	Strausser,
Bower,	Isaacs,	Munley,	Stroup,
Breisch,	Jenkins,	Murphy,	Swartz,
Brennan, A. P.,	Johnson,	Murray, H. P.,	Taylor,
Brennan, J. J.,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Breth,	Jump,	Musto,	Toll,
Brown,	Kamyk,	Naugle,	Tompkins,
Bucchin,	Kehler,	Needham,	Toomey,
Bullen,	Keller,	Ogilvie,	Vaughan,
Capano,	Kent,	O'Neil,	Wall,
Cianfrani,	Kline,	Pacchioli,	Wallace,
Cioffi,	Knecht,	Parry,	Walsh,
Curwood,	Kolankiewicz,	Pashley,	Wargo,
Davis,	Kooker,	Paulhamus,	Waterhouse,
Donahue,	Kromer,	Petrosky,	Weidner,
Erb,	Leiby,	Polaski,	Welsh,
Ewing,	Leisey,	Polen,	Wescott,
Farabaugh,	Leonard,	Price,	Wheeler,
Filo,	Leven,	Pursley,	Whitenight,
Flint,	Light,	Readinger,	Willaredt,
Floyd,	Limper,	Reibman,	Williams,
Flynn,	Lopresti,	Reidenbach,	Wood,
Frank,	Lovett,	Renwick,	Worley,
Frascella,	Lutty,	Rovansek,	Yetter,
Frost,	Mahan,	Royer,	Yetzer,
Gaffney,	Markley,	Rudisill,	Young,
Garlock,	Maxwell,	Sarraf,	Ziegler,
Gibson,	McCann,	Scarcelli,	Andrews,
Goldstein,	McGee,	Schuster,	Speaker
Gramlich,			

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 811, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" adding a new route in the Borough of Carnegie.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of further study.

The motion was agreed to.

SENATE RESOLUTION SERIAL No. 148

Mr. READINGER. Mr. Speaker, I call up on page 18 of today's calendar, Senate Resolution Serial No. 148.

The resolution was read, considered and adopted as follows:

In the Senate, September 19, 1955.

Bridges over the Delaware River present an ever increasing problem greatly augmented by the flow of traffic from the Pennsylvania and New Jersey turnpikes.

While the area north of and within the limits of the City of Philadelphia are being well provided for, the traffic normally bearing south of the city continues to be compelled to find a crossing through city traffic in Philadelphia or to travel further, below the City of Wilmington; thereforde be it

Resolved (the House of Representatives concurring), That the Delaware River Port Authority be requested to give serious consideration to the urgent need for a bridge over the Delaware from a point in Delaware County, Pennsylvania to a point opposite in the State of New Jersey, and to that end to make an engineering survey and an exhaustive study of the traffic that could and normally would use the bridge, and to report in detail to the General Assembly at its 1957 session, the results of its survey and studies.

Ordered, That the Clerk inform the Senate accordingly.

SENATE RESOLUTION SERIAL No. 151

Mr. READINGER. Mr. Speaker, I call up on page 18 of today's calendar, Senate Resolution Serial No. 151.

The resolution was read, considered and adopted as follows:

In the Senate, September 27, 1955.

The name of Pennsylvania was given to the colony of William Penn and inherited by the Commonwealth because of the verdant forests that once covered its territory But indifference or lack of foresight to the future weal in years past rapidly denuded Pennsylvania's hillsides of its trees; and carelessness and indifference to the value of second growths permitted repeated fires to ravage the cut-over area and to scorch the earth into a state of ugliness and unproductivity, robbing the land of its protecting forest growth.

A bleak and uninviting example of this catastrophe was what is now the Bald Eagle State Forest in Union County when Raymond B. Winter was sent there as a forester in 1910. The area was a charred wilderness of dead brush, stumps and a mud hole formerly a saw mill dam.

During his forty-five years of service there, Mr. Winter transformed the area into one of Pennsylvania's outstanding beauty spots. With far-sighted planning and tireless efforts he understook the task of rehabilitation. His early days in the area were devoted to fire control and prevention, tree planting, road and trail building and gradually a little recreational work for the local people, which later, with the help of the Civilian Conservation Corps during the early thirties and later improvements developed into a State Forest park of four hundred acres with a concrete and stone masonry dam on the site of the former saw mill dam, presently known as the Half-Way State Forest Park. And today the Bald Eagle Forest is an established and thrifty forest.

That Bald Eagle is one of the finest and best preserved forest districts in the State today is due mainly to the diligent and conscientious work of Mr. Winter; therefore be it

Resolved (The House of Representatives concurring), That the recreational area in the Bald Eagle State Forest in Union County now known as Half-Way State Forest Park be renamed Raymond B. Winter State Forest Park in lasting tribute to his untiring work in conservation.

Ordered, That the Clerk inform the Senate accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. LIGHT. I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LIGHT. Mr. Speaker, last evening following the vote on the sales tax Conference Report the newsman who represents my home paper asked me for a statement on my vote. I said this, after fourteen months' endeavor to find money for the support of Pennsylvania's schools, hospitals and welfare needs, a selective form of sales tax was the final answer.

I voted for this tax plan, believing it will provide the necessary money. To my great surprise, this morning the Press carried my name as voting against the Conference Report.

I have no idea whether this can be corrected in the Journal, but I want to say to the Members of the House, that I keep tally on many of the votes and I did especially on this one yesterday. As the vote proceeded coming down the line, when the Clerk came to the name Leven, the gentleman from Philadelphia whose name is just ahead of mine, Mr. Leven voted rather silently "aye". Then the Clerk called the second time for Leven and he voted "no," then the Clerk hurriedly called Light, and I voted "yes."

There must be a mistake on the part of the record. In speaking to the newsmen this morning, they say that they found the facts just as they reported them.

I conferred with the Minority Leader, Mr. Charles C. Smith, who showed me a copy of the tally sheet that was submitted to him by the Chief Clerk, and thereon there is a mark for Leven as "aye" and then cancelled and another mark to the right, and also a mark marking me as "no."

The question in my mind is, can the Chief Clerk correct it? I think it should be corrected for this reason, there were 123 votes for the tax measure as the record stands, and my vote should be counted for the tax measure because I voted for that measure.

The SPEAKER pro tempore. For the information of the gentleman from Lebanon, Mr. Light, there is no way under our Rules that the record can be corrected.

However, the remarks of the gentleman are correct and the error was made, I believe, in exactly the way he stated it.

The remarks of the gentleman under the question of personal privilege will be spread upon the record in full.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1873, Printer's No. 1456 together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1873.

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and interinsurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by changing provisions relating to certain legal proceedings.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is required.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 3, page 8, line 16, by inserting after the word "thereof" the following: "to the extent that such policyholders are liable to such assessment".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Gramlich,	McCann,	Schuster,
Amarando,	Guss,	McGee.	Sherman,
Anderson, S. A.,	Guthrie,	McInroy,	Smith, C. C.,
Ashton,	Hamilton, R. K.,	McWherter,	Smith, Wm. B.,
Auker,	Hass,	Meholchick,	Snider,
Barnatovich,	Haudenshield,	Metz,	Stank,
Bell,	Helm,	Mihm,	Stebbins,
Blair,	Henzel,	Mikula,	Steckel,
Boies,	Hewitt,	Mills,	Stevenson,
Bonner,	Hocker,	Moody,	Stone,
Boory,	Horst,	Moran,	Stoner,
Bower,	Houk,	Moscrip,	Strausser,
Breisch,	Isaacs,	Mullen,	Stroup,
Brennan, A. P.,	Jenkins,	Munley,	Swartz,
Brennan, J. J.,	Johnson,	Murphy,	Taylor,
Breth,	Jones, T. H. W.,	Murray, H. P.,	Thomas,
Brown,	Jump,	Murray, J. J.,	Toll,
Bucchin,	Kamyk,	Musto,	Tompkins,
Bullen,	Kehler,	Naugle,	Toomey,
Capano,	Keller,	Needham,	Vaughan,
Cianfrani,	Kent,	Ogilvie,	Wall,
Cioffi,	Kline,	O'Neil,	Wallace,
Curwood,	Knecht,	Pacchioli,	Walsh,
Davis,	Kolankiewicz,	Parry,	Wargo,
Donahue,	Kooker,	Pashley,	Waterhouse,
Erb,	Kromer,	Paulhamus,	Weidner,
Ewing,	Leiby,	Petrosky,	Welsh,
Farabaugh,	Leisey,	Polaski,	Wescott,
Filo,	Leonard,	Polen,	Wheeler,
Flint,	Leven,	Price,	Whitenight,
Floyd,	Light,	Pursley,	Willaredt
Flynn,	Limper,	Readinger,	Williams,
Frank,	Lopresti,	Reibman,	Wood,
Frascella,	Lovett,	Reidenbach,	Worley,
Frost,	Lutty,	Renwick,	Yetter,
Gaffney,	Mahan,	Rovansek,	Yetzer,
Garlock,	Markley,	Royer,	Young,
Gibson,	Maxwell,	Rudisill,	Ziegler,
Goldstein,		Sarraf,	Andrews,
		Scarcelli,	Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Ellberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Murray, P. G.,	Verona,
Dougherty,	Jones, G. E.,	Muldowney,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1863, Printer's No. 1449 together with the communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1863.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating lighting equipment lights and devices and the use thereof and prescribing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments sa follows:

Amend Section 1, page 4, line 6, by inserting after the word "lighted" the following: "provided however the requirement of at least two (2) red rear lamps on such vehicles shall" and striking out the word "not" and inserting the following: "apply only to vehicles" and striking out "manufactured prior to" and inserting the following: "initially registered in this Commonwealth on or after the first day of July one thousand nine hundred fifty-six"; line 17, by inserting after the word "Revenue" the following: "provided however the requirement of

at least two (2) stop lamps on such vehicle shall" striking out the word "not" and inserting the following: "apply only to vehicles" and striking out "manufactured prior to" and inserting the following: "initially registered in this Commonwealth on or after the first day of July one thousand nine hundred fifty-six" and striking out the word "but" and inserting the following: "all other such vehicles shall carry at the rear at least one (1) stop lamp".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 841, Printer's No. 532 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 841.

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvemnt and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate to Senate Bill No. 841.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 244, Printer's No. 1405 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 244.

An Act amending the act of June 28, 1951 (P. L. 638) entitled "An act relating to the jurisdiction powers and duties of registers of wills and regulating proceedings before them and the costs thereof the effects of their acts and appeals therefrom" providing for the fixing of costs where there are separate orphans' courts

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 10 by striking out after the word "effect" the word "January" and inserting in lieu thereof the word "July."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Guss,	McGee,	Schuster,
Amarando,	Guthrie,	McInroy,	Sherman,
Anderson, S. A.,	Hamilton, R. K.,	McWherter,	Smith, C. C.,
Ashton,	Hass,	Meholchick,	Smith, Wm. B.,
Auker,	Haudenshield,	Metz,	Snider,
Barnatovich,	Helm,	Mihm,	Stank,
Bell,	Henzel,	Mikula,	Stebbins,
Blair,	Hewitt,	Mills,	Steckel,
Boles,	Hocker,	Moody,	Stevenson,
Bonner,	Horst,	Moran,	Stone,
Boory,	Houk,	Moscrip,	Stoner,
Bower,	Isaacs,	Mullen,	Strausser,
Breisch,	Jenkins,	Munley,	Stroup,
Brennan, A. P.,	Johnson,	Murphy,	Swartz,
Brennan, J. J.,	Jones, T. H. W.,	Murray, H. P.,	Taylor,
Breth,	Jump,	Murray, J. J.,	Thomas,
Brown,	Kamyk,	Musto,	Toll,
Bucchin,	Kehler,	Naugle,	Tompkins,
Bullen,	Keller,	Needham,	Toomey,
Capano,	Kent,	Ogilvie,	Vaughan,
Cianfrani,	Kline,	O'Neill,	Wall,
Cioffi,	Knecht,	Pacchioli,	Wallace,
Curwood,	Kolankiewicz,	Parry,	Walsh,
Davis,	Kooker,	Pashley,	Wargo,
Donahue,	Kromer,	Paulhamus,	Waterhouse,
Erb,	Leiby,	Petrosky,	Weidner,
Ewing,	Leisey,	Polaski,	Welsh,
Farabaugh,	Leonard,	Polen,	Wescott,
Filo,	Leven,	Price,	Wheeler,
Flint,	Light,	Pursley,	Whitenight,
Floyd,	Limper,	Readinger,	Willaredt,
Flynn,	Lopresti,	Reibman,	Williams,
Frank,	Lovett,	Reidenbach,	Wood,
Frascella,	Lutty,	Renwick,	Worley,
Frost,	Mahan,	Rovansek,	Yetter,
Gaffney,	Markley,	Royer,	Yetzer,
Garlock,	Maxwell,	Rudisill,	Young,
Gibson,	McCann,	Sarraf,	Ziegler,
Goldstein,		Scarcelli,	Andrews,
Gramlich,			Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Olsen,
Anderson, M. S.,	Eilberg,	Lafore,	Pettigrew,
Banker,	Eshleman,	Lawyer,	Pomeroy,
Bazin,	Fineman,	Lippincott,	Rigby,
Branca,	Foster,	Magee,	Rosen,
Brenninger,	Gelfand,	McCormack,	Rubin,
Cochran,	George,	McKeever,	Sigman,
Comer,	Gibb,	McLaughlin,	Stephens,
Connelly,	Greenwood,	Miller,	Thompson,
Cooper,	Heavey,	Monroe,	Varallo,
Donaldson,	Holt,	Muldowney,	Varner,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Verona,
Down,	Kornick,		Wilt,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 245, Printer's No. 1406 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 245.

An Act amending the act of August 21, 1953 (P. L. 1309) entitled "An act prescribing the fees to be received by registers of wills in counties of the fourth fifth sixth seventh and eighth class" eliminating counties of the fourth class.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 9 by striking out after the word "effect" the word "January" and inserting in lieu thereof the word "July."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Guss,	McInroy,	Sherman,
Amarando,	Guthrie,	McWherter,	Smith, C. C.,
Anderson, S. A.,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Ashton,	Hass,	Metz,	Snider,
Auker,	Haudenshield,	Mihm,	Stank,
Barnatovich,	Helm,	Mikula,	Stebbins,
Bell,	Henzel,	Mills,	Steckel,
Blair,	Hewitt,	Moody,	Stevenson,
Boies,	Hocker,	Moran,	Stone,
Bonner,	Horst,	Moscrip,	Stoner,
Boory,	Houk,	Mullen,	Strausser,
Bower,	Isaacs,	Munley,	Stroup,
Breisch,	Jenkins,	Murphy,	Swartz,
Brennan, A. P.,	Johnson,	Murray, H. P.,	Taylor,
Brennan, J. J.,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Breth,	Jump,	Musto,	Toll,
Brown,	Kamyk,	Naugle,	Tompkins,
Bucchin,	Kehler,	Needham,	Toomey,
Bullen,	Keller,	Ogilvie,	Vaughan,
Capano,	Kent,	O'Neil,	Wall,
Cianfrani,	Kline,	Pacchioli,	Wallace,
Cioffi,	Knecht,	Parry,	Walsh,
Curwood,	Kolankiewicz,	Pashley,	Wargo,
Davis,	Kooker,	Paulhamus,	Waterhouse,
Donahue,	Kromer,	Petrosky,	Weidner,
Erb,	Leiby,	Polaski,	Welsh,
Ewing,	Leisey,	Polen,	Wescott,
Farabaugh,	Leonard,	Price,	Wheeler,
Filo,	Leven,	Pursley,	Whitenight,
Flint,	Light,	Readinger,	Willaredt,
Floyd,	Limper,	Reibman,	Williams,
Flynn,	Lopresti,	Reidenbach,	Wood,
Frank,	Lovett,	Renwick,	Worley,
Frascella,	Lutty,	Rovansek,	Yetter,
Frost,	Mahan,	Royer,	Yetzer,
Gaffney,	Markley,	Rudisill,	Young,
Garlock,	Maxwell,	Sarraf,	Ziegler,
Gibson,	McCann,	Scarcelli,	Andrews,
Goldstein,	McGee,	Schuster,	Speaker
Gramlich,			

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 246, Printer's No. 1407 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 246.

An Act amending the act of August 21, 1953 (P. L. 1306) entitled "An act prescribing the fees to be received by the clerks of orphans' courts of counties of the fourth fifth sixth seventh and eighth class" eliminating counties of the fourth class.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 10, by striking out after the word "effect" the word "January" and inserting in lieu thereof the word "July."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Guss,	McGee,	Schuster,
Amarando,	Guthrie,	McInroy,	Sherman,

Anderson, S. A.,	Hamilton, R. K.,	McWherter,	Smith, C. C.,
Ashton,	Hass,	Meholchick,	Smith, W. B.,
Auker,	Haudenshield,	Metz,	Snider,
Barnatovich,	Helm,	Mihm,	Stank,
Bell,	Henzel,	Mikula,	Stebbins,
Blair,	Hewitt,	Mills,	Steckel,
Boles,	Hocker,	Moody,	Stevenson,
Bonner,	Horst,	Moran,	Stone,
Boory,	Houk,	Moscrip,	Stoner,
Bower,	Isaacs,	Mullen,	Strausser,
Breisch,	Jenkins,	Munley,	Stroup,
Brennan, A. P.,	Johnson,	Murphy,	Swartz,
Brennan, J. J.,	Jones, T. H. W.,	Murray, H. P.,	Taylor,
Breth,	Jump,	Murray, J. J.,	Thomas,
Brown,	Kamyk,	Musto,	Toll,
Bucchin,	Kehler,	Naugle,	Tompkins,
Bullen,	Keller,	Needham,	Toomey,
Capano,	Kent,	Ogilvie,	Vaughan,
Cianfrani,	Kline,	O'Neil,	Wall,
Cioffi,	Knecht,	Pacchioli,	Wallace,
Curwood,	Kolankiewicz,	Parry,	Walsh,
Davis,	Kooker,	Pashley,	Wargo,
Donahue,	Kromer,	Paulhamus,	Waterhouse,
Erb,	Leiby,	Petrosky,	Weidner,
Ewing,	Leisey,	Polaski,	Welsh,
Farabaugh,	Leonard,	Polen,	Wescott,
Filo,	Leven,	Price,	Wheeler,
Flint,	Light,	Pursley,	Whitenight,
Floyd,	Limper,	Readinger,	Willaredt,
Flynn,	Lopresti,	Reibman,	Williams,
Frank,	Lovett,	Reidenbach,	Wood,
Frascella,	Lutty,	Renwick,	Worley,
Frost,	Mahan,	Rovansek,	Yetter,
Gaffney,	Markley,	Royer,	Yetzer,
Garlock,	Maxwell,	Rudisill,	Young,
Gibson,	McCann,	Sarraf,	Ziegler,
Goldstein,		Scarcelli,	Andrews,
Gramlich,			Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 247, Printer's No. 1408 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 247.

An Act amending the act of August 10, 1951 (P. L. 1163), entitled, as amended, "An act relating to the orphans' court; conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates, trust estates, minors' estates, and absentees' estates; conferring concurrent jurisdiction over the administration and distribution of incompetents' estates and the determination of title to real estate in certain cases; providing for the organization of orphans' courts, the procedure therein, the powers and duties of the judges thereof, and appeals therefrom," providing for the fixing of costs where there are separate orphans' courts.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 10 by striking out after the word "effect' the word "January" and inserting in lieu thereof the word "July".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Guss,	McInroy,	Sherman,
Amarando,	Guthrie,	McWherter,	Smith, C. C.,
Anderson, S. A.,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Ashton,	Hass,	Metz,	Snider,
Auker,	Haudenshield,	Mihm,	Stank,
Barnatovich,	Helm,	Mikula,	Stebbins,
Bell,	Henzel,	Mills,	Steckel,
Blair,	Hewitt,	Moody,	Stevenson,
Boles,	Hocker,	Moran,	Stone,
Bonner,	Horst,	Moscrip,	Stoner,
Boory,	Houk,	Mullen,	Strausser,
Bower,	Isaacs,	Munley,	Stroup,
Breisch,	Jenkins,	Murphy,	Swartz,
Brennan, A. P.,	Johnson,	Murray, H. P.,	Taylor,
Brennan, J. J.,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Breth,	Jump,	Musto,	Toll,
Brown,	Kamyk,	Naugle,	Tompkins,
Bucchin,	Kehler,	Needham,	Toomey,
Bullen,	Keller,	Ogilvie,	Vaughan,
Capano,	Kent,	O'Neil,	Wall,
Cianfrani,	Kline,	Pacchioli,	Wallace,
Cioffi,	Knecht,	Parry,	Walsh,
Curwood,	Kolankiewicz,	Pashley,	Wargo,
Davis,	Kooker,	Paulhamus,	Waterhouse,
Donahue,	Kromer,	Petrosky,	Weidner,
Erb,	Leiby,	Polaski,	Welsh,
Ewing,	Leisey,	Polen,	Wescott,
Farabaugh,	Leonard,	Price,	Wheeler,
Filo,	Leven,	Pursley,	Whitenight,
Flint,	Light,	Readinger,	Willaredt,
Floyd,	Lovett,	Reibman,	Williams,
Flynn,	Limper,	Reidenbach,	Wood,
Frank,	Lopresti,	Renwick,	Worley,
Frascella,	Lutty,	Rovansek,	Yetter,
Frost,	Mahan,	Royer,	Yetzer,
Gaffney,	Markley,	Rudisill,	Young,
Garlock,	Maxwell,	Sarraf,	Ziegler,
Gibson,	McCann,	Scarcelli,	Andrews,
Goldstein,	McGee,	Schuster,	Speaker
Gramlich,			

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 876, Printer's No. 1409 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 876.

An Act amending the act of June 23, 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further regulating the hours of service of firemen

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 4 by striking out after the word "service" the words "and sick leaves".

Amend Section 1, page 3, line 7 by striking out the bracket before and after the word "fourteen" and by striking out the word "thirty".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Guss,	McInroy,	Sherman,
Amarando,	Guthrie,	McWherter,	Smith, C. C.,
Anderson, S. A.,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Ashton,	Hass,	Metz,	Snider,
Auker,	Haudenshield,	Mihm,	Stank,
Barnatovich,	Helm,	Mikula,	Stebbins,
Bell,	Henzel,	Mills,	Steckel,
Blair,	Hewitt,	Moody,	Stevenson,
Boles,	Hocker,	Moran,	Stone,
Bonner,	Horst,	Moscrip,	Stoner,
Boory,	Houk,	Mullen,	Strausser,
Bower,	Isaacs,	Munley,	Stroup,
Breisch,	Jenkins,	Murphy,	Swartz,
Brennan, A. P.,	Johnson,	Murray, H. P.,	Taylor,
Brennan, J. J.,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Breth,	Jump,	Musto,	Toll,
Brown,	Kamyk,	Naugle,	Tompkins,
Bucchin,	Kehler,	Needham,	Toomey,
Bullen,	Keller,	Ogilvie,	Vaughan,
Capano,	Kent,	O'Neil,	Wall,
Cianfrani,	Kline,	Pacchioli,	Wallace,
Cioffi,	Knecht,	Parry,	Walsh,
Curwood,	Kolankiewicz,	Pashley,	Wargo,
Davis,	Kooker,	Paulhamus,	Waterhouse,
Donahue,	Kromer,	Petrosky,	Weidner,
Erb,	Leiby,	Polaski,	Welsh,
Ewing,	Leisey,	Polen,	Wescott,
Farabaugh,	Leonard,	Price,	Wheeler,
Filo,	Leven,	Pursley,	Whitenight,
Flint,	Light,	Readinger,	Willaredt,
Floyd,	Limper,	Reibman,	Williams,
Flynn,	Lopresti,	Reidenbach,	Wood,
Frank,	Lovett,	Renwick,	Worley,
Frascella,	Lutty,	Rovansek,	Yetter,
Frost,	Mahan,	Royer,	Yetzer,
Gaffney,	Markley,	Rudisill,	Young,
Garlock,	Maxwell,	Sarraf,	Ziegler,
Gibson,	McCann,	Scarcelli,	Andrews,
Goldstein,	McGee,	Schuster,	Speaker
Gramlich,			

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1944, Printer's No. 1448 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1944.

An Act to amend the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 P. L. 28) entitled "An act relating to the civil defense of this State and its coordination with national defense providing for the establishment of a State Council of Civil Defense local and distrct councils of civil defense Mobile Support Units prescribing the powers duties and immunities thereof and of their pernonnel authorizing mutual aid compacts and providing penalties" by authoring the State Council of Civil Defense to make rules and regulations

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 3, by striking out after the word "advisable" the following: Such rules regulations and orders adopted by the State Council of Civil Defense shall have the same force as if they formed a part of this act

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—156

Adam,	Gramlich,	Metz,	Schuster,
Amarando,	Guss,	McGee,	Sherman,
Anderson, S. A.,	Guthrie,	McInroy,	Smith, C. C.,
Ashton,	Hamilton, R. K.,	Mikula,	Smith, Wm. B.,
Auker,	Hass,	McWherter,	Snider,
Barnatovich,	Haudenshield,	Meholchick,	Stank,
Bell,	Helm,	Mihm,	Stebbins,
Blair,	Henzel,	Mills,	Steckel,
Boles,	Hewitt,	Moody,	Stevenson,
Bonner,	Hocker,	Moran,	Stone,
Boory,	Horst,	Moscrip,	Stoner,
Bower,	Houk,	Mullen,	Strausser,
Breisch,	Isaacs,	Munley,	Stroup,
Brennan, A. P.,	Jenkins,	Murphy,	Swartz,
Brennan, J. J.,	Johnson,	Murray, H. P.,	Taylor,
Breth,	Jones, T. H. W.,	Murray, J. J.,	Thomas,
Brown,	Jump,	Musto,	Toll,
Bucchin,	Kamyk,	Naugle,	Tompkins,
Bullen,	Kehler,	Needham,	Toomey,
Capano,	Keller,	Ogilvie,	Vaughan,
Cianfrani,	Kent,	O'Neil,	Wall,
Cioffi,	Kline,	Pacchioli,	Wallace,
Curwood,	Knecht,	Parry,	Walsh,
Davis,	Kolankiewicz,	Pashley,	Wargo,
Donahue,	Kooker,	Paulhamus,	Waterhouse,
Erb,	Kromer,	Petrosky,	Weidner,
Ewing,	Leiby,	Polaski,	Welsh,
Farabaugh,	Leisey,	Polen,	Wescott,
Filo,	Light,	Price,	Wheeler,
Flint,	Leonard,	Pursley,	Whitenight,
Floyd,	Leven,	Readinger,	Willaredt,
Flynn,	Limper,	Reibman,	Williams,
Frank,	Lopresti,	Reidenbach,	Wood,
Frascella,	Lovett,	Renwick,	Worley,
Frost,	Lutty,	Rovansek,	Yetter,
Gafney,	Mahan,	Royer,	Yetzer,
Garlock,	Markley,	Rudisill,	Young,
Gibson,	Maxwell,	Sarraf,	Ziegler,
Goldstein,	McCann,	Scarcelli,	Andrews, Speaker

NAYS—0

NOT VOTING—51

Agnew,	Ehrgood,	Kratz,	Pettigrew,
Anderson, M. S.,	Eilberg,	Lafore,	Pomeroy,
Banker,	Eshleman,	Lawyer,	Rigby,
Bazin,	Fineman,	Lippincott,	Rosen,
Branca,	Foster,	Magee,	Rubin,
Brenninger,	Gelfand,	McCormack,	Sigman,
Cochran,	George,	McKeever,	Stephens,
Comer,	Gibb,	McLaughlin,	Thompson,
Connelly,	Greenwood,	Miller,	Varallo,
Cooper,	Heavey,	Monroe,	Varner,
Donaldson,	Holt,	Muldowney,	Verona,
Dougherty,	Jones, G. E.,	Murray, P. G.,	Wilt,
Down,	Kornick,	Olsen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

QUESTION OF INFORMATION

Mr. READINGER. I rise to a question of information.

The SPEAKER pro tempore. The gentleman will state it.

Mr. READINGER. Mr. Speaker, I desire to inquire of the Chair how many official leaves of absence were granted Members this week?

The SPEAKER pro tempore. The Chair will inquire of the Chief Clerk.

The Chair has been informed that there have been four official leaves of absence requested.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, I note from the roll call today that there are 51 persons not present. I believe we now have 207 Members who are still serving in this House, and we had roll calls which, if my recollection is correct, total 156, indicating that 51 of our Members did not vote. Taking off the four leaves of absence leaves us 47 persons who are absent today without leave.

I would like to call to the attention of the House the fact that some 30 bills were passed over today because we do not have the Members present to vote on them.

Last week a letter was sent to every Member advising them to be prepared to stay here three working days this week. This was supposed to be a working day. We have many bills on this calendar which have been on for weeks, some for months, important bills. Any bill which is reported from Committee is important to some people and they are entitled to consideration.

What we can do about this continual absenteeism, I do not know. If the Members want to get out of this session permanently on sine die adjournment by the beginning of April, they are simply going to have to come back here and stay when they are asked to work three days a week.

Normally, we have about two weeks at the end of a session when we are here five days a week, and usually we have hundreds and hundreds of bills being processed in a very short period of time. We have been trying to avoid that this session. We have been trying to come to an orderly, sensible conclusion voting on bills we understand, bills we have time to read, but if the Members persist in absenting themselves as they have today without leave, without notice, without anything other than their own desires to go back home when they choose to go back home, we will probably be here until the middle of August.

I do wish that our Members would cooperate better when we advise them and ask them to stay here for three working days. When we have a lot of work to do, I do wish they would stay.

REPORTS FROM COMMITTEE

Mr. AUKER from the Committee on Conservation and Wild Life, reported as amended, House Bill No. 2029, entitled:

An Act amending "The Fish Law" of one thousand nine hundred and twenty-five, approved May 2, 1925 (P. L. 448), excluding the provisions thereof the operation of and fishing from temporary water tanks in connection with sportsman's shows.

Mr. MOODY from the Committee on Conservation and Wild Life, reported as committed, House Bill No. 2065, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), further regulating the issuance of antlerless deer licenses, and imposing penalties for the unlawful issuance thereof.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2065, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225), further regulating the issuance of antlerless deer licenses, and imposing penalties for the unlawful issuance thereof.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

PERMISSION TO ADDRESS HOUSE

Mr. AUKER asked and obtained unanimous consent to address the House.

Mr. Speaker, I listened with a great deal of interest to what the Majority Floor Leader had to say about absent Members, particularly when we were warned that this week would be three full working days. I heartily concur in everything he said.

If I think next week as I do right now, I will object to any bill going over next week regardless of any reason whatsoever.

PERMISSION TO ADDRESS HOUSE

Mr. BELL asked and obtained unanimous consent to address the House.

Mr. Speaker, following Mr. Auker's remarks and following the Majority Leader's remarks, there are quite a few of us who have sacrificed time all through these fifteen months. We have been here, we have tried to be faithful, but other people have not made that sacrifice. Others think they should go home and earn their livelihood.

I would like to add my little two cents worth, or maybe this morning we should say three cents worth, because all of us should back up our Leaders. We should be here and we should move this legislation.

Next week I would like to find out if there is some constitutional way we can stop putting off proposed legislation so that we can get our job done. Representative Auker and I are just as busy in our civilian engagements, civilian endeavors, as a lot of the absentees.

PERMISSION TO ADDRESS HOUSE

Mrs. KOOKER asked and obtained unanimous consent to address the House.

Mr. Speaker, I think it might be well if the men of the House would emulate the attendance record of the women. Then I am sure our Leaders would not have to get up and beg for cooperation. We are here, and they could be here just as well. We have many duties back home that need our attention, but we took the job and we intend doing the job until it is finished.

ADJOURNMENT

Mr. LIGHT. Mr. Speaker, I move that this House do now adjourn until Monday, March 12, 1956 at 1:00 p. m.

The motion was agreed to, and (at 1:50 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., MONDAY, MARCH 12, 1956. No. 151.

SENATE

MONDAY, March 12, 1956

The Senate met at 1:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT pro tempore (M. Harvey Taylor) in the Chair.

PRAYER

Honorable FRANK W. RUTH, a Member of the Senate from Berks County, offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee that Thou hast permitted us again to meet for the work of this week.

As we look back and see how Thou hast written history in the centuries gone by, we pray that Thou wilt realize that we, in our time, are writing the history of the future. May we be guided by Thy hand, so that the future will redound to Thy Honor and Glory. We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. PECHAN and Mr. RUTH, further reading was dispensed with, and Journal was approved.

LEAVES OF ABSENCE

Mr. RUTH asked and obtained leave of absence for Mr. DERK, for the week, due to illness.

He also asked and obtained leave of absence for Mr. MILLER, for the week, due to illness.

The PRESIDENT pro tempore. At this time, the Chair invites the gentleman from Allegheny, Mr. Fleming, to the rostrum to preside.

The PRESIDING OFFICER (Robert D. Fleming) in the Chair.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION, SERIAL No. 148

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate as follows:

REQUESTING THE DELAWARE RIVER PORT AUTHORITY TO GIVE CONSIDERATION TO THE NEED FOR A BRIDGE OVER THE DELAWARE RIVER AND TO MAKE A REPORT

In the Senate, September 19, 1955.

Bridges over the Delaware River present an ever increasing problem greatly augmented by the flow of traffic from the Pennsylvania and New Jersey turnpikes.

While the area north of and within the limits of the City of Philadelphia are being well provided for, the traffic normally bearing south of the city continues to be compelled to find a crossing through city traffic in Philadelphia or to travel further, below the City of Wilmington; therefore be it

Resolved (the House of Representatives concurring), That the Delaware River Port Authority be requested to give serious consideration to the urgent need for a bridge over the Delaware from a point in Delaware County, Pennsylvania to a point opposite in the State of New Jersey, and to that end to make an engineering survey and an exhaustive study of the traffic that could and normally would use the bridge, and to report in detail to the General Assembly at its 1957 session, the results of its survey and studies.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION, SERIAL No. 151

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

REQUESTING HALF-WAY STATE FOREST PARK BE RENAMED RAYMOND B. WINTER STATE FOREST PARK

In the Senate, September 27, 1955.

The name of Pennsylvania was given to the colony of William Penn and inherited by the Commonwealth because of the verdant forests that once covered its territory. But indifference or lack of foresight to the future weal in ears past rapidly denuded Pennsylvania's hillsides of its trees; and carelessness and indifference to the value of second growths permitted repeated fires to ravage the cut-over area and to scorch the earth into a state of ugliness and unproductivity, robbing the land of its protecting forest growth.

A bleak and uninviting example of this catastrophe was what is now the Bald Eagle State Forest in Union County when Raymond B. Winter, was sent there as a forester in 1910. The area was a charred wilderness of dead brush, stumps and a mud hole formerly a saw mill dam.

During his forty-five years of service there, Mr. Winter transformed the area into one of Pennsylvania's outstanding beauty spots. With far-sighted planning and tireless efforts he undertook the task of rehabilitation. His early days in the area were devoted to fire control and prevention, tree planting, road and trail building and gradually a little recreational work for the local people, which later, with the help of the Civilian Conservation Corps

during the early thirties and later improvements developed into a State Forest park of four hundred acres with a concrete and stone masonry dam on the site of the former saw mill dam, presently known as the Half-Way State Forest Park. And today the Bald Eagle Forest is an established and thrifty forest.

That Bald Eagle is one of the finest and best preserved forest districts in the State today is due mainly to the diligent and conscientious work of Mr. Winter; therefore be it

Resolved (The House of Representatives concurring), That the recreational area in the Bald Eagle State Forest in Union County now known as Half-Way State Forest Park be renamed Raymond B. Winter State Forest Park in lasting tribute to his untiring work in conservation.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

RECALLING SENATE BILL No. 929 FROM THE GOVERNOR

In the Senate, March 7, 1956.

Resolved (if the House of Representatives concur), that Senate Bill No. 929, Printer's No. 535, entitled "An act amending the act of April 12, 1951 (P. L. 90) entitled 'An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws' providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used," be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 244

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 244, entitled:

An Act amending the act of June 28, 1951 (P. L. 638), entitled "Register of Wills Act of 1951," providing for the fixing of costs where there are separate orphans' courts.

HOUSE CONCURS IN AMENDENTS TO HOUSE BILL No. 245

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 245, entitled:

An Act amending the act of August 21, 1953 (P. L. 1309), entitled "An act prescribing the fees to be received by registers of wills in counties of the fourth, fifth, sixth, seventh and eighth class," eliminating counties of the fourth class.

HOUSE CONCURS IN AMENDENTS TO HOUSE BILL No. 246

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 246, entitled:

An Act amending the act of August 21, 1953 (P. L. 1306), entitled "An act prescribing the fees to be received by the clerks of orphans' courts of counties of the fourth, fifth, sixth, seventh and eighth class," eliminating counties of the fourth class.

HOUSE CONCURS IN AMENDENTS TO HOUSE BILL No. 247

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 247, enittled:

An Act amending the act of August 10, 1951 (P. L. 1168), entitled, as amended, "Orphan's Court Act of 1951," providing for the fixing of costs where there are separate orphans' courts.

HOUSE CONCURS IN AMENDENTS TO HOUSE BILL No. 876

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 876, entitled:

An Act amending the act of June 23, 1931 (P. L. 932), entitled "Third Class City Law," further regulating the hours of service, and sick leaves of firemen.

HOUSE CONCURS IN AMENDENTS TO HOUSE BILL No. 1873

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1873, entitled:

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789), entitled as amended "Insurance Department Act of 1921," by changing provisions relating to certain legal proceedings.

HOUSE CONCURS IN AMENDENTS TO HOUSE BILL No. 1944

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1944, entitled:

An Act to amend the "State Council of Civil Defense Act of 1951" approved the nineteenth day of March, one thousand nine hundred fifty-one (1951-1952 P. L. 28) *** by authorizing the State Council of Civil Defense to make rules and regulations.

HOUSE CONCURS IN AMENDENTS TO HOUSE BILL No. 2020

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2020, entitled:

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the legislative session of 1955.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 776, entitled:

An Act reenacting and amending the title and act of June 27, 1939 (P. L. 1125), entitled, as amended "Nonprofit Medical Service Corporation Act," including in the plan chiropody services and defining "Chiropody services," for the purpose of this act only.

Which was committed to the Committee on Public Health and Welfare.

House Bill No. 1527, entitled:

An Act for the protection of the public health and welfare and the prevention of fraud and deception in the manufacture preparation packaging dispensing and sale of non-alcoholic drinks and the use and operation of automatic or manual dispensing equipment relative thereto prohibiting the sale offering or exposing for sale exchange or the giving away thereof unless registered providing for licensing of places of manufacture preparation compounding and packaging and the licensing or registration of automatic or manual dispensing equipment regulating the manufacture compounding labeling selling sanitation and the ingredients of non-alcoholic drinks and the display of presses prohibiting misbranding and adulteration authorizing promulgation of rules regulations and standards providing for penalties and for injunction in certain cases and the disposition of fees and fines

Which was committed to the Committee on Agriculture.

House Bill No. 1801, entitled:

An Act to further amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "Fiscal Code," by defining the term "predecessor in title."

Which was committed to the Committee on Judiciary General.

House Bill No. 1809, entitled:

An Act amending the act of June 23, 1931 (P. L. 932), entitled "Third Class City Law," providing for the release of land subdivision improvement encumbrance in certain instances.

Which was committed to the Committee on Local Government.

House Bill No. 1810, entitled:

An Act amending the act of May 13, 1927 (P. L. 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' * * *" providing for the release of subdivision improvement encumbrances in certain instances

Which was committed to the Committee on Local Government.

House Bill No. 1811, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206), entitled "First Class Township Law," providing for the release of land subdivision improvement encumbrances in certain instances.

Which was committed to the Committee on Local Government.

House Bill No. 1812, entitled:

An Act amending the act of May 4, 1927 (P. L. 519), entitled "General Borough Act," providing for the release of land subdivision improvement encumbrances in certain instances.

Which was committed to the Committee on Local Government.

House Bill No. 1813, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Law," providing for the release of land subdivision improvement encumbrances in certain instances.

Which was committed to the Committee on Local Government.

House Bill No. 1928, entitled:

An Act amending the act of May 20, 1949 (P. L. 1594), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and possessing with intent to sell, of adulterated or deleterious ice cream, french ice cream, french custard, frozen custard, frozen ice confections, frozen sherbet confections, sherbet, ice and fruit ice, including coated ice cream and the coating thereof . . ." extending its provisions to ice milk and ice milk confections; and conferring additional powers and duties on the Department of Agriculture, and changing labeling requirements.

Which was committed to the Committee on Agriculture.

House Bill No. 1989, entitled:

An Act adopting an interpleader compact for the complete and expeditious adjudication of adverse claims to property in the hands of a stakeholder where one or more claimants are in different jurisdictions and entering the compact with other states, territories and posessions of the United States and the District of Columbia that adopt the compact and are acceptable to this Commonwealth for the purpose of the compact.

Which was committed to the Committee on Judiciary General.

House Bill No. 2044, entitled:

An Act to further amend the act, approved the fifth day of August, one thousand nine hundred forty-one (P. L. 752), entitled "Civil Service Act," by decreasing the size of the grouping for purposes of furlough.

Which was committed to the Committee on State Government.

House Bill No. 2046, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred fifty-five.

Which was committed to the Committee on Appropriations.

House Bill No. 2049, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to bene-

ficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," further regulating payments to certain beneficiaries under the fund.

Which was committed to the Committee on Local Government.

House Bill No. 2050, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," further regulating the withdrawal of service increment contributions.

Which was committed to the Committee on Local Government

AMENDMENT TO HOUSE BILL No. 641 RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 641, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Law," authorizing the appointment of boards of health and health officers; prescribing their powers and duties; providing for the enforcement of the administration of health laws by such board and officers; providing for a president and secretary of such boards; imposing duties on the Secretary of Health, and providing for payments of expenses by townships.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bill, as amended, will appear on tomorrow's Calendar.

HOUSE CONCURS IN SENATE BILL No. 608

He also returned to the Senate, Senate Bill No. 608. entitled:

An Act amending the act of May 2, 1925 (P. L. 448), entitled "Fish Law," authorizing the use of long bows and arrows for capturing or killing carp.

with the information that the House has passed the same without amendments.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1880 LAID ON THE TABLE

He also presented extract from the Journal of the House of Representatives, which was twice read as follows:

In the House of Representatives, March 12, 1956.

Resolved (if the Senate concur), That House Bill No. 1880, Printer's No. 1447, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine" by requiring additional reports and changing the due date of certain payments of capitol stock tax and franchise tax changing the gross receipts fraction applicable to foreign corporations

be recalled from the Governor for the purpose of amendment.

The PRESIDING OFFICER. This resolution will be laid on the table.

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 1863

He also informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 1863, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "Vehicle Code," further regulating lighting equipment, lights and devices, and the use thereof; and prescribing penalties.

The PRESIDING OFFICER. This bill will be laid on the table.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 841

He also presented communication from the House of Representatives, informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

The PRESIDING OFFICER. This bill will be laid on the table.

REPORT FROM COMMITTEE

Mr. BLASS, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 1009, entitled:

An Act amending the act of July 28, 1953 (Appropriation Acts, page 16 Act No. 20-A', entitled "An act making an appropriation to the Department of Forests and Waters for the protection and stabilization of Presque Isle Penninsula and Erie Harbor at Erie," authorizing the use of funds for improvement and development purposes.

BILLS INTRODUCED AND REFERRED

Mr. YOSKO read in his place and presented to the Chair Senate Bill No. 1026, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" further defining duties of

officers having the powers of a committing magistrate and clerks of courts of record.

Which was committed to the Committee on Highways.

Messrs. SCHMIDT and KOPRIVER, JR. read in place and presented to the Chair Senate Bill No. 1027, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "Second Class County Code" authorizing employes of departments of health of the Commonwealth of Pennsylvania, cities of the second and third class, boroughs, and townships upon application to become members of the county retirement system upon becoming county employes, providing for payments by the employes and former employers into the county retirement fund.

Which was committed to the Committee on Local Government.

They also read in place and presented to the Chair Senate Bill No. 1028, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "The Vehicle Code" permitting certain persons to equip and use warning devices on commercial motor vehicles for limited purposes.

Which was committed to the Committee on Highways.

Mr. BLASS read in his place and presented to the Chair Senate Bill No. 1029, entitled:

An Act amending the act of April 6, 1953 (P. L. 3), entitled "Uniform Commercial Code" further regulating filing with respect to perfecting security interests.

Which was committed to the Committee on Banking.

BIRTHDAY FELICITATIONS EXTENDED TO SENATOR JOHN H. DENT AND HONORABLE CHARLES L. LATHERO

Mr. HALUSKA. Mr. President, throughout the years, we have birthdays that come and go. However, last Saturday happened to be the birthday of two gentlemen from this group and I do not think they should be left unnoticed. My colleague from Westmoreland County, Senator Dent, had a birthday and our great Senate Librarian, Mr. Lathero, had a birthday.

After talking with some of my colleagues, I feel that it is not too late yet for this group to hold a dinner at these two gentlemen's expense. Therefore, Mr. President, I thought I would bring it to their attention.

Senate Dent is very busy right now, although he may stop for a moment. However, I want to repeat that his birthday and the birthday of Mr. Lathero have come to my attention. In talking to my Republican and Democratic colleagues, we feel that it is not too late yet for us to have a nice steak dinner, having Senator Dent and Mr. Lathero pick up the tab

Mr. DENT. Mr. President, I have discussed the matter of this invitation for a steak dinner with Charlie Lathero. Now we each usually have our plans made at least two or three weeks in advance and if John Haluska can tell me at this moment when the Session is going to end, we will have the dinner that night.

The PRESIDING OFFICER. That sounds like a very fine offer to the Chair.

Mr. HALUSKA. Mr. President, I cannot give my colleague an answer without first seeing my colleague from Cambria County, Mr. Andrews

PRESIDENT OF THE HOME AND SCHOOL COUNCIL OF CITY OF PHILADELPHIA AND DELEGATION FROM HAMILTON DISTANT HOME AND SCHOOL ASSOCIATION PRESENTED TO SENATE

Mr. MULLIN. Mr. President, I wish to introduce to the Senate Mrs. Myrtle Shuman, President of the Home and School Council of the city of Philadelphia, an organization comprising all of the public schools of the city of Philadelphia.

I would also like to introduce a delegation from the Hamilton Distant Home and School Association, Board of Directors.

The PRESIDING OFFICER. The Chair welcomes Mrs. Shuman and the Members of the Board of Directors of the Hamilton Distant Home and School Association. We certainly hope that your visit here will be pleasant and informative

PETITIONS AND REMONSTRANCES

Mr. YOSKO. Mr. President, I desire to interrogate the gentleman from Lancaster, Senator Kessler.

The PRESIDING OFFICER. Is Senator Kessler in the Chamber? He is not here at the present time, Senator Yosko.

Mr. YOSKO. All right, I will wait until he returns.

Mr. MAHANY. Mr. President, first, I want to congratulate both Senator Dent and Mr. Lathero, our Librarian, on the birthdays which they celebrated last Saturday. All of us join with the Democrats in not only wishing them many more happy birthdays in the years to come, but also feel sorry that we were not privileged to be with them last Saturday when they celebrated that particular birthday which, I suppose, was their 39th birthday.

I regret very much, Mr. President, that the work or the germs or something that have been going on around here for the past two weeks have more or less put a crimp in my energy. Therefore, I am not able, perhaps, to forcefully say the things today relative to releases which were made over the past week end that I would like to. As we all know, a group of Democratic Senators and Republican Senators worked together on different occasions to try to work out some wording relative to the type of sales tax which we would adopt. Perhaps the Democratic senators who worked with us were not so much in favor of the sales tax as they were of trying to work out something that would be workable in the event that we adopted a sales tax. We tried to bring in a new look to the type of tax that we were going to adopt. We could have very easily adopted the Ohio sales tax in its entirety. Rather than do that, however, we thought it would be better to place a tax on specific items which we would set forth in the bill. Accordingly, that is what we did. We have a certain number of categories of personal property which we taxed, under the sales tax bill that we passed last week.

At the time, Mr. President, we agreed that there were certain features relative to the stamp plan part of the bill which would have to be corrected by amendments. I regret that in the bill which the House sent over to us we did not have the Ohio stamp plan tax in its entirety. There were certain features of the plan that were eliminated in that particular bill. However, we decided that

they were not important because on our first go-around on this legislation, we knocked out the stamp plan. In the Conference Committee, the House Members thought that they wanted to have the stamp plan included and, therefore, in deference to them, we restored the same wording which was in the bill as it left the House, relative to the stamp plan. We then found that some amendments would be necessary because some things were left out of it and which are in the Ohio stamp plan.

Mr. President, this was not such a fatal defect at the time to necessitate holding up the passage of this legislation. Every day that this bill remained unsigned into law, it was costing the State of Pennsylvania about $800,000. After some conferences with representatives from the Attorney General's Office on the day that we passed the bill, it was agreed that there was nothing in this bill which would be so fatally defective to it that it should stop our consideration and passage of the bill.

We went over these suggestions with representatives from the Attorney General's Office after we passed the bill, relative to what we should put in in the way of amendments to clarify the sales tax bill that we passed. We had a meeting in Senator Dent's office the other day. A representative from the Attorney General's Office, Mr. Rubin, attended that meeting and he made a couple of suggestions which we, at the time, did not feel we wanted to accept. He then read his newspaper for the rest of the morning. In the afternoon, when we returned from lunch, he was not in attendance nor was any other person from the Attorney General's Office.

Mr. President, any new piece of legislation is bound to, perhaps, be confusing for a short time after its passage, until such time as the public catches on to it. I have not found a great amount of confusion in relation to this particular bill. When I visit stores, I ask the merchants whether there has been a lot of confusion and they all tell me pretty much that there has not. They tell me that they are falling into it pretty nicely and for their part, they do not have too much fault to find.

Therefore, Mr. President, I was amazed when I saw over the week end statements made by the Attorney General that this was all wrong, that there was confusion in relation to it and that it was ambiguous. He did not know, for instance, whether the manufacturer would have to charge a tax to the wholesaler, whether the wholesaler, then, would have to collect the tax from the retailer, and then the retailer collect the tax again from the consumer, because, under our bill, we had crossed out the words "retail sales tax" and had made it "use tax" or purchaser's tax and had said nothing about retail. If the Attorney General had examined the definition of the used tax provision, he would have seen that we specifically eliminated the tax that would be paid by the wholesaler to the manufacturer and from the retailer to the wholesaler. In the transit of these goods, from the manufacturer to the ultimate consumer, there would be only one tax payable and that would be by the ultimate consumer to the fellow from whom he bought it.

Mr. Cohen also questioned whether or not shoes would be taxable. I might say that in our conference with representatives from his department, it was my understanding that we even suggested that perhaps we might clear this up because somebody might think that shoes would be under the category of leather goods. However, they said "no"; that they did not think that would be necessary. I was again amazed to find that Mr. Cohen thought shoes would be under leather goods. I believe it was the intention of all of us that no part of the wearing apparel of a person would be taxable under this bill ,except luxury items such as tuxedos, dinner clothes, striped trousers, worn on festive occasions, and cutaway coats and things such as those that are worn on formal occasions. I do not know how you specify the ladies' formal clothing. That may be a little bit more difficult and we might have to clarify that. However, that is the only type of wearing apparel that we intend to tax.

If Mr. Cohen had been over here or had one of his representatives here, as he should have because this was one of the most important pieces of legislation that this Body has had to consider this Session, he would have heard me say that the Republican Senators did not want a tax on clothing because we were still impressed with the demonstration that my friend, Senator Dent, put on last year, in which he got shoe boxes out over there and showed, or tried to show, that we were prepared to tax shoes. That demonstration so lasted in our minds that we decided we did not want to tax shoes or any other part of wearing apparel worn by persons. It would appear to me that if there is any confusion added here in relation to this particular tax, confusing the merchant as to what he is to tax and confusing the general public as to what it is to pay, we can certainly lay part of the blame, anyway, at the door of our Attorney General.

Mr. President, I am a little bit surprised at our Attorney General after he had his Governor, who, after all, should be his number one client, sign this bill after he found so much wrong with it. It would appear to me that if all these things were wrong with this bill and they were so obvious to the Attorney General before the Governor signed it, as they became apparent to him afterwards, he certainly would have advised his number one client not to sign the bill. Therefore, we either have to arrive at the conclusion that Mr. Cohen was putting out all this stuff, knowing it to be false and just trying to stir up confusion in relation to the legislation for whatever political purpose he might be after, or else he did not do his job as the Attorney General of the Commonwealth very well when he advised the Governor to sign the legislation.

Mr. President, I hope that the Attorney General's Office will be a little bit more cooperative with us when we are trying to write tax legislation. It is legislation which the Attorney General's Office may have to defend in court and we would very much like to have the cooperation of the Attorney General's Office in writing this legislation if they feel that they would like to aid us. The Attorney General's Office is always welcome at any time to help us in this work. I want to say to Mr. Cohen that he should know by this time the intent of the Legislature in passing this legislation. We intended to tax the categories set forth in the sales tax; we intended the rate to be at three per cent; we intended that the ultimate consumer should pay the tax and the retailer should collect it from him.

The PRESIDING OFFICER. Would the gentleman yield for a moment? Will the visitors please be quiet? The gentleman is entitled to be heard. The gentleman will proceed.

Mr. MAHANY. We intended that the tax would only be charged once and that would be upon the sale to the ultimate consumer. We also intended that shoes should be considered part of a person's wearing apparel and should not be taxed. When we spoke of leather goods, we meant such things as brief cases, luggage, wallets and things like that which are taxable under the Federal Excise Tax. When we specifically exempted one tobacco product from the list of tobacco products that were to be taxed, we intended to eliminate or exempt cigarettes and no other tobacco item. The Attorney General should know that and if there is any further question that he has, relative to the intent in writing this bill, we will be happy to advise him.

We would also like to have him write such amendments, or submit such amendments to us, that he feels are necessay and which would clarify this sales tax bill so that there will not be the confusion that he says attends it and which will eliminate the ambiguity which he says is in it. If the Attorney General will meet with me or my Democratic colleagues, the leaders on the other side, we certainly will be happy to meet with him tomorrow so that we may go over these suggested amendments and perhaps add a few of our own and try to get this bill fixed up so that when we adjourn sine die, there will not be a lot of ambiguous tax legislation on the books. I assure the Attorney General he will have my cooperation, but hope that he will desist from making political statements relative to a piece of legislation which I believe is so important to the people of the Commonwealth of Pennsylvania.

Mr. DENT. Mr. President, I rise to make a statement at this time.

Mr. President and Members of the Senate, we have just heard a few remarks from the Republican Floor Leader relative to some of the problems which are arising from the passage of a sales tax. I agree with the gentleman that any new legislation, particularly one that has such far-reaching consequences to it, may and usually does bring into the picture many new problems. However, in going over the bill last Thursday, I believe in a full day's Session with Senator Mahany, Senator Kessler and other Members of this Body, we tried to work out some amendments which would clarify the important features of the act.

Over the week end, I took another look at the legislation and find that we missed, at least on Thursday I know, a very important phase of it that I doubt if anyone has caught onto yet and that is that part of it relative to the stamp tax.

As you all know, Mr. President, I have voiced my opposition to the stamp feature and I am happy to say that at this time I have with me an editorial from The Cleveland Plain Dealer, which is considered to be one of the outstanding newspapers in the State of Ohio. I thought perhaps it might be interesting to this Senate to read you at least one paragraph from this editorial. The editorial is dated March 3rd, Saturday, 1956, and I think it is very apropos of the discussions we are haivng on the question of stamp or no stamp in our tax plan. I quote from the editorial:

"The 'robbery' of the Ohio State Treasury by merchants who charge persons for sales tax stamps on purchases and then don't give them is an old story, almost as old as the 21 year old depression-born tax measure. Yet only recently the state tax commissioner, Stanley J. Bowers, estimated that this defrauding amounts to 30 million dollars or so every year."

Mr. President, when you take into consideration that the State of Ohio collects $188,000,000 a year of taxes and finds itself being defrauded, by the stamp tax application, of 30 odd million dollars a year, and add to that the feature of the act which places a two per cent refund reward to those who would turn in the used stamps and a two per cent discount to the licensees or vendors in the State, and a one per cent commission to those who act as distributors, you can easily see why the State of Ohio has a $26,000,000 cost each biennium or $13,000,000 a year for the cost of administration of their act. Related to Pennsylvania, if we were to take the same figures and assuming that there would be as much defrauding in this State as they have in the State of Ohio, we could assume then that there would be at least $50,000,000 that the taxpayers would be fleeced of by fraud.

In our bill, Mr. President—and I know this is a mistake, I am sure it is, and I am calling it to the attention of the Senate so that all of those who are working on amendments will try to do something about it—you will find on page 15 where it says:

"Purchase by Vendors. Each vendor making taxable sales shall purchase and have on hand at all times prepaid tax receipts in suitable denominations" and so forth, but carrying on down through we find that the vendor must make a report and in making this report, he receives a two per cent discount on the purchase of stamps amounting to twenty-five dollars or more.

This is not the report section of the bill, Mr. President. This is the purchase section. Every time the vendor goes to a distributor any buys stamps, he receives two per cent upon every purchase of stamps of twenty-five dollars or more.

Now, Mr. President, let us take $100 worth of tax stamps. They are supposed to represent about $3333 worth of purchases and when the vendor buys the stamps, he receives a two per cent discount at that point. If you will turn back to page 18, you will see where this same vendor shall be entitled to apply and receive a credit against the amount of tax payable by him in an amount equal to two per cent of the gross tax collected by him to cover his expense in the collection and remittance of said tax.

He gets two dollars for buying the stamps from the distributor, Mr. President, and then when he turns in his report, the vendor gets two per cent more and the $100 which the taxpayers paid, presumably to the State of Pennsylvania, finds itself reaching an amount of ninety-six dollars or a loss of four per cent on the total of $300,000,000 anticipated tax return or $12,000,000, which we are going to pay in taxes more than we are going to receive into our treasury.

On top of that, Mr. President, we have a two per cent refund or bonus, as it were, to those who collect the used stamps which amounts to another two dollars off and the $100 dwindles to ninety-four dollars. Then we have a half per cent which we are going to give to the distributing bank and they, in turn, will receive another fifty cents from the $100. Therefore, the $100 of taxes which the people pay in this State will return to the

Treasury of this Commonwealth ninety-three dollars and fifty cents from which must be taken, on the total of $100, an approximate five per cent if the same rate of cost of operation of the plan is to apply here as it applied under the old sales tax, with the same organization which you will need. If you take the cost in the State of New York where it is approximately six and one-quarter per cent, or take a mean average of the various States to collect these taxes, we can safely say that it will cost approximately three and one-half per cent or three and one-half more dollars per $100 of taxation.

Now, Mr. President, we find that the $100 which the taxpayers have paid has dwindled down to ninety dollars worth of revenue for the Commonwealth of Pennsylvania.

The PRESIDING OFFICER. Will the gentleman from Westmoreland, Mr. Dent, yield just one moment, please?

The conversation on the side will have to cease. The stenographer cannot get the notes down correctly. She is having difficulty at the present time.

Mr. DENT. Thank you, Mr. President. I know that it is hard for the visitors to listen to this day after day, but they should realize that sometimes it is hard for us to have to say it day after day, too. Some of these things are necessary in order that the records may be kept straight.

Mr. President and Members of the Senate, there are those who say, and have been led to believe, that the tax stamp plan will reward the individuals. Some of the taxpayers think that by having a two per cent refund on the used stamp, they will be able to participate in this great bonanza which is going to be gathered in the Commonwealth. However, let us look at it realistically. The ordinary citizen does not buy $3300 worth of goods in a normal purchase and it takes many, many of the little penny and three cent, five cent and ten cent stamps to accumulate $3300 worth of purchases or $100 worth of tax paid stamps. You cannot get a refund for them until you have $100 worth. Therefore, in the end, really, the ones who will receive this refund from the State Treasury are those who organize for the purpose of refund.

I am wondering, as I go over this picture, whether or not we are being smart in this instance. Taxes, in most instances, are unbearable in any sense. Therefore, I do not see that it is an intelligent move on the part of Pennsylvania at this time if we are establishing a broad base tax, that we should adopt a tax plan which has not proven successful in the only State of the thirty-seven States which have sales taxes and is the only State that employs that type of a tax plan.

Mr. President, the misunderstanding has come to the point where a great many people are taking sides. That is only adding to the confusion. For those of us in this General Assembly who want to pass any tax in a workable form, then do you not all think that the smartest thing we could do would be to make the effective date of the stamp tax plan January 15, 1957? That would give us an opportunity to take our Joint State Government Commission, which is an agency of the Legislature, and have that commission make a study. The Joint State Government Commission is our fact-finding arm. It develops for the Legislature facts and figures to substantiate the actions of this General Assembly. Do you not think that in fairness to the people of this Commonwealth who have to pay the tax, without taking the position either for or against the stamp plan but taking a neutral position in the matter or taking the position of just good government, as it were, would it not be the logical thing to do to establish this tax plan in the act? A study should be made if you are going to do as Senator Mahany and others have suggested. If you are going to have the Ohio plan, which is the only plan that has been talked about in the paper, it certainly is not the plan that is contained in this act. There is no semblance whatsoever except the word "stamp."

If we take the Ohio plan and insert it in this act bodily and take out the plan which is in here now, we will get away from this dual commission base to the vendor and we will get down to the weekly reports, which is the valuable thing in the act. Another one of the great errors in this bill is that although the vendor has to buy his stamps prepaid and make a report once a month, and the taxpayer has to pay his cash out the day that he makes his purchase, the banks in Pennsylvania have the use of this money for six months. Besides getting paid a commission of a half per cent, they have the whole six months in which they can hold the taxpayers and State's money and make a report. None of us are foolish enough to believe that these banks are not going to buy a few short term notes from the Federal Government at one and a half or one and seven-tenths per cent and earn a great deal of money off of the money that the State is supposed to be collecting for the uses of the Commonwealth.

Mr. President, if you take the Ohio plan, the distributor or the bank would have to make a weekly report and send in its returns, estimates and so on. At least, in that way, the State would be able to use its money and keep from having to go out and borrow on tax anticipation notes, which adds another one or one and a half per cent to the cost of operating our government. When you go into the basis we are in now of $90,000,000 worth of tax anticipation notes, we get well up around $1,375,000 to $1,385,000 of added interest which the taxpayers have to pay.

They say, "Stop waste in government." Mr. President, you cannot stop waste if you prepare to make waste by hastily passing a bill without a complete study of its applications in this Commonwealth. Therefore, I plead with you that when you do put your new stamp plan into the act, you make it effective on the 15th of January of 1957. At that time there will have been at least time for us to study the effects of this stamp plan on our total revenue and budget.

If this is true, if the Cleveland Plain Dealer, speaking after twenty-one years of experience in Ohio, says that there are 30 million dollars or so every year of fraud in the manipulation of the stamps in Ohio and if we know we are adding, under the amended bill, four and one-half per cent of the total of the entire tax for the application of the stamp plan, are we not acting a little hastily in this matter? Why should we take the money out of the taxpayers' pocket to reward somebody with? I do not think any of the State organizations which are covered in this act want that refund money. We are the most liberal State in the United States of America toward our private hospitals, our local hospitals and our schools. Why, the entire budget of the State of Ohio does not equal the amount of money that we return to our local schools by subsidy in the Commonwealth of Penn-

sylvania, and that is the entire budget in the whole State of Ohio. We have problems which are not akin to those of Ohio. We cannot copy-cat any State but we can study the problem and we can take the time, because once we put this particular plan into effect the pressure from those who find the ways and means of operating within the schedule of the tax plan will be so great upon the Membership of this General Assembly in the future years that we will never be able to get rid of it.

Mr. President, I have talked to the influential leaders of the State of Ohio, from the Governor on down, and I have yet to find a public official, from the Tax Commissioner on up to the Governor, who is in favor of this particular type of tax plan. In all of the other States, and I have attended Nation-wide meetings of tax experts, this plan of taxation has been turned down. Senator Yosko has attended such meetings for the last fifteen years and he has reports which were given, and I know that he would read one to this Senate if you so desire because he showed it to me. He has reports of the meetings which were held. Although this stamp tax plan has been in operation something like sixteen or seventeen years in the present form, there has never been another State agree that it is good. No other State has copied it and here we come in Pennsylvania and, out of the clear blue sky, we are going to adopt in a very fast and hasty manner a tax plan which can cost the taxpayers of this State—and this I say advisedly, on a two year biennial base, if our experience is anywhere like the State of Ohio and we must use the State of Ohio because it is the only State that has this type of a plan—$100,000,000 more in taxes than the Revenue Department is going to receive for the payment of the cost of government in this Commonwealth.

Mr. President, I doubt if any Member of this Senate wants to see that happen. I would like to see an impartial study made by the Joint State Government Commission, with the report to come in on the first week of January, and remember that the Session is only something like nine months away. In that time, the General Assembly will meet and it will have before it facts and figures and not fancy and talk. When they get to the point where they decide it is a good plan, then we can easily let it go into effect without any action on our part. If we decide that it is bad for the Commonwealth and its peoples, then we can easily amend it out of the act before the 15th day of January, 1957.

Now I want to leave that particular section for just a moment and say this to Senator Mahany. I read, too, Senator Mahany, the reports from the Attorney General on the character of the bill that we passed. If you will note, I said to the newspapermen who called me that so far as I was concerned, it was my honest belief that the intent of the Legislature was to pass a retail sales tax. I would not get into the argument over the legalistic viewpoint as to whether or not this act could be interpreted as being an act that placed the tax at three different levels; in other words, the manufacturer, the wholesaler and the retailer. If it does that, all I have to say is that we will have so much money we will be able to go out to Ohio and buy their sales tax off of them. We will be able to take them in and annex them to Pennsylvania because if we get nine per cent, we will have so much money we will not have to worry about anything for the next few years.

Mr. President, incidentally, I talked to the Attorney General today. He has no compunction against an amendment to clarify this. However, he said that looking at it from the clear, cold facts, as he read the bill, he finds that there is a very serious question that arises on the question of the level of taxation or the base from which the tax will be applied. I am sure, Senator Mahany, that the Attorney General is more than willing to attend any conferences to work out the details of the act. However, let us not get too confused over the situation because the more we talk about it, the greater confusion there is out in the public.

I do not think there is anybody throwing their hat in the air to be taxed. I have not seen a march on Harrisburg by elated taxpayers who were glad to receive this tax that was put onto them. I have not received any letters of congratulation yet, or any cards, except on my birthday. Those, I do not care to receive too often anymore; although I want to be around a long time, I just do not want people to known how old I am. Nevertheless Mr. President, no one is happy about the tax. It is up to us, as a General Assembly, now that we have it, to make it work as smoothly as we can. I admit, as Senator Mahany does, that it was a Republican sponsored bill and I admit that they have a right to write into it practically anything they want. I admit, too, that I had some influence on what went into the bill because, as I said before, when it became apparent, after fourteen months, that it was going to be nothing but a sales tax, I stood up and said to this Senate Body that I had given up the idea of how to tax; I was more interested in how much. My reason for that is that we must, if we are to hold our heads up as a representative body in a great State, pass enough money in the tax plan to effect the program that will keep this State among the leading States in the Union.

When I voted against the second report of the committee, having voted to go along with the first report, it was not so much about the argument against how as it was how much. I felt then, and I feel now, that it will be difficult for us to operate this government this biennium unless the returns are clarified and we get more from the bill than what we had hoped to get.

Therefore, Mr. President, to Senator Kessler I want to say that when he is ready with his amendments, I will be glad to sit down with him; the Members on my side will be glad to sit down with him and any other Member on the other side, and I am sure that the Attorney General will represent the Governor to the best of his ability to see to it that we do have a good bill. I am only asking you now to take up with your group the proposal that I made that we insert the Ohio tax plan into this bill, but that we change the effective date in order that we can have time to study, because, once we apply the tax plan under the stamp plan, it will be difficult, or I would even say impossible, to ever relieve the taxpayers of this State of a $100,000,000 load that they need not carry.

Mr. YOSKO. Mr. President, I desire to interrogate the gentleman from Lancaster, Senator Kessler.

The PRESIDING OFFICER. Will the gentleman from Lancaster, Mr. Kessler, permit himself to be intrrogated?

Mr. KESSLER. I will, Mr. President.

Mr. YOSKO. Senattor Kessler, I just heard Senator

Mahany say that he found very little confusion on the provisions of the sales tax. He must be one of the very few who did not find confusion, and all of the newspapers in Pennsylvania may be wrong. I found considerable confusion and got so many telephone calls over the week end on it that my telephone just rang steadily. However, there has been some more confusion developed over the week end on a newspaper article.

The Attorney General, as I read here, said that the way the sales tax bill is worded, it might place a tax on manufacturers, wholesalers and, ultimately, consumers, with an additional levy of a half billion dollars. When you were questioned about it, you said that the Attorney General's interpretation was farfetched and that it was "Malarkey." In order to clear up the confusion, do you still, today, say it is "Malarkey" and that you stand on the bill as written, or do you think it should be amended for clarification purposes?

Mr. KESSLER. Mr. President, I recognize that the bill was drawn with a great deal of haste and that some clarifying amendments are necessary. However, as I read the bill, it specifically states that under the definition of "use," use shall not include the use of tangible, personal property by a manufacturer, wholesaler or retailer before he sells such property. That, to me, is very clear.

Mr. YOSKO. Do I understand, then, that you, as the Chairman of the Finance Committee, and admitting that this is a Republican bill, stand on its provisions and that it will not affect wholesalers, manufacturers and, ultimately, consumers?

Mr. KESSLER. Mr. President, may I ask the gentleman from Northampton to repeat the first part of his question, that I admit that this is a Republican bill?

The PRESIDING OFFICER. Senator Yosko, will you please repeat the first part of your question?

Mr. YOSKO. I think I said, and I will repeat it, do you, as Chairman of the Finance Committee and since this is an admitted Republican bill, stand on its provisions, as they exist today, and do you say that under the provisions of the bill, manufacturers, wholesalers and, ultimately, consumers will not be taxed under its provisions?

Mr. KESSLER. Mr. President, ultimate consumers will certainly be taxed. However, as I read the bill, manufacturers and wholesalers and retailers are not going to be taxed on the materials they purchase for resale.

As far as this being a Republican bill is concerned, I would like to have this clearly understood. This is not the bill that was originally drafted. At the suggestion of some of the Democratic leaders in this Body, we held some conferences and revamped the bill completely. Instead of having a sales tax bill, which taxed everything with exemptions, the bill was reversed where we specified groups of items to be taxed. We made this change and agreed to it with the idea of getting Democratic support on the bill. We did get some Democratic support in the way of four votes on this floor when the bill passed. However, it is far less than the support we had hoped to get by virtue of changing the bill.

Mr. YOSKO. That is all.

Mr. President, I understand from the statements made by Senator Kessler that he is now attempting to place some of the responsibility for the sales tax, in spite of statements made by Senator Mahany, on the Democrats. Last Tuesday night—and I am sure the record will bear me out—Senator Mahany said that this is a Republican bill and the Republican Party is taking full responsibility for it. I am assuming Senator Mahany will stand on that statement.

Mr. President, I want to defend the Attorney General for just a moment. Last Tuesday night, we were called into Session about 10:30 o'clock to act on the Conference Committee Report. There was considerable debate which followed and the hour of 12:00 o'clock was approaching. I remember Senator Dent having the floor at the time and I remember that his speech was interrupted, or he was asked to yield, so that the sales tax bill could be signed and sent to the Governor. That was about 11:35 o'clock.

I might say, too, that not one Member of this Senate was accorded the privilege of getting a copy of the bill as it was passed, in the first instance, by the Senate and as it was passed after the Conference Committee met When the bill was first passed Friday night a week ago, I think it was, a copy of the bill was placed on my desk thirteen minutes before the final vote was taken. A copy of the Conference Committee Report was placed on my desk after the final vote was taken. None of us in here, outside of the few that drafted the bill and the few who met in the Conference Committee, had a chance to consider or study its provisions.

On the question of the Attorney General advising the Governor as to whether or not he should sign it, I specifically remember Senator Dent bringing up the question, when he was charged by Senator Mahany of possibly making a million dollar speech by prolonging his remarks until after midnight. I want to read exactly the words of Senator Dent:

"I am wondering that if at twenty minutes until twelve tonight he will accept"—he is the Governor—"such a far-reaching and important piece of legislation without calling upon his Attorney General to review it. Even the most unimportant piece of legislation, in all the years I have been here, has been reviewed by the Attorney General. I defy any man who is a Member of this Senate to read this bill and in twenty minutes, or twenty hours or twenty weeks tell me that on the face of this bill—and that is all he has to work with—he would advise the Governor of this State to sign it."

Mr. President, I just want to say this in that connection, because it was referred to a few times last Tuesday night. If the Attorney General would have advised the Governor not to sign the bill before midnight, there would have been complaints and charges that by the delay it cost the Commonwealth $1,000,000 for each day's delay. Yet, if the Attorney General were to take the time that was required, he certainly would have had to advise the Governor that he did not have ample time to review the bill. Therefore, here today, Senator Mahany, at least, is blowing hot and cold. He is charging the Attorney General with not performing his duty by reviewing the bill, which he did not have time to do. and, in the next breath, or in a previous breath, he is charging that every day's delay would cost $1,000,000

I am just wondering whether this Legislature acted wisely by practically forcing the Governor, under the circumstances, to sign the bill a few minutes—to be

exact, seven minutes before it became effective. As one of the newspapermen wrote, when the bill became effective, many Pennsylvanians were asleep. Those who were not asleep certainly did not know the bill went into effect. Those who were not asleep and who were in establishments where a sales tax could be charged, the owner of the establishment certainly could not have charged the sale tax because he did not know the bill had gone into effect. As a result, they probably violated the law. I have no hesitancy in saying that because they did not have proper notice, and still do not have proper notice on the items that are taxable and other information they should have in connection with the administration of the bill, probably thousands and thousands of dollars that are paid in the form of sales tax will never reach the State Treasury, while thousands of other dollars are not being collected under the provisions of the act. As a result, the State Treasury will suffer and those who collect the tax, and who through no fault of their own do not make transmittal, will benefit by it.

Mr. President, I think because the Attorney General is the interpreter of the laws upon which there are no court decisions, I think his opinion should be respected and not criticized. I think a committee of this Senate, or of this Legislature, should meet with the Attorney General just as soon as possible and get some clarification on the issue which is involved so that the confusion that exists with those who are charged with collecting and transmitting the tax can be cleared up.

Mr. MAHANY. Mr. President, I want to first say to Senator Yosko that the Governor must have known a little what was in this bill when he signed it because he issued quite a lengthy statement, telling who the tax would fall hardest upon and who was going to be let up by its provisions. After I read his statement, I gave him at least the credit for knowing what was in the bill. If he did not know, then certainly the statement that he issued was based not on his knowledge of the bill, but on what he had heard about it.

I also want to take this opportunity, Mr. President, to thank the many merchants throughout Pennsylvania who did cooperate and are cooperating with the government in the collection of this much needed money. Most of them today are collecting this tax and about the only knowledge they have of it is from what they read in the newspapers. I think they are going a good job. When I have gone in the various stores, I have made it a point to ask the merchants or the clerks whether they are having any trouble. They have all told me that they are not.

As to Senator Dent's statement about our having to pay four per cent to the merchant for collecting two per cent when he got the stamps and two per cent when he turned the money in, I think there is some confusion, perhaps, in the Senator's mind relative to the difference between a vendor and a licensee. Until such time as a tax stamp plan goes into effect, the retailer will be known as the licensee. He shall collect the tax in money; he shall make a return periodically and, at the time he makes the return, he shall send a check in for whatever money he has collected, less two per cent in compensation for his services.

After the stamp plan goes into effect, he is then known as the vendor. He will go to the bank and purchase the stamps at a two per cent discount. He will then sell the stamps to the customer or the consumer, and he will then make a return to the State. When he makes his return at that time, there will be no tax payable by him. If you will not on page 19 of the Report of the Committee of Conference, under Section 534, which Senator Dent referred to, it refers to the licensee who "shall be entitled to apply and credit against the amount of tax payable by him an amount equal to two per centum of the gross tax collected by him to cover his expense" and so forth. After the stamp plan goes into effect, the vendor, or in that case the licensee and vendor, will not have any tax payable by him because he will have paid the money to the bank. The bank will be the one to remit the money to the Commonwealth and not the merchant.

Mr. President, there are many little things in relation to this sales tax that will have to be clearned up, relative to the stamp plan. I thought that the Ohio stamp plan was incorporated in this bill when it came from the House. I also thought that at first when we eliminated it, we did not even have to read the part which was eliminated because that affected a plan that we were not going to adopt in the Senate. Then at the Conference Committee, when it was insisted that the stamp plan be put back in, all we did was to restore the same wording in the bill relative to the stamp plan that was in it when it came from the House.

Mr. Waterhouse, a Member of the House, did sponsor a sales tax bill in the House and in his bill he has specifically the Ohio stamp plan. If they had sent us the Waterhouse Bill, we would not be having this trouble. Inasmuch as the House did not send us that bill, we will have to prepare amendments which will include the stamp plan features of the Waterhouse Bill if we are to clear up these ambiguities. I do not think it will serve any ueseful purpose for us to dwell at length upon things that might be wrong about the stamp plan in this bill, because we all intend to correct them.

As far as! putting off the stamp plan until next January, Mr. President, I do not know that that will serve any useful purpose either. If we are going to start this stamp plan— and it really was the intention of the conferees of the House and the Senate that we would go along with the stam plan—it should go into effect within the relatively near future. In this particular case, we specified July 1st.

I also understand that the Minority Leader of the House stated that, as far as he was concerned, his agreement was that the stamp plan feature would not be changed and that the only amendments which they would consider would be technical one which would correct defects in the legislation.

Also, Mr. President, I just do not quite understand what is meant by delaying this until the next Session of the Legislature. From the remarks and from newspaper releases which I have read from the Democratic Senators, it would appear that starting next Session, if they are in control ,they are going to eliminate the whole thing anyway. It, therefore, would not make much difference whether we are under the stamp plan or not at that particular time. I understand that the Democrats are going to go out and use this as a political football and that we are going to be the ones who are found guilty of passing the sales tax. I, for one, am going to assume my

share of the responsibility. I made the statement that we did assume the responsibility for this tax. We cannot assume all the; responsibility for any incorrect wording in the act because, as Senator Dent has stated, he and others did aid us in formulating some of the wording in the bill. Therefore, if there are some defects in the wording, it might not all be the fault of the Republicans and especially the Republican Finance Committee, which did not have much to do with the wording, although Senator Kessler, who is Chairman of the Committee, did aid us considerably in drafting these amendments which were placed in the bill by the Senate.

Mr. President, I would like to know from certain Senators, and I might interrogate them and I think I should because I think their constituents should know where they stand relative to tax legislation. If a Senator comes out and says that this is vicious legislation and that he voted against it and did not want any part of it, then I think he owes it to his constitutents, especially if he is up for re-election this year, to tell them if they elect him to the Senate next year, how he intends to replace the money, which will be lost by the repeal of this sales tax, and also how he intends to get additional money that will be required in the next biennial budget. We all know that school costs are mounting. They are not going down; they are going up. Other items of government expense are increasing. Therefore, we should know from the Senators, who have made that statement, if they are re-elected by their constitutents and they vote to repeal this sales tax, how they then would make up the amount of money necessary to make up the deficit.

I would like to find out from them whether they are for an income tax or a wage tax to do this. If they are, I would like to know what percentage and whether they would be for the classified income tax, which has different rates, depending upon your source of income, or whether they are for a flat income tax or wage tax or just what kind of a tax they are for. I intend to ask two or three Senators, within the next week, just how they stand on tax legislation. This time, you cannot go out and say, "Let us do away with the sales tax." You cannot say that and not put anything in its place. I think the people have found out that you just cannot do that. I would like to find out from the different Democratic Senators—and I think they owe this to the people of Pennsylvania and especially their constituents—where they stand in relation to this source of income necessary to make up the requirements for the next biennial budget.

Mr. BARR. Mr. President, I would just like to tell the gentleman from Crawford, Senator Mahany, that this is a campaign year. Let him run his campaign and we will run ours. We do not need the assistance of the able statesman from Titusville to tell us how to run the Democratic campaign. When I was home over the past week end, I heard the people refer to this bill as the T. N. T. That means "Taylor's Nuisance Tax."

Aside from that, I think Senator Mahany and the other members of the Conference Committee will remember that on last Tuesday, around 4:00 o'clock, when we found that part of the Ohio stamp plan was going to be put in, we finally were able to get one copy of the Conference Report. I, in turn, called the Attorney General's Office and he came over. He told us, as I repeated to you and the other members of the Conference Committee, that the bill as it was written was absolutely unworkable. Many of those salient features I pointed out to you last Tuesday evening. I remember you were critical that we did not talk about the bill before it was passed. Then you got up, in another voice, and said when we talked afterwards that we were trying to filibuster until after 12:00 o'clock. I assured you that that was not the case. Secondly, I also remember asking you, Senator Mahany, if you were the Governor of this Commonwealth and you were sitting over there in that front office, what you would do and you said, "If I were the Governor, I would have someone run over with this bill and sign it right away." Maybe he should not have taken those words of wisdom from you.

Be that as it may, we can write the bills, the Governor can sign them, but it is up to the Attorney General to interpret them and up to the Revenue Department to enforce them. I will say at the present moment that I will have to concur, not being a lawyer, with what the Attorney General says. It is bad for you, and for all of us, if these things are not changed.

I want to point out one little thing to you. On page 8, under item (i), it says:

" 'Taxpayer' Any person required to pay or collect the tax imposed by this act," either to pay or collect.

Then, on page 16, it says:

"Returns Persons Required to Make Returns Every taxpayer shall file returns with respect to such tax."

I hope that you are keeping books and everytime you have paid this tax, since last Tuesday night or Wednesday morning, at 12:01 o'clock, you are keeping track of it because you are going to have to file a return.

Mr. McMENAMIN. Mr. President, I would like to second the motion made by the gentleman from Northampton, Senator Yosko, that some sort of a meeting be arranged. Just before I left Scranton today, I was informed by a group of merchants that they had been told by someone in Harrisburg—and I hope to try to get to the bottom of this in the next twenty-four hours—that the tax would be applicable on the unpaid balance of charge accounts. I certainly do not think that was ever intended by anybody in the Legislature who voted for this tax.

Mr. MAHANY. Mr. President, I just want to clear up one thing relative to Senator Barr's statement. Certainly it is not our intention, and I do not think you will find the intention in this bill, to have someone who goes to a store and buys a taxable item and pays his tax to the merchant to come home and file a tax return. The reason that was put in the bill in that manner was so that if someone goes to New York or New Jersey or some surrounding State and buys something which is in the taxable category, such as a toaster, we will say, in New York City, and brings it into Pennsylvania, under the provisions of this sales tax bill and also under the provisions of the old sales tax bill and under the provisions of most any other sales tax bill in any State in the Union, he is supposed to have a return made out, showing the purchase price and send in the return, together with whatever tax is due to the Department of Revenue. I believe it was in this particular section, relative to the definition of who should send in a return, that it was changed to "taxpayer." I believe it was originally "licensee." This was changed to the word "taxpayer," to mean the merchant in Pennsylvania would be the one

who collected the tax and made the return. If a merchant did not collect it and the person bought the item out of the State, then he would pay a use tax when he brought the item into the State and he would make the return.

Senator Barr, therefore, does not have to worry about going to jail if he goes down to the store and buys some taxable item and does not run home and make out a tax return and send it into the State of Pennsylvania. I do not believe this bill would require that.

Mr. SILVERT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDING OFFICER. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. SILVERT. Senator Mahany, you are a lawyer and I am one. You have stated that you found very little confusion in relation to House Bill No. 2009. I have found confusion and I was asked a question that I could not answer. Perhaps you can. The question was from a builder. He said, "I am under contract to build five houses. The price is fixed. I am in the course of building. Am I obligated to pay a tax for the materials which I use in building?"

Mr. MAHANY. There is a provision in the act, Senator. Before I answer that, do we receive any fee from this man for the advice?

Mr. SILVERT. Not yet, Senator Mahany.

Mr. MAHANY. On page 12 of the bill, Senator Silvert,—do not show your client this because he might not know just where you got it; we, in our profession, try to keep things secret a little bit—it says:

"The use after the effective date of this act of tangible personal property in the fulfillment of contracts for the construction reconstruction remodeling repairing or maintenance of real estate entered into prior to that date which are fixed price agreements not subject to change or modification by reason of the tax imposed by this act provided however that notice of such contract is given by the taxpayer to the department within sixty days after the effective date of this act."

That particular section excludes from the operation of the sales tax those items under those regulations and limitations.

Mr. SILVERT. Thank you, I will tell him to send his fee to you.

Mr. YOSKO. Mr. President, I just want to make one observation. I have heard the word "intent" used here several times this afternoon so far as construction of the sales tax act is concerned and I read the word "intent" in the newspaper stories, too. I just want to say that those of us in the Legislature do not vote on intent. We vote for words, and intent is construed from words. If there are words in the bill which should not be there, I repeat, we ought to amend the bill and strike them out. We cannot just say that we did not intend for them to be there, in spite of the fact they are there because that intent is not going to govern as long as the words and the meaning are in the provisions of the bill.

Mr. SEYLER. Mr. President, I would like to add a comment on the use of the words "legislative intent," because it seems to me that if we rely as heavily on this question of legislative intent as the Majority Leader appears to be relying, we are going to be responsible for some awfully sloppy legislation similar to this tax bill

As I understand it, and I am not a lawyer and I ask for correction if I am wrong, the question of legislative intent does not enter unless the words of the act are not clear or are not able to be understood, but if the words of the act are clear, even though the intent of the proponents of the act might have been different, then the question of legislative intent does not apply. I may be wrong in that but if I am right, then certainly we should not use this legislative intent phrase in the manner in which the Majority Leader is using it.

I would like, while I have the floor ,to make just two more comments, Mr. President. First of all, I still am quite unable to follow the devious course of the Majority Leader on the matter of the Ohio stamp plan. Originally, I understood that he thought it was a bad way of collecting the tax. A couple days later I thought he was weakening in that stand, and I raised the point and he assured me he still thought it was a bad way to collect the tax. I do not know, but today in his speech I thought I detected again a little bit of defense of this plan. When the Minority Leader made the suggestion that the plan be delayed until we had time to study it, I found, to my amazement, that again he was rising to the defense of this stamp plan.

I do not know where the Majority Leader stands and I am not clear, but it seems to me that he is following a rather devious course.

My final comment is that when the tax passed, I saw the smiles of gratification which swept over the opposite side of the floor. There was everything but cheering, it seemed to me, at a great Republican victory and we had those ringing words of the Majority Leader, in which he said he did not want any Democratic votes because he was happy to assume the responsibility and so forth and so on. Do I detect today just a slight sign of crawling from that position, a slight feeling that maybe this tax is not quite as good as it was and a slight desire to foist, at least, a part of the responsibility on someone else? It is a little bit intangible, but it seems to me that there is just a faint sign of that in the air.

Mr. MAHANY. Mr. President, I certainly want to answer the Senator from York, Mr. Seyler. I think he has known me long enough to know that I do not crawl out of positions and that I am usually fairly consistent.

Mr. President, I want to answer him categorically. First, he said that when I first started out on this tax bill I was against the Ohio stamp plan. I want to assure him that I feel that the Ohio stamp plan, as far as my limited knowledge is concerned with it, is a costly one and perhaps it might not be good for Pennsylvania. Now that is my personal opinion, but I certainly cannot put my personal opinion over the opinion of the majority of the Members of the House and Senate. As part of the conference committee, I held out, as did Senator Kessler, against the Ohio stamp plan for a long while. However, we were finally forced to give into the Members of the House. I am not going to put the blame all on the Republicans or Democrats. Perhaps there were more Republicans in the House who wanted the stamp plan than those who did not want it. I am not trying to fasten the blame on any party. All I am saying to the Senator is that I took the situation as it was.

I still understand that there is a feeling that we should have the Ohio stamp plan in our sales tax. Although I might be personally opposed to it, yet as part of an

agreement which I made that I would not stand in the road of it, I feel that I should follow my agreement and live up to it and go along with the plan as far as voting for it is concerned.

With respect to trying to step out of our responsibility or my responsibility in voting for this sales tax, I am not trying to do that either, Mr. President. I stated that I assumed my share of the responsibility for it. The fact of the matter is that I stated the Republican Party would probably have to assume the responsibility for it and say that we felt this was a better tax than the income tax and that the people of Pennsylvania, if they had to choose one as opposed to the other, a majority would rather have the sales tax than the income tax.

If we are wrong, Mr. President, and there are those, especially some of my Democratic colleagues, who feel that we are, then we can be proven wrong at the next election. If the issue is made this time, my only request is that it be not the issue of a sales tax as opposed to no tax as it was in the last election, but that it be a sales tax opposed to an income or wage tax. If you want to make that the issue, either as a party or as individuals, and be honest with your constituents and tell them how much money has to be raised and tell them how you propose to do it, then I have no fault to find with it. I will assume the responsibility for the sales tax and you assume the responsibility for the income or wage tax, which you want to come down here and put on in the event you have a majority in both the House and the Senate. If you do that, I certainly will not find any fault with your issue.

Mr. STIEFEL. Mr. President, as to whether the responsibility lies with the Democrats or the Republicans, I will tell you that I saw a reaction which disturbed me.

On Saturday, I visited Lafayette College in Easton. I went to the book store to buy a book, and the price of the book was six dollars. When I paid the six dollars, then the proprietor of the store said to me, "And now eighteen cents for the Governor." "Eighteen cents for the Governor," disturbed me.

I believe that we ought to launch, on our side, an educational campaign to show that the eighteen cents is not collected for the Governor, Mr. President. Besides that, I am beginning to adhere to the view that maybe stamps will be more dignified and it will not be this penny business for the Governor. The customers will receive the stamps and forget the Governor. God knows, he had nothing to do with this sales tax.

Mr. PECHAN. Mr. President, I do not want to prolong this argument about the stamp plan, but I want to say this. I think one of today's Pittsburgh papers carries the story where they are having an investigation about the elimination of the stamp plan. Some of the people in Ohio think it costs a lot of money to have the stamp plan. I know this; that the people with whom I have talked, the people who have written to me, the people who were for the sales tax were for the Ohio plan. I believe everyone of the fifty Senators in this Senate, when we pay our retail or income tax we get a receipt and when we get that receipt, we feel a lot better about it than we would if some tax collector took our money and did not give us a receipt for it.

One of the reasons that the people of Pennsylvania fell for a lot of this propaganda during the last election was because they talked about pennies for Fine, pennies for Fine. They would see the merchants throw the pennies into a fish bowl, and heaven only knows how many of those pennies ever reached the Commonwealth.

Mr. President, Senator Dent made a remark a little while ago that the three per cent sales tax in Ohio brought in $188,000,000. That figure has been revised to $206,000,000 for last year.

We, in Pennsylvania, are reducing the amount that it costs to distribute them, by the banks, to one-half of one per cent. I believe Mr. Dent stated one per cent. We are giving people two per cent for redeeming the stamps. In Ohio, they give them three per cent. If you do not think the stamp plan is popular, just turn on your radio or TV set and see how the green stamps and trade stamps are popular throughout the stores today. The super markets, which do not give trade stamps now but did at one time, find that their business has fallen off.

When people can save $100 worth of stamps and recover them, and receive two dollars for them, they know that the tax which they paid has already been received in Harrisburg. Another thing which the stamp plan will do is this. We talked about the urgency for money for our schools. Under the tax plan, the merchants will prepay the tax. We will have the use of that money in the Commonwealth months ahead of the time that the old sales tax plan, under Governor Fine, provided the money.

Mr. President, they are having an investigation in Ohio. I believe State Senator Mechem is heading that committee, and he doubts very much whether the stamp plan will ever be eliminated in the State of Ohio.

Mr. LANE. Mr. President, the Sheriff of Delaware County, Senator Watkins, is signaling me not to get my oar into this debate and my good friend Ted Watson, is signaling me the same thing. However, since the gentleman from Armstrong has made a speech, I would like to ask a few question of him.

Mr. President, I desire to interrogate the gentleman from Armstrong, Senator Pechan.

The PRESIDING OFFICER. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. LANE. Senator Pechan, it appears from your statements here on the floor that you are quite strong for the Ohio stamp tax plan, is that correct?

Mr. PECHAN. I am for some stamp plan; yes, where a person will receive a receipt rather than throw the money into a fish bowl.

Mr. LANE. How long have you been familiar with the provisions of the Ohio plan?

Mr. PECHAN. I Paid it many times when I have been in Ohio, if that is what you mean.

Mr. LANE. Several years ago, Senator?

Mr. PECHAN. Yes, I guess.

Mr. LANE. Then you admit you were wrong when you voted for John Fine's one per cent sales tax, is that correct?

Mr. PECHAN. Listen, I did not want to vote for any sales tax and you know it. I refused to vote for that tax until it contained all of the provisions I wanted in it.

Mr. LANE. That is all, Mr. President. I thank the gentleman.

GENERAL COMMUNICATION

The Chair cleared his table and laid before the Senate the following communication, whoch was read by the Clerk:

MISSISSIPPI STATE SENATE
Jackson

March 7, 1956.

Mrs. Halla May Pattison
Secretary

Mr. G. Harold Watkins
Secretary of Senate
State Capitol
Harrisburg, Pennsylvania

Dear Sir:

I am directed by the Mississippi State Senate to transmit to you the attached Concurrent Resolution No. 125.

Sincerely,
/s/ HALLA MAY PATTISON
Mrs. Halla May Pattison
Secretary of the Senate

The PRESIDING OFFICER. This communication will be spread upon the Legislative Journal, and the Senate Concurrent Resolution from the Mississippi State Senate will be printed in the Appendix.

SENATE CONCURRENT RESOLUTION REFERRED TO COMMITTEE

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO STUDY AND INVESTIGATE THE PROBLEM OF WIRE TAPPING

Messrs. McPHERSON, JR., BERGER, WEINER and SEYLER offered the following resolution which was twice read and referred to the Committee on State Government:

In the Senate, March 12, 1956.

Wire tapping and its effect on the privacy of the citizens and other residents of this Commonwealth is a matter of grave concern to this law making body.

The use of evidence secured by wire tapping is of importance in the proper disposition of court cases involving the liberty and finances of many Pennsylvanians; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission be directed to study and investigate the problem of wire tapping and its effect on the people of Pennslylvania, and to include in the study a comprehensive review and consideration of federal laws and the laws of other states on the subject of wire tapping; and be it further

Resolved, That the Joint State Government Commission report to the next regular session of the General Assembly, its findings and recommendations, with drafts of legislation necessary to carry the recommendations into effect.

SENATE RESOLUTION

REQUESTING THE GOVERNOR TO MOBILIZE OUR FORCES AND TO MARSHALL OUR LAW ENFORCEMENT OFFICERS THROUGHOUT THE STATE IN AN EXTENSIVE, UNRELAXING CRUSADE FOR THE STRICT ENFORCEMENT OF ALL TRAFFIC LAWS

Messrs. YOSKO and MAHANY offered the following resolution, which was twice read as follows:

In the Senate, March 12, 1956.

The carnage and mass murder occurring on the highways of Pennsylvania is as terrible as the ravages of war. Each year thousands of good and gentle people, with no purpose other than an afternoon drive, become the belligerents, and with thoughts of murder farthest from their minds become both the murders and the murdered.

Few highway fatalities or injuries occur because of a malevolent intent. But that happy knowledge does not give life to the dead, a sound body to the maimed, nor solace to the brief stricken. The purpose, good or bad, of those involved in tragic accidents does not mitigate the tragedy of the accident.

We are at war. We are at war with carelessness, discourtesy, fatigue and ignorance of our traffic laws. We are losing the battle.

It is time then that we recognize a state of war and shoulder appropriate arms to win it, therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania hereby request the Governor of Pennsylvania, to mobilize our forces, and wage a war for safety; and to that end, to enlist the aid of civic organizations, service clubs, fraternal clubs, labor unions, business and professional mens associations, newspapers, radio and television broadcasters and all other groups and individuals of good purpose, willing to serve, in a vast program of education of the public in matters of traffic law, of accident causes, of the effect of automobile accidents upon the lives of our people; and be it further

Resolved, That the Senate of the Commonwealth of Pennsylvania to marshall our law enforcement officers throughout the State in an intensive unrelaxing crusade for the strict enforcement of all traffic laws, and to join together all of the people of Pennsylvania in support of that crusade; and be it further

Resolved, That a copy of this resolution be delivered to the Governor.

RULE 39 SUSPENDED

Mr. YOSKO. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

BILLS INTRODUCED AND REFERRED

Mr. STIEFEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. STIEFEL read in place and presented to the Chair Senate Bill No. 1030, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051) entitled "Public Assistance Law," making aged persons in homes for the aged eligible for assistance.

Which was committed to the Committee on Public Health and Welfare.

Mr. RUTH. M. President, I ask unanimous consent to introduce bills at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. RUTH, on behalf of Messrs. DENT and CHAPMAN, read in place and presented to the Chair Senate Bill No. 1031, entitled:

An Act relating to the seizure of unlicensed dogs running at large, the giving of dogs to certain scientific

and educational institutions, and the manner of using such dogs.

Which was committed to the Committee on Public Health and Welfare.

He also, on behalf of Messrs. DENT and PECHAN, read in place and presented to the Chair Senate Bill No. 1032, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code," extending voting rights to certain physically handicapped veterans.

Which was committed to the Committee on Elections.

Mr. PECHAN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. PECHAN, on behalf of Mr. MAHANY, read in place and presented to the Chair Senate Bill No. 1033, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law" adding a new route in Mercer County.

Which was committed to the Committee on Highways.

PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President, I am about to present to the Chair a Concurrent Recall Resolution and I wanted to explain to the Membership on both sides of the Senate that the reason I am presenting this Recall Resolution is because Senate Bill No. 321, Printer's No. 211, was passed by the Senate, which amends an act of 1929. It seems that an act of 1955 repealed the act of 1929. Therefore, I present this resolution for the purpose of recalling and amending the legislation to comply with the law.

SENATE CONCURRENT RESOLUTION RECALLING SENATE BILL No. 321 FROM THE GOVERNOR

Mr. LANE offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 12, 1956.

Resolved (if the House of Representatives concur), That Senate Bill No. 321, Printer's No. 211, entitled "An act amending the act of May 2, 1929 (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' authorizing the board of commissioners to make appropriations to county firemen's associations for the conducting of fire prevention education," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

POINT OF INFORMATION

Mr. LANE. Mr. President, I rise to a point of information.

The PRESIDING OFFNCER. The gentleman from Washington, Mr. Lane, will state his point of information.

Mr. LANE. Mr. President, we are going to comply with the unwritten law that we are going to adjourn at six o'clock, p.m.?

The PRESIDING OFFICER. That is a good question. Senator Mahany, Senator Lane has posed the question to the Chair of whether or not we are to comply with our six o'clock closing or adjourning for meals.

Mr. MAHANY. Mr. President, I would say that I would be willing to, unless they have something of an emergency nature which they would like to act on and which would require going beyond that hour. If they do not, I plan to adjourn at six o'clock.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 53, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) prohibiting the throwing of certain material from motor vehicles and further limiting and regulating certain actions

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE NON-CONCURS IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL No. 53, RECALLED FROM THE GOVERNOR

Mr. PECHAN. Mr. President, I move that the Senate do non-concur in the amendments made by the House to House Bill No. 53, recalled from the Governor.

Mr. MAHANY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(A voice vote having been taken, the question was determined in the affirmative.)

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS, RECALLED FROM THE GOVERNOR, OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 1174, Printer's No. 1431, on concurrence in House amendments, recalled from the Governor, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

REPORT OF COMMITTEE OR CONFERENCE OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 215, Printer's No. 559, a Report of Committee of Conference, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

THIRD READING CALENDAR

APPROPRIATION BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that all of the appropriation bills on third reading go over in their order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The bills were as follows:

Senate Bill No. 474, Printer's No. 213;
House Bill No. 524, Printer's No. 1492;
Senate Bill No. 562, Printer's No. 202;
Senate Bill No. 563, Printer's No. 203;
House Bill No. 590, Printer's No. 127;
Senate Bill No. 971, Printer's No. 551;
House Bill No. 1072, Printer's No. 825; and
House Bill No. 1687, Printer's No. 1509.

BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 30, Printer's No. 536; and
Senate Bill No. 223, Printer's No. 64.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 510, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the Department of Forests and Waters to lease to religious groups

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1803 act of April 9, 1929 (P. L. 177) known as "The Administrative Code of 1929" is amended by adding after clause (j) a new clause to read

Section 1803. Forest Powers The Department of Forests and Waters shall have the power

* * *

(k) To lease for a period not exceeding fifty years on terms and conditions it considers reasonable portions of any state forest or state park owned or leased by the Commonwealth as sites for the erection of buildings and appurtenant facilities for religious worship

Section 2 All lease agreements entered into pursuant to the provisions of this amendatory act shall be executed on or before December 31, 1956.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.,	Taylor,
Berger,	Hays,	Mullin,	Van Sant,
Blass,	Kessler,	Pechan,	Wade,
Camiel,	Kopriver, Jr.,	Peelor,	Wagner,
Chapman,	Lane,	Propert,	Watkins,
Dent,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Haluska,	McMenamin,	Stevenson,	Fleming,
		Stiefel,	Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 910, Printer's No. 549, on third reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 933, as follows:

An Act amending the act of May 15, 1933 (P. L. 624 entitled as amended "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers and employes' mutual banking associations defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and employes' mutual banking associations and of the officers directors trustees shareholders attorneys and other employes of all such corporations employes' mutual banking associations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" prohibiting the assumption and use of deceptive names by corporations and persons not authorized to engage in the banking business providing for investments of loans by and the purchase sale and creation of obligations by

banks bank and trust companies trust companies and savings banks providing for the voluntary liquidation of banks bank and trust companies and trust companies and further providing for the powers and limitation on powers of corporations authorized to engage in a banking business

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Subsection A of section 2 act of May 15, 1933 (P. L. 624) known as the "Banking Code" is amended by adding after the definition of "Institution" a new definition to read

Section 2 Definitions A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

* * *

"Leasehold interest" means a lease upon real estate which is security for the payment of obligation and which by its terms is a lease having a period of not less than fifty years to run from the date the obligation on such leasehold is executed or is renewable for a period of at least fifty years from the date of the obligation and the right of renewal of the lease on behalf of the lesee shall be vested in the mortgagee until the obligation is eliminated or paid off

* * *

Section 2 The section heading and subsection A of section 201 of the act amended April 12, 1951 (P. L. 204) is amended to read

Section 201 Institution Name Change of Name Assumption or Use of Deceptive Names Titles or Descriptions A The name of an institution may be in any language but it shall be expressed in English letters or characters In the case of a bank it shall contain in English the word "bank" or "banking" in the case of a bank and trust company the words "bank" and "trust" or "bank and trust company" or company for banking and trusts" in the case of a trust company the words "trust company" or "company for trusts" in the case of savings bank the words "mutual savings bank" in the case of a private bank the words "private bank" or "unincorporated bank" and in the case of an employes' mutual banking association the words "employes' mutual" The name of a bank or private bank shall not contain the words "trust" or "savings" and the name of a savings bank shall not contain the word "trust" The name of an institution shall not contain any word which may deceptively lead to the conclusion that it is authorized to perform any act or conduct any business which is forbidden to it by law by its charter or otherwise The name of an institution shall not contain the words "Government" "Official" "National" "United States" or abbreviations thereof

The name of an institution shall not be the same as or deceptively similar to that of any other corporation authorized to transact business in this Commonwealth or the name of any unincorporated body whatsoever voluntarily registered with the Department of State under any act unless such other corporation or unincorporated body is about to change its name or to cease doing business or is being wound up or in the case of a foreign corporation is about to withdraw from doing business in this Commonwealth and the written consent of such other corporation or unincorporated body to the adoption of its name or a deceptively similar name has been given and is filed with the Department of State and with the Department of Banking

No other person firm or corporation other than a National Banking Association or other corporation incorporated under and pursuant to any act of Congress shall assume use or advertise any name title or description deceptively similar to the name of any institution subject to the provisions of this act nor use the words "bank" "banking" or "trust" in its name or title The Department of State shall not approve as a corporate name or register as a fictitious name any such name title or description

* * *

Section 3 Subsection B of section 201 of the act amended May 12, 1949 (P. L. 1227) is amended to read

Section 201 * * *

B The provisions of this section shall not apply to any name which is in existence upon the effective date of this act The name of any institution or corporation existing upon the effective date of this act may be used by such institution or corporation and by any successor or surviving corporation formed by the consolidation or merger of such existing institution or corporation with another institution or corporation as provided in this act for institutions and by applicabel law for corporations The name of an institution existing upon the effective date of this act may also be used by a new institution incorporated under this act if such new incorporated institution is formed in pursuance of a plan of segregating the banking business and the trust business of an existing institution However if an existing institution shall desire to change its name in any manner whatsoever pursuant to the provisions of this act the new name shall comply in every detail with the requirements of this section A change in name shall be effected in the case of an incorporated institution in the regular manner provided by this act for amending its articles and in the case of a private bank in the manner provided by law for a change in the registered name of an individual trading alone or of an unincorporated association except that the assent of the Department of Banking shall be required

* * *

Section 4 Clause (5) of subsection A of section 1001 of the act amended April 6, 1945 (P. L. 155) is amended to read

Section 1001 Powers of Banks Bank and Trust Companies or Trust Companies A In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a bank or a bank and trust company elsewhere in this act a bank or a bank and trust company shall have the following powers subject to the limitations and restrictions imposed by this act

* * *

(5) To discount buy sell negotiate or assign promissory notes drafts bills of exchange trade and bank acceptances stocks bonds or other evidences of debt and to discount buy sell negotiate or assign any fractional interest in any single evidence of debt from or to other banks bank and trust companies savings banks or trust companies incorporated under the laws of this or any other state national banking associations any Federal Reserve Bank and any department bureau board commission or establishment of the United States including any corporation wholly owned directly or indirectly by the United States

* * *

Section 5 Subsection A of section 1001 of the act is amended by adding at the end thereof a new clause to read

Section 1001 Powers of Banks Bank and Trust Companies or Trust Companies A In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a bank or bank and trust company elsewhere in this act a bank or a bank and trust company shall have the following powers subject to the limitations and restrictions imposed by this act

* * *

(19) To sell mortgages to the Federal National Mortgage Association in accordance with the provisions of Title III of the National Housing Act of one thousand nine hundred thirty-four approved June 27 1934 its amendments and supplements or any other corporation hereafter succeeding to the assetts liabilities and functions of said Federal National Mortgage Association in accordance with said act or any other applicable legislation hereafter adopted by the Congress of the United States and in connection therewith to make payments of nonrefundable capital contributions to and receive common stock of said association or any corporation succeeding to its assets liabilities and functions

Section 6 Clause (5) of subsection B of section 1001 of the act amended July 29, 1941 (P. L. 586) is amended to read

Section 1001 Powers of Banks Bank and Trust Companies or Trust Companies * * *

B In addition to the general corporate powers granted by this act and in addition to any powers specifically

granted to a trust company elsewhere in this act a trust company shall have the following powers subject to the limitations and restrictions imposed by this act

* * *

(5) To make any investments subject to the [same] limitations as in the case of savings banks incorporated hereunder except that the limitations in the case of such savings banks upon investment in preferred guaranteed or common stock (i) of five per centum of the book value of the assets of the institution and (ii) in such stock in any corporation of one-fifth of one per centum of the book value of the assets of the institution as set forth in subclause (f) and (g) respectively of clause (3) of subsection C of section 1208 hereof shall not apply and also including such investments as are specifically authorized by its articles

* * *

Section 7 Subsection B of section 1009 of the act amended January 14, 1952 (P. L. 1994) is amended to read

Section 1009 Limitation upon Investing in Shares

* * *

B Any bank or bank and trust company may purchase or invest an amount not in excess of ten per centum of its unimpaired capital and ten per centum of its unimpaired surplus in the shares of common stock of the Federal National Mortgage Association issued in accordance with the provisions of Title III of the National Housing Act of one thousand nine hundred thirty-four approved June 27 1934 its amendments and supplements or of any other corporation hereafter succeeding to the assets liabliities and functions of said association in accordance with said act or any other applicable legislation hereafter adopted by the Congress of the United States or in the shares of any national banking association located within this Commonwealth or the shares of any bank bank and trust company or trust company incorporated under the laws of this Commonwealth Provided That no such purchase or investment may be made if the resulting ownership of shares in such national banking association or bank bank and trust company or trust company exceeds ten per centum of the authorized capital of such national banking association or bank bank and trust company or trust company Any bank or bank and trust company may purchase or ivest in the shares of a Federal Reserve Bank or the shares of any corporation organized under the laws of this Commonwealth solely for the purpose of conducting a safe deposit business without regard to any limitations prescribed by this act Any bank or bank and trust company may to the extent approved by the department purchase or invest in the shares of any corporation holding the premises of such bank or bank and trust company or in the shares of any corporation owning reasonable parking facilities for the use of its directors officers employes and customers subject to the limitations of this act

This subsection shall not be construed to affect the shares of any national banking association located within this Commonwealth or the shares of any bank bank and trust company or trust company incorporated under the laws of this Commonwealth lawfully held on the effective date of this amendment However such shares shall be computed in determining the power under this act of a bank or bank and trust company to make any additional purchases of or investment in such shares

* * *

Section 8 Subsection A of section 1012 of the act reenacted July 27, 1953 (P. L. 607) is amended to read

Section 1012 Loans on and Investments in Bonds and Mortgages and Judgments of Record A A bank or a bank and trust company shall have the power to lend on the security of or invest in bonds secured by mortgages upon real property but it shall lend upon or invest in only such bonds and mortgages as (17) are first liens on unencumbered improved real property including improved farm land situated within the Commonwealth or within fifty miles of a boundary thereof and (2) do not exceed two-thirds of the actual value of such real property and (3) become due within ten years after the making of such loan or investment unless amortized over a period not exceeding twenty years after the making of such loan or investment in monthly quarterly semi-annual or annual payments sufficient in amount to pay all interest and effect full repayment of principal within such twenty-year period Provided however That a bank or a bank and trust company while having the entire investment in such a first lien on real property may subject to like conditions in respect to amortization invest in a second lien on the same real property which may be either a bond and mortgage or a judgment if the total amount invested in both liens does not at any time exceed two-thirds of the actual value of such real property Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of such bank or bank and trust company by the borrower or mortgagor during the term of the bond mortgage or judgment in a company which is authorized to do business in Pennsylvania and is approved by the bank or bank and trust company making the investment It shall be lawful for a bank or bank and trust company to renew such policies at the expense of the borrower or mortgagor from year to year or for a longer or a shorter period not however exceeding the term of the obligation in case he shall fail to do so All necessary charges and expenses paid by such bank or bank and trust company for such renewals shall be paid by such borrower or mortgagor In case such borrower or mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage or judgment and shall together with interest from the date of the payment of such charges and expenses constitute a lien upon the property subject to the mortgage or judgment All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor or borrower The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of directors They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the band or bank and trust company The provisions of this subsection shall not apply to loans on the security of or investments in bonds secured by mortgages upon leasehold interests in real property made under such rules and regulations as may be prescribed by the Secretary of Banking with the approval of the Banking Board nor to loans on the security of bonds secured by mortgages upon real property situated within the Commonwealth or within fifty miles of a boundary thereof made or for which a written commitment to guarantee has been made in accordance with the provisions of the "Servicemen's Readjustment Act of 1944" its amendments and supplements and rules and regulations promulgated from time to time pursuant to the provisions of said act rovided that such loans are guaranteed in an amount equal to at least twenty per centum thereof nor shall the provisions of this section apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements nor shall the provisions of this subsection apply to loans on the security of bonds secured by mortgages upon real property situated within the Commonwealth for which a written commitment to insure the payment thereof has been made by the United States Department of Agriculture in accordance with the provisions of Title I of the Brankhead-Jones Farm Tenant Act of the twenty-second day of July one thousand nine hundred thirty-seven its amendments and supplements rules and regulations promulgated from time to time visions of this subsection apply to loans in whole or in pursuant to the provisions of said act nor shall the propart by bonds secured by mortgages made under the provisions of the Small Business Act of 1953 approved July 30 1953 its amendments and supplements and rules and

regulations from time to time pursuant to the provisions of said act nor to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

* * *

Section 9 Subsection A of section 1015 of the act is amended to read

Section 1015 Limitation on Holdings in Bank Buildings [Owned or Leased and] Furniture and Fixtures Therein and Parking Facilities A The cost of the real property including the building or buildings thereon which a bank a bank and trust company or a trust company occupies or intends to occupy for the transaction of its business or partly so occupies and partly leases to others together with the cost of furniture and fixtures therein which are owned by such institution and together with cost ofthe shares of any corporation holding the premises of such bank or bank and trust company or trust company and the shares of any corporation owning reasonable parking facilities for the use of its directors officers employes and customers shall not at any time exceed in the aggregate twenty-five per centum of its unimpaired capital plus twenty-five per centum of its unimpaired surplus except with the written approval of the department Before the erection of a building or buildings is commenced the estimate of the costs thereof shall be submitted to the department for its approval

* * *

Section 10 Clause (3) of section 1202 of the act amended July 29, 1941 (P. L. 586) is amended to read

Section 1202 Powers of Savings Banks In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a savings bank elsewhere in this act a savings bank shall have the following powers subject to the limitations and restrictions imposed by this act

* * *

(3) To borrow money [to repay the demands of depositors] and to pledge its assets therefor

* * *

Section 11 Section 1202 of the act amended July 29, 1941 (P. L. 586) is amended by adding at the end a new clause to read

Section 1202 Powers of Savings Banks In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a savings bank elsewhere in this act a savings bank shall have the following powers subject to the limitations and restrictions imposed by this act

* * *

(14) To sell mortgages to the Federal National Mortgage Association in accordance with the provisions of Title III of the National Housing Act of one thousand nine hundred thirty-four approved June 27, 1934 its amendments and supplements or any other corporations hereafter succeeding to the assets liabilities and functions of said Federal National Mortgage Association in accordance with said act or any other applicable legislation hereafter adopted by the Congress of the United States and to service such mortgages as agent for the purchaser in connection with such sale and to make payments of nonrefundable capital contributions to and receive common stock of said association or any corporation succeeding to its assets liabalities and functions

Section 12 Section 1207 of the act is amended to read

Section 1207 Borrowing Money and Pledging Assets Therefor A A savings bank may borrow money and may pledge or hypothecate any of its assets as security therefor [solely] for the purpose of repaying deposits [Such borrowings shall not be made except after the approval of a majority of the members present at a legally constituted meeting of the board of trustees]

B A savings bank may borrow money and may pledge or hypothecate any of its assets as security therefor for purposes other than repayment of deposits in an amount which at any one time shall not exceed an amount equal to five per centum of the book value of its assets during a continuous period not exceeding three months unless a longer period is approved by the department but whenever it shall appear to the department that a savings bank is borrowing habitually for the purpose of relending it may require such savings bank to cease such practice

C Borrowings under this section shall not be made after the approval of a majority of the members present at a legally constituted meeting of the board of trustees

Section 13 Subclause (a) of clause (8) of subsection A and clauses (1) and (2) of subsection C of section 1208 of the act amended July 13, 1953 (P. L. 413) are amended to read

Section 1208 Authorized Investments of Savings Banks Not Under Special Charter A Except as otherwise specifically provided in this act a savings bank other than a savings bank organized under a special act of the General Assembly shall not make any investments except as follows

* * *

(8) (a) Bonds or notes secured by mortgages or deeds of trust which are first liens upon unencumbered improved real property including improved farm land situated within any Commonwealth or State of the United States or the District of Columbia to the extent of not more than two-thirds of the actual value of such real property and for a term not exceeding ten years or for a term not exceeding twenty years if such mortgages or deeds of trust contain provisions requiring monthly quarterly semi-annual or annual payments sufficient in amount to pay all interest and effect full repayment of the principal within the term thereof Provided however That such savings bank while having the entire investment in such a bond or note may subject to like conditions in respect to amortization invest in a bond or note secured by a mortgage or deed of trust or judgment which is a second lien on the same real property if the total invested in both liens does not at any time exceed two-thirds of the actual value of such real property The provisions of this subclause (a) shall not apply to loans on the security of or investments in bonds secured by mortgages upon leasehold interests in real property made under such rules and regulations as may be prescribed by the Secretary of Banking with the approval of the Banking Board

* * *

C A savings bank other than a savings bank organized under a special act of the General Assembly may make such additional investments as are authorized by its articles but it shall not purchase or invest in bonds secured by mortgage upon real property other than such as are expressly authorized by this act nor shall it invest in the shares of capital of any corporation whatsoever except

(1) Shares of a Federal Reserve Bank and to the extent approved by the department in the shares of common stock of the Federal National Mortgage Association issued in accordance with the provisions of Title III of the National Housing Act of one thousand nine hundred thirty-four approved June 27 1934 its amendments and supplements or of any other corporation hereafter succeeding to the assets liabilities and functions of said association in accordance with said act or any other applicable legislation hereafter adopted by the Congress of the United States

(2) Shares of any corporation organized under the laws of this Commonwealth for the purpose of conducting a safe deposit business and to the extent approved by the department in the shares of any corporation holding the premises of such savings bank or in the shares of any corporation owning reasonable parking facilities for the use of its trustees officers employes and customers subject to the limitations of this act

* * *

Section 14 Section 1208 of the act amended July 13, 1953 (P. L. 413) is amended by adding at the end a new subsection to read

Section 1208 Authorized Investments of Savings Banks Not Under Special Charter * * *

D Anything in this section to the contrary notwithstanding a savings bank other than a savings bank or-

ganized under a special act of the General Assembly may also invest in the bonds debentures or other funded interest bearing obligations of any corporation the preferred or common stock of which is an authorized investment under subsection C of this section

Section 15 Clauses (1) and (2) of subsection A and clause (1) of subsection B of section 1209 of the act amended July 13, 1953 (P. L. 413) are amended to read

Section 1209 Authorized Investments of Special Charter Savings Banks A A savings bank organized under a special act of the General Assembly may make such investments as many be authorized by its articles of incorporation but no such savings bank shall purchase or invest in the shares of capital of any corporation whatsoever except

(1) Shares of a Federal Reserve Bank and to the extent approved by the department in the shares of common stock of the Federal National Mortgage Association issued in accordance with the provisions of Title III of the National Housing Act of one thousand nine hundred thirty-four approved June 27, 1934 its amendments and supplements or of any other corporation hereafter succeeding to the assets liabilities and functions of said association in accordance with said act or any other applicable legislation hereafter adopted by the Congress of the United States

(2) Shares of any corporation organized under the laws of this Commonwealth for the purpose of conducting a safe deposit business and to the extent approved by the Department in the shares of any corporation holding the premises of such savings bank or in the shares of any corporation owning reasonable parking facilities for the use of its trustees officers employes and customers subject to the limitations of this act

* * *

B No such savings bank shall purchase or invest in bonds or notes secured by mortgages or deeds of trust of real property except

(1) Bonds or notes secured by mortgages or deeds of trust which are first liens upon unencumbered improved real property including improved farmland situated within any Commonwealth or State of the United States or the District of Columbia to the extent of not more than two-thirds of the actual value of such real property and for a term not exceeding ten years or for a term not exceeding twenty years if such mortgages or deeds of trust contain provisions requiring monthly quarterly semiannual or annual payments sufficient in amount to pay all interest and effect full repayment of principal within the term thereof Provided however That a savings bank while having the entire investment in such a bond or note may subject to like conditions in respect to amortization invest in a bond or note secured by a mortgage or deed of trust or in a judgment which is a second lien on the same real property if the total invested in both liens does not at any time exceed two-thirds of the actual value of such real property The provision of this clause (1) shall not apply to loans on the security of or investments in bonds secured by mortgages upon leasehold interests in real property made under such rules and regulations as may be prescribed by the Secretary of Banking with the approval of the Banking Board

* * *

Section 16 Subsection C of section 1210 of the act amended July 27, 1953 (P. L. 602) is amended to read

* * *

Section 1210 Limitation upon Loans and Discounts

C The limitations imposed by this section shall not apply to the following (1) investments authorized under sections 1208 and 1209 of this act or (2) loans by a savings bank [to any of its mortgage borrowers] not exceeding in the aggregate five per centum of its total assets for repair alteration or improvement of [the mortgaged] real estate [on the security of a note] which [is] are insured or to be insured by the Federal Housing Administrator pursuant to the provisions of Title I of the National Housing Act approved the twenty-seventh day of June one thousand nine hundred thirty-four its amendments and supplements

Section 17 Subsection A of section 1213 of the act is amended to read

Section 1213 Limitation on Holdings in Bank Buildings [Owned or Leased and] Furniture and fixtures Therein and Parking Facilities A The cost of the real property including the building or buildings thereon which a savings bank occupies or intends to occupy for the transaction of its business or partly so occupies and partly leases to others together with the cost of furniture and fixtures therein which belong to the savings bank and together with cost of the shares of any corporation holding the premises of such bank or bank and trust company or trust company and the shares of any corporation owning reasonable parking facilities for the use of its directors officers employes and customers shall not at any time exceed in the aggregate twenty-five per centum of its unimpaired surplus except with the written approval of the department Before the erection of a building or buildings is commenced the estimate of the costs thereof shall be submitted to the department for its approval

* * *

Section 18 Clause (7) of subsection B of section 1423 of the act added April 21, 1949 (P. L. 698) is amended to read

Section 1423 Voluntary Liquidation and Dissolution Banks Bank and Trust Companies and Trust Companies * * *

B * * *

(7) Any assets remaining after the discharge of all obligations shall be distributed to the shareholders in accordance with their respective interests [No such] Prior to the discharge of all such obligations partial distribution [shall] may be made only with the approval of the department and only to the extent specified in advance by it before (a) all claims of depositors and creditors have been paid or in the case of any disputed claim the liquidating institution has transmitted to the Secretary of Banking a sum adequate to meet such liability (b) all trusts and fiduciary relationships have been divested and settled to the satisfaction of the interested parties or the court having jurisdiction or in the case of any disputed claim arising therefrom the bank and trust company or trust company has transmitted to the court having jurisdiction a sum adequate to meet such liability and (c) any funds payable to a depositor or creditor and unclaimed have been paid through the Department of Revenue into the State Treasury without escheat and a report thereof filed with the Secretary of Banking

* * *

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.,	Taylor,
Berger,	Hays,	Mullin,	Van Sant,
Blass,	Kessler,	Pechan,	Wade,
Camiel,	Kopriver, Jr.,	Peelor,	Wagner,
Chapman,	Lane,	Propert,	Watkins,
Dent,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donclow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yósko,
Haluska,	McMenamin,	Stevenson,	Fleming,
		Stiefel,	Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1641, as follows:

An Act to further amend the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by further regulating education and training for handicapped children

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine hundred one of the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" as last amended by the act approved the twenty-seventh day of July one thousand nine hundred fifty-three (P. L. 619) is hereby further amended to read as follows

Section 901 Annual Conventions and Special Meetings The school directors in every county having a county superintendent of public schools shall annually be called together at the county-seat or some other suitable place within the county by the county superintendent of public schools The purpose of such annual conventions shall be the consideration and the discussion by the school directors and others of questions and subjects pertaining to the welfare and promotion of the public schools in their respective counties and such other business as may properly come before such conventions In addition hereto the county superintendent of public schools may call together the school directors within the county at the county-seat or some other suitable place within the county designated by the county superintendent of public schools when any emergency may exist or when in the opinion of the county superintendent of public schools a special meeting should be called for the consideration and discussion by the school directors and others of questions and subjects pertaining to the welfare and promotion of the public schools or their interests in their respective districts or counties and such other business as may properly come before said meeting

The convention shall have power at the annual convention or at any special meeting to pass on and approve activities and services [and schools and classes for handicapped] to be provided administered and supervised by the county board of school directors and to authorize the same by a majority vote of those present

Such action shall not be taken unless the secretary of each school board [under the jurisdiction of the county superintendent] has been advised at least forty (40) days previous to the convention or meeting at which such action is to be considered

Section 2 Section 925 of the act amended April 20, 1949 (P. L. 622) September 28, 1951 (P. L. 1546) July 27, 1953 (P. L. 619) and August 10, 1953 (P. L. 1136) is amended to read

Section 925 Powers and Duties (a) The county board of school directors in respect to school districts [under the supervision of the county superintendent] whose directors are eligible to vote at the election of members of the county board shall have power and its duty shall be

(1) To inspect all budgets and annual financial reports and shall render such advice and assistance regarding the same as may seem proper before such budgets or reports are transmitted to the Department of Public Instruction

(2) To approve or disapprove subject to the approval of the Department of Public Instruction transportation routes and contracts in all districts under the supervision of a county superintendent

(3) To apportion subject to the approval of the State Council of Education the cost of free transportation among school districts in all cases where such districts jointly use the same transportation facilities

(4) To recommend the approval or disapproval of school sites and buildings by the State Council of Education

(5) To prepare county-wide plans for the merger of school districts or parts of school districts and for the reorganization of attendance areas and administrative units and to submit the same to the State Council of Education as hereinbefore required

(6) To advise local boards and make recommendations to them for the collection of current and delinquent taxes

(7) To establish a uniform and simple system of accounting under the direction of the county superintendent and the Department of Public Instruction

(8) To advise local boards and make recommendations to them for the enforcement of the attendance law

(9) To make such studies and reports as may be suggested by the State Council of Education

(10) To employ an attorney for such purposes as may be required and to fix his compensation which shall not exceed one hundred dollars ($100) per annum except upon the approval of the court of common pleas of the county The compensation herein provided for shall be paid by the Commonwealth from appropriations for this purpose or from the appropriations for the public schools

(11) To receive Federal State and local moneys and to expend the same to provide special services for school districts under the supervision of the county superintendent that may be authorized by the county convention of school directors

(12) To admiinister and supervise activities and services that have been authorized by the county convention of school directors

(13) To contract with other county boards of school directors and with school districts not under the jurisdiction of the county superintendent to provide services or supervisors School districts not under the jurisdiction of a county superintendent are hereby authorized to enter into such contracts with county boards of school directors [.] ;

(14) To assess each school district entitled under this act to services provided through the office of the county superintendent for such services and any school district not under the jurisdiction of the county superintendent which has contracted with the county board for services for such districts proportionate share of the cost of such services The proportionate share of a district shall be determined by multiplying the cost of the services by a fraction the numerator of which shall be the number of pupils in average daily membership in the district and the denominator of which shall be the total number of pupils in average daily membership in all districts to which such services will be furnished Provided That no school district shall be liable for such assessment unless the county board shall have notified the secretary of the district in writing forty (40) days prior to the county convention of school directors that action will be considered to provide such services

(15) Each school district subject to assessment for services furnished by the county board of school directors shall make payment of said assessment as provided by action of the county board of school directors In the event any district fails to pay its assessment when due the same shall be withheld from State approriations by the Superintendent of Public Instruction and paid over to the county Board of school directors

[(16) To estimate and file with the Department of Public Instruction the cost of classes and schools for handicapped whenever such classes and schools are authorized on or before the first day of July of each year

(17) To employ temporary professional and professional employes supervisors and teachers and to employ all other persons necessary to carry on education and training for handicaped children and to determine the salaries to be paid All professional employes so employed shall have the same rights of membership in the Public School Employes' Retirement Association as professional employes of school districts]

(b) The county board of school directors in respect to

second third and fourth class school districts within the county shall have power and its duty shall be

(1) To prepare plans for the proper education and training of handicapped children as hereinafter provided

(2) To provide maintain administer supervise and operate schools and classes for handicapped children in accordance with a plan approved by the State Council of Education as hereinafter provided

(3) To estimate and file with the Department of Public Instruction the costs of classes and schools for handicapped on or before the first day of July of each year

(4) To employ temporary professional and professional employes supervisors and teachers and to employ all other persons necessary to carry on education and training for handicaped children and to determine the salaries to be paid All employes so employed shall have the same rights of membership in the Public School Employes' Retirement Association as employes of school districts

Section 3 Section one thousand three hundred seventy one of said act is hereby amended to read as follows

Section 1371 Reports Examination It shall be the duty of the secretary of the school board [teachers school enumerators home and school visitors and attendance officers] in every school district of the second third and fourth class in accordance with rules of procedure prescribed by the Superintendent of Public Instruction to secure information and report to the [district or county superintendent of schools] county board of school directors on or before the fifteenth day of October of each year and thereafter as cases arise every child of compulsory school age within said district who because of apparent exceptional physical or mental condition is not being properly educated and trained As soon thereafter as possible the child shall be examined by a [mental clinic approved by the State Council of Education or by a] person certified by the Department of Public Instruction as a public school psychologist [or psychological examiner] and also by any other expert which the type of [class] handicap and the child's condition may necessitate A report shall be made [concerning his fitness for special education] to the county board of school directors of all such children examined and of all children residing in the district who are enrolled in special classes In school districts of the first [second and third] and first A class [having a district superintendent of schools the report shall be made] every child of compulsory school age who because of apparent exceptional physical or mental condition is not being properly educated and trained shall be reported to the superintendent of the district as he shall direct [In all other districts the report shall be made to the county superintendent of schools]

Section 4 Section one thousand three hundred seventy-two of said act as amended by the act approved the twenty-first day of August one thousand nine hundred fifty-three (Pamphlet Laws 1376) is hereby further amended to read as follows

Section 1372 [Special Classes or Schools or Other Provision for Education The county or district superintendent of schools shall submit to the board or boards of school directors plans for establishing and maintaining special classes in the public schools or special public schools for the proper education and training of all such children reported to him as fit subjects for special education and training Except as herein otherwise provided it shall be the duty of the board of directors of any district having such children to provide and maintain or to jointly provide and maintain with neighboring districts such special classes or schools The State Superintendent of Public Instruction shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act relating thereto If it is not feasible to form a special class in any district or to provide such education for any such child in the public schools of the district the board of school directors of the district shall secure such proper education and training outside the public schools of the district or in special institutions or by providing for teaching the child in his home in accordance with rules and regulations prescribed by the Department of Public Instruction on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children] (1) Standards for Proper Education and Training of Handicapped Children The State Council of Education shall adopt and prescribe standards and regulations for the proper education and training of all handicapped children by school districts or counties singly or jointly The State Council of Education shall have power and it shall be its duty to determine the counties which shall be joined for the purpose of providing proper education and training of handicapped children Standards and regulations shall recognize such factors as number of handicapped children types of handicaps facility of transportation adequacy of existing provisions for handicapped children and availability of school plant facilities

(2) Plans for Education and Training Handicapped Children The county board of school directors cooperatively with other county boards and with boards of directors of districts of the second third and fourth class shall prepare and submit to the Department of Public Instruction on or before the first day of July one thousand nine hundred fifty-six for its approval or disapproval plans for the proper education and training of all handicapped children in districts of the second third and fourth class in accordance with the standards and regulations adopted by the State Council of Education Plans as provided for in this section shall be subject to revision from time to time as conditions warrant subject to the approval of the Department of Public Instruction

(3) Special Classes or Schools Established and Maintained by School Districts The county or district superintendent of schools shall submit to the board or boards of school directors plans for establishing and maintaining by the district or districts under his supervision special classes in the public schools or special public schools in the manner provided in the approved plan Except as herein otherwise provided it shall be the duty of the board of school directors of any district to provide and maintain or to jointly provide and maintain with neighboring districts special classes or schools in accordance with the approved plan The State Superintendent of Public Instruction shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act relating thereto If the approved plan indicates that it is not feasible to form a special class in any district or to provide such education for any such child in the public schools of the district the board of school directors of the district shall secure such proper education and training outside the public schools of the district or in special institutions or by providing for teaching the child in his home in accordance with rules and regulations prescribed by the Department of Public Instruction on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children

(4) County Classes for Handicapped Children The county board of school directors shall have power and it shall be their duty to provide maintain administer supervise and operate such additional classes or schools as are necessary or to otherwise provide for the proper education and training in the manner set forth in the approved plan for all handicapped children who are not enrolled in classes or schools maintained and operated by school districts of the second third and fourth class or who are not otherwise provided for in accordance with the approved plan

(5) Day-Care Training Centers Classes and Schools for the Proper Education and Training of Handicapped Children Where in the judgment of the State Superintendent of Public Instruction the provisions of this act relating to the proper education and training of handicapped children have not been complied with or the needs of handicapped children are not being adequately served the Department of Public Instruction is hereby authorized to provide including the payment of rental when necessary maintain administer supervise and operate classes and schools for the proper education and training

of handicapped children Pupil eligibility for enrollment in classes for handicapped children shall be determined according to standards and regulations promulgated by the State Council of Education For each child enrolled in any special class or school for handicapped children operated by the Department of Public Instruction the school district in which the child is resident shall pay to the Commonwealth a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil" as determined for the schools operated by the district or by a joint board of which the district is a member based upon the costs of the preceding school term as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment plus a sum equal to ten (10) percentum of such tuition charges In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil" the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question In order to facilitate such payments by the several school districts the Superintendent of Public Instruction shall withhold from any moneys due to such district out of any State appropriation except from reimbursement due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment the amounts due by such school districts to the Commonwealth All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the maintenance and administration of centers and classes for handicapped children

(6) Pupils Credited to District of Residence The average daily membership of pupils enrolled in classes and schools for handicapped children operated by a county board of school directors or by the Department of Public Instruction shall be credited to the school district of residence for the purpose of determining the district's "teaching units" to be used in calculating the district's standard reimbursement fraction and in determining payments to the district on account of instruction as provided in section two thousand five hundred two of the act to which this is an amendment

Section 5 Section one thousand three hundred seventy-two point one of said act added January 14 1952 (P L 1925) and providing for day-care training centers for the training of mentally handicapped children who have been declared to be uneducable in the public schools but who are considered to be trainable is hereby repealed

Section 6 Section two hundred five hundred nine point one of said act as added by the act approved the twenty-seventh day of July one thousand nine hundred fifty-three (Pamphlet Laws 619) is hereby amended to read as follows

Section 2509.1 Payment on Account of Classes and Schools for Handicapped [(a) Every county board shall be paid on the first day of August and the first day of January of each school year that classes and schools for handicapped children are conducted in equal installments the amount of estimated costs for the operation thereof Such payments shall be deducted from the reimbursements due the district of residence of each handicapped child attending such classes or schools Reimbursement on account of handicapped children shall be made to the district of residence even though such child attends classes or schools conducted by a county board of school directors

For each child who is blind deaf or afflicted with cerebral palsy attending such classes or school the county board shall be paid by the district of residence the sum of two hundred dollars ($200) and shall be paid by the Commonwealth out of moneys appropriated to the Department of Public Instruction the balance of the cost of education and training of such child which amount shall not exceed seventy-five per cent of the total cost of education of such child who is blind deaf or afflicted by cerebral palsy in a residence school for similar education

(b) Whenever children from districts under the supervision of a district superintendent attend classes or schools for handicapped conducted by a county board the county board shall be paid an amount equal to the charge per pupil made against such district which shall be deducted from the reimbursements due such district] Annually before the first day of July every county board of school directors shall submit for prior review and approval by the Department of Public Instruction an esimate of the cost of classes or schools for handicapped children to be operated by the county board during the ensuing school year On or before the first day of August the Commonwealth shall pay to the county board of school directors a sum equal to one-half of the approved estimated annual cost of operation of classes and schools for handicapped children and on or before the first day of January shall pay an equal sum or a lesser sum as may be shown to be necessary by an adjusted budget based upon expenditures during the first half of the school term At the end of each school year all unexpended funds shall be credited to Commonwealth payments due for the succeeding school year on account of the operation of such classes or upon direction of the Superintendent of Public Instruction shall be returned to the Commonwealth All such funds returned are hereby specifically appropriated to the Department of Public Instruction for support of schools and classes for handicapped children For each child enrolled in any special class or school for handicapped children operated by a county board of school directors the school district in which the child is resident shall pay to the Commonwealth a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil" as determined for the schools operated by the district or by a joint board of which the district is a member based upon the costs of the preceding school term as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil" the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question In order to facilitate such payments by the several school districts the Superintendent of Public Instruction shall withhold from any moneys due to such district out of any state appropriation except from reimbursement due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment the amounts due by such school districts to the Commonwealth All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the support of public schools

Section 7 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Haluska,	McMenamin,	Stevenson,	Fleming, Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1792, as follows:

An Act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties

Whereas we believe that the destructive and adventurous potentialities of children and adolescents are often stimulated by collections of pictures and stories of criminal deeds of bloodshed or lust so massed as to incite to violent and depraved crimes against the person and

Whereas we believe that such juveniles and other susceptible characters do in fact commit such crimes at least partly because incited to do so by such publications the purpose of which is to exploit such susceptible characters and

Whereas such belief even though not capable of statistical demonstration is supported by our experience as well as by the opinions of some specialists qualified to express opinions regarding criminal psychology and not disproved by others and

Whereas in any event there is nothing of possible value to society in such publications so that there is no gain to the Commonwealth whether in edification or enlightenment or amusement or good of any kind and

Whereas the possibility of harm by restricing free utterance through harmless publications is to remote and too negligible a consequence of dealing with the evil publications with which we are here concerned and

Whereas The National Council of Juvenile Court Judges has urged that action be taken at local state and national levels of government to curtail prohibit and outlaw the publication of so-called "comics"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be unlawful for any person to sell offer for sale attempt to sell exhibit give away keep in his possession with intent to sell or give away or in any way furnish or attempt to furnish to anyone under the age of eighteen years any obscene lewd lascivious filthy indecent profane or disgusting comic book magazine or other publication

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one year or both

Section 2 It shall be unlawful for any person as a condition to a sale or delivery for resale of any comic book magazine periodical or publication to require that the purchaser or consignee receive for resale any other article book or other publication which is obscene lewed lascivious filthy indecent or profane

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding fve hundred dollars ($500) or to undergo imprisonment not exceeding one year or both

Section 3 The word "person" includes an individual copartnership association and corporation

Section 4 This act shall take effect in thirty days

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	**Harney,**	**McPherson, Jr.**	**Stiefel,**
Berger,	**Hays,**	**Mullin,**	**Taylor,**
Blass,	**Kessler,**	**Pechan,**	**Van Sant,**
Camiel,	**Kopriver, Jr.**	**Peelor,**	**Wade,**
Chapman,	**Lane,**	**Propert,**	**Wagner,**
Dent,	**Madigan,**	**Ruth,**	**Watkins,**
Diehm,	**Mahany,**	**Schmidt,**	**Weiner,**
DiSilvestro,	**Mallery,**	**Scott,**	**Whalley,**
Donolow,	**McCreesh,**	**Seyler,**	**Wolfe,**
Flack,	**McGinnis,**	**Silvert,**	**Yosko,**
Haluska,	**McMenamin,**	**Stevenson,**	**Fleming,**
			Presiding Officer

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SECOND READING CALENDAR

APPROPRIATION BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that all of the appropriation bills on second reading go over in their order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The bills were as follows:

Senate Bill No. 31, Printer's No. 563;
House Bill No. 54, Printer's No. 1049;
House Bill No. 200, Printer's No. 1050;
House Bill No. 320, Printer's No. 1490;
Senate Bill No. 343, Printer's No. 564;
Senate Bill No. 425, Printer's No. 565;
House Bill No. 597, Printer's No. 1493;
Senate Bill No. 656, Printer's No. 566;
Senate Bill No. 659, Printer's No. 567;
Senate Bill No. 791, Printer's No. 331;
Senate Bill No. 873, Printer's No. 568;
House Bill No. 887, Printer's No. 1494;
House Bill No. 905, Printer's No. 1052;
Senate Bill No. 963, Printer's No. 569;
Senate Bill No. 968, Printer's No. 570;
House Bill No. 1035, Printer's No. 983;
House Bill No. 1036, Printer's No. 984;
House Bill No. 1306, Printer's No. 1495;
House Bill No. 1470, Printer's No. 1153;
House Bill No. 1486, Printer's No. 1497;
House Bill No. 1573, Printer's No. 1053;
House Bill No. 1595, Printer's No. 1498;
House Bill No. 1596, Printer's No. 1499;
House Bill No. 1597, Printer's No. 1500;
House Bill No. 1598, Printer's No. 1512;
House Bill No. 1600, Printer's No. 658;
House Bill No. 1601, Printer's No. 659;
House Bill No. 1602, Printer's No. 1501;
House Bill No. 1603, Printer's No. 661;
House Bill No. 1605, Printer's No. 663;
House Bill No. 1606, Printer's No. 664;
House Bill No. 1607, Printer's No. 1502;
House Bill No. 1608, Printer's No. 666;

House Bill No. 1609, Printer's No. 1503;
House Bill No. 1614, Printer's No. 986;
House Bill No. 1615, Printer's No. 987;
House Bill No. 1616, Printer's No. 988;
House Bill No. 1632, Printer's No. 772;
House Bill No. 1633, Printer's No. 1504;
House Bill No. 1634, Printer's No. 1513;
House Bill No. 1636, Printer's No. 674;
House Bill No. 1638, Printer's No. 676;
House Bill No. 1646, Printer's No. 1506;
House Bill No. 1647, Printer's No. 725;
House Bill No. 1648, Printer's No. 1507;
House Bill No. 1650, Printer's No. 1508;
House Bill No. 1651, Printer's No. 729;
House Bill No. 1654, Printer's No. 731;
House Bill No. 1655, Printer's No. 732;
House Bill No. 1656, Printer's No. 733;
House Bill No. 1657, Printer's No. 734;
House Bill No. 1658 Printer's No. 735;
House Bill No. 1659 Printer's No. 736;
House Bill No. 1660 Printer's No. 737;
House Bill No. 1665 Printer's No. 742;
House Bill No. 1688 Printer's No. 1055;
House Bill No. 1689 Printer's No. 1056;
House Bill No. 1692 Printer's No. 785;
House Bill No. 1694 Printer's No. 1510;
House Bill No. 1704 Printer's No. 781;
House Bill No. 1728 Printer's No. 1059;
House Bill No. 1881 Printer's No. 1151;
House Bill No. 1955 Printer's No. 1335; and
House Bill No. 1975 Printer's No. 1366.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 324, Printer's No. 546, on second reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 335, entitled:

An Act amending the act of June 22, 1937 (P. L. 1987) entitled as amended "An act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation . . ." authorizing certain corporations to acquire interests in land by eminent domain

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 403, Printer's No. 142; and
Senate Bill No. 449, Printer's No. 163.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 698, entitled:

An Act amending the act of June 3 1937 (P. L. 1333) entitled "Pennsylvania Election Code" increasing the compensation of election officers in counties of the first and second classes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 873, Printer's No. 1400, on second reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 984, entitled:

An Act amending the act of May 28, 1937 (P. L. 1053) entitled "Public Utility Law" excluding buses owned by or under contract with private or parochial schools for the transportation of school children and children to Sunday school from the definition of common carrier by motor vehicle and contract carrier by motor vehicle

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE opered the following amendment:

Amend Section 1 (Section 2) page 5 lines 10 and 11 by striking out all of said lines and inserting in lieu thereof: "school or parochial school for the transportation of school children between their homes and school or children between their homes and Sunday school which transportation is paid by the school or school district from school school district or church funds or (e) any owner or operator of a."

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILLS OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that House Bill No. 984, Printer's No. 1461, on second reading, go over in its order, as amended.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 996, Printer's No. 553, on second reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1276, entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania making special provision for the taxation of private forest reserves

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1311, Printer's No. 1496, on second reading, go over in its order.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1693, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" further regulating membership of the State Veterans' Commission

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1848, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" excluding the weight of safety devices in determining gross and axle weights.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1987, entitled:

An Act amending the act of May 2, 1925 (P. L. 448) entitled "The Fish Law of 1925" authorizing in certain cases fishing in farm ponds without licenses and regulating the transportation of fish taken from such ponds during closed seasons.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading

HOUSE BILL No. 1507 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. PECHAN. Mr. President, I call up from the Second Reading Postponed Calendar, House Bill No. 1507, Printer's No. 1020, for the purpose of having it appear on tomorrow's Second Reading Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. WEINER. Mr. President, I desire to interrogate the gentleman from Armstrong, Senator Pechan.

The PRESIDING OFFICER. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. WEINER. Senator, will you tell me why you are calling up this bill today?

Mr. PECHAN. I did it at Senator McPherson's request.

Mr. WEINER. Mr. President, I then desire to interrogate the gentleman from Adams, Senator McPherson.

The PRESIDING OFFICER. Will the gentleman from Adams, Mr. McPherson, permit himself to be interrogated?

Mr. McPHERSON, JR. I will, Mr. President.

Mr. WEINER. Senator, would you advise me why this bill is being called up today?

Mr. McPHERSON JR. Because we want to pass this bill in its present form as soon as possible. Some Members of the Senate want to prepare and introduce amendments to the bill in its present form. In order to have those amendment considered it is necessary to pass this bill over to the Governor.

Mr. WEINER. Senator will somebody be ready to answer some of the questions which I have on this bill tomorrow when it is on the Second Reading Calendar?

Mr. McPHERSON JR. I cannot answer that question, Mr. President. I do not know what his questions will be.

Mr. WEINER. Senator, there are 117 pages to this bill and I just wanted everybody to be on notice that if they can read it this evening, I would be very happy to discuss it with them on the floor tomorrow.

Mr. McPHERSON, JR. I feel sure, Mr. President, that we will be very interested to hear Senator Weiner's discussion of the bill on the floor tomorrow.

Mr. WEINER. Senator, my question was, and maybe I did not state it too clearly, would you or someone over on that side be prepared to answer questions which I might have to this bill tomorrow?

Mr. McPHERSON, JR. That again, Mr. President, I cannot answer because I do not know what his questions are. Therefore, I cannot tell whether we will be prepared to answer them tomorrow or not.

Mr. WEINER. Thank you, Senator.

Mr. President, this bill contains 117 pages and I do not feel that any of us should be asked to vote blindly on a bill of this type without our knowing what is in it and what it proposes to do. I do believe that the amendments to this act, which was a very lengthy one in the beginning, have been read by very few Members of this General Assembly and we would be making a hasty decision in passing on this bill.

Therefore, Mr. President, I would like to at this time serve notice on anybody who is a proponent of this bill to please be prepared tomorrow to discuss it, because I am going to have a lot of questions to ask about it.

The PRESIDING OFFICER. There being no objection,

House Bill No. 1507 will appear on tomorrow's Second Reading Calendar.

BILL ON FIRST READING

Mr. PECHAN. Mr. President, I move that the Senate do now proceed to the first reading of the bill reported from committee for the first time at today's session.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1009, entitled:

An Act amending the act of July 28, 1953 (Appropriations Act, page 16 Act No. 20-A), entitled "An act making an appropriation to the Department of Forests and Waters for the protection and stabilization of Presque Isle Penninsula and Erie Harbor at Erie," authorizing the use of funds for improvement and development purposes.

An said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I have been handed a list of nominations by the Governor for the Mercer County Board of Assistance. Mercer County is one of the counties in my District and I have nothing against any of these people who were nominted, but there is one man by the name of Donald C. Atwell, 540 Liberty Street, Grove City, against whom I have nothing personal other than the fact that he, as I understand it, is a committeeman. I called the department and they told me that under the Public Assistance law, no one who is directly connected with politics can be appointed to one of these boards.

Therefore, I would ask your Caucus Chairman, or whoever is the spokesman for the Administration, to check whether my information is correct that this man cannot serve and have his name recalled so that I can see that these other people are confirmed by the Senate as soon as possible.

ADJOURNMENT

Mr. PECHAN. Mr. President, I move that the Senate do now adjourn until Tuesday, March 13, 1956, at 2:00 o'clock, p. m., Eastern Standard Time.

Mr. MAHANY. Mr. President, I second the motion.

The Senate adjourned at 6:17 o'clock, p. m., Eastern Standard Time, until Tuesday, March 13, 1956, at 2:00 o'clock, P. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, March 12, 1956.

The House met at 1:00 p. m.
The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Thou Ageless and Eternal One who has put us in a world of things, some true, some false, some right, some wrong, we beseech Thee

To take us as we are and make us what we ought to be;

To save us from false pride and false humility so that our goodness be simple and genuine;

To make us wise enough to love the simplicity of the Master;

To keep us from living for the unimportant things.

Gracious God, our Heavenly Father, our prayer today is, that the strength of God may pilot us; that the power of God may preserve us; that the way of God may direct us, and that the shield of God may defend us. In the shadow and spell of Thy Cross, O Christ, we would stand and work and serve. Amen.

The SPEAKER. The Chair requests the gentleman from Cambria, Mr. Lopresti, to preside temporarily.

Mr. LOPRESTI IN THE CHAIR.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Wednesday, March 7, 1956 will be postponed until printed. The Chair hears none.

BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bills:

By Mr. GIBSON and Mrs. MARKLEY.

HOUSE BILL No. 2067.

An Act making an appropriation to the Joint State Government Commission for the purpose of creating a tax research agency within the organization of the Commission.

Referred to the Committee on Rules.

By. Mr. BRETH. HOUSE BILL No. 2068.

An Act to further amend the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to Adoption," by clarifying the definition of the term "Approved Agency or Institution."

Referred to the Commitee on Child Care.

By Messrs. MUSTO, WALLACE, JUMP, ROVANSEK, MOSCRIP, THOMAS, STANK, NEEDHAM Mrs. MUNLEY, Messrs. MIKULA, PARRY, MEHOLCHICK, and CURWOOD. HOUSE BILL No. 2069.

An Act authorizing the appointment of a House Committee for the purpose of making a study and investigation and legislative recommendations relating to subsidence of surface soil in anthracite coal mining regions and the damages occurring as a result of such subsidence; conferring powers and imposing duties on the committee; and making an appropriation.

Referred to the Committee on Mines and Mining.

By Mr. MUSTO. HOUSE BILL No. 2070.

An Act amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," further regulating the election and appointment of township supervisors.

Referred to the Committee on Townships.

By Mr. JOHNSON. HOUSE BILL No. 2071.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further regulating levy of taxes by union or merged districts situated in more than one county.

Referred to the Committee on Education.

By Messrs. STANK, BOWER, PRICE, HARVEY P. MURRAY, PURSLEY, WHITENIGHT and GUSS.

HOUSE BILL No. 2072.

An Act regulating rights and duties of teachers in schools for the teaching and training of the mentally retarded, functioning within the Department of Welfare.

Referred to the Committee on Education.

By Mr. GIBSON. HOUSE BILL No. 2073.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising consolidating and changing the laws relating thereto," providing for payments by the Commonwealth on account of pupils residing on Commonwealth property.

Referred to the Committee on Appropriations.

By Messrs. HORST, JOHNSON and WHEELER.

HOUSE BILL No. 2074.

An Act amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," further regulating the payment of salaries in certain counties.

Referred to the Committee on Counties.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The SPEAKER pro tempore. The Speaker has referred the following Senate bills:

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 367.

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law," adding a new route in Allegheny County.

Referred to the Committee on Highways.

SENATE BILL No. 526.

An Act amending the act of May 27, 1949 (P. L. 1903), entitled "The Military Code of 1949," further regulating membership of the Military Advisory Commission.

Referred to the Committee on Military Affairs.

SENATE BILL No. 969.

A Supplement to the act of June 2, 1915 (P. L. 736), entitled as amended "The Pennsylvania Workmen's Compensation Act," providing for the payment of compensation to auxiliary police or their dependents.

Referred to the Committee on Workmen's Compensation.

SENATE RESOLUTION SERIAL No. 143 referred to the Committee on Rules.

SENATE RESOLUTION SERIAL No. 150 referred to the Committee on Rules.

PETITIONS

URGING PASSAGE OF SENATE BILL No. 896 and DEFEAT OF SENATE BILLS Nos. 889, 890 and 894

The SPEAKER laid before the House petitions adopted by the Susquehanna County Commissioners and Tioga County Commissioners urging the passage of Senate Bill No. 896 and defeat of Senate Bills Nos. 889, 890 and 894.

Referred to the Committee on Counties.

SENATE MESSAGE

SENATE BILL NO. 929 RECALLED FROM GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 7, 1956.

Resolved (if the House of Representatives concur), that Senate Bill No. 929, Printer's No. 535, entitled "An act amending the act of April 12, 1951 (P. L. 90), entitled 'An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws' providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used" be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1932.

An Act amending the act of July 12, 1935 (P. L. 677) entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States" including members of the United States Air Force

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1319.

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" clarifying the effect of certain provisions of the act with respect to powers granted by other laws

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1623.

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" extending retirement benefits to veterans of armed conflicts

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION No. 16

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, February 15, 1955.

The Delaware River has been an important factor in the development of this great Commonwealth of Pennsylvania

It has been used in the transportation of raw materials and products to and from the Commonwealth to all parts of the world

Because of the size of sea-going vessels and the great volume of shipping the Delaware River fails to meet present day needs and to play a greater part in the

progress of this Commonwealth the channel in the Delaware River should be deepened

The Governor George M. Leader and the several members of Congress from Pennsylvania have worked diligently and with perserverance in soliciting the Federal Government to use its facilities and funds to deepen the Delaware River therefore be it

Resolved (the Senate concurring) That the General Assembly commend the Governor of Pennsylvania George M. Leader and the members of Congress from Pennsylvania for the stand they have taken in the matter of the deepening of the Delaware River and be it further

Resolved That the General Assembly memorialize the Congress of the United States to support and enact legislation providing for the deepening of the Delaware River at Federal expense and be it further

Resolved That copies of this resolution be transmitted to the Governor of Pennsylvania George M. Leader the presiding officers of each house of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States

BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker has signed the following bills:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 244.

An Act amending the act of June 28, 1951 (P. L. 638) entitled "An act relating to the jurisdiction powers and duties of registers of wills and regulating proceedings before them and the costs thereof the effects of their acts and appeals therefrom" providing for the fixing of costs where there are separate orphans' courts

HOUSE BILL No. 245.

An Act amending the act of August 21, 1953 (P. L. 1309) entitled "An act prescribing the fees to be received by registers of wills in counties of the fourth fifth sixth seventh and eighth class" eliminating counties of the fourth class

HOUSE BILL No. 246.

An Act amending the act of August 21, 1953 (P. L. 1306) entitled "An act prescribing the fees to be received by the clerks of orphans' courts of counties of the fourth fifth sixth seventh and eighth class" elminating counties of the fourth class.

HOUSE BILL No. 247.

An Act amending the act of August 10, 1951 (P. L. 1163) entitled as amended "An Act relating to the orphans' court conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates conferring concurrent jurisdiction over the administration and distribution of incompetents' estates and the determination of title to real estate in certain cases providing for the organization of orphans' courts the procedure therein the powers and duties of the judges thereof and appeals therefrom" providing for the fixing of costs where there are separate orphans' courts.

HOUSE BILL No. 876.

An Act amending the act of June 23, 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further regulating the hours of service of firemen.

HOUSE BILL No. 1873.

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and interinsurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by changing provisions relating to certain legal proceedings

HOUSE BILL No. 1944.

An Act to amend the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 P. L. 28) entitled "An act relating to the civil defense of this State and its coordination with national defense providing for the establishment of a State Council of Civil Defense local and district councils of civil defense Mobile Support Units prescribing the powers duties and immunities thereof and of their personnel authorizing mutual aid compacts and providing penalties" by authorizing the State Council of Civil Defense to make rules and regulations.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bill:

By Messrs. SARRAF and EWING.

HOUSE BILL No. 2075.

An Act amending the act of May 22, 1935 (P. L. 233), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired, and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees; and providing for the payment of certain dues, fees, assessments, fines and appropriations thereto; regulating membership therein; creating a board for the management thereof; providing the amount, mode, and manner of payment to beneficiaries thereof, and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations, or associations having the same or similar purposes, and of such additional monies as may be necessary to carry out the provisions of this act," further regulating the withdrawal of service increment contributions.

Referred to the Committee on Cities—Counties Second and Second Class A.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MIHM asked and obtained permission for the Committee on Cities—Counties Second and Second Class A to meet during the session of the House.

RESOLUTION

RECALLING HOUSE BILL No. 1880 FROM THE GOVERNOR

Mr. READINGER offered a resolution which was read, considered and adopted as follows:

In the House of Representatives, March 8, 1956.

Resolved (if the Senate concur), that House Bill No. 1880, Printer's No. 1447, entitled "An act to further amend

sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled 'A further supplement to an act entitled "An act to provide revenue by taxation" approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine' by requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax changing the gross receipts fraction applicable to foreign corporations and further providing for the computation and payment of the tax by domestic corporations joint-stock associations limited partnerships and companies," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair will pass over the order of business of leaves of absence temporarily if there is no objection. The Chair hears none.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2029, entitled:

An Act amending "The Fish Law of one thousand nine hundred and twenty-five approved May 2, 1925 (P. L. 448) excluded from the provisions thereof the operation of and fishing from temporary water tanks in connection with sportsman's shows.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 7, entitled:

An Act to provide for an additional law judge of the court of common pleas in the nineteenth judicial district.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 297, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number eight and providing for the appointment and election of judges for the court.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1217, entitled:

An Act amending the act of July 12, 1913 (P. L. 711) entitled "An act establishing a court for the county of Philadelphia ***" increasing the number of judges of the Municipal Court of Philadelphia.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1943, entitled:

An Act to add section six hundred thirty-five point one to the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by regulating the serving and selling of milk in which chocolate cocoa or cacao products are used as an ingredient and prescribing penalties.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1983, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) clarifying provisions relating to the right to participate in the election of county boards of school directors associate district superintendents suspension of professional employes on consolidation of schools rule making power in reference to medical and dental examinations ***.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1990, entitled:

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning mental health and for related purposes.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2065, entitled:

An Act amending "The Game Law" approved June 3, 1937 (P. L. 1225) further regulating the issuance of antlerless deer licenses and imposing penalties for the unlawful issuance thereof.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 318, entitled:

An Act pertaining to the resignation and retirement of judges under certain conditions fixing their compensation upon resignation or retirement and imposing duties on certain State officers.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 333, entitled:

An Act amending the act of January 18, 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing inconsistent laws" increasing the minimum compensation and increments and changing conditions of payment and making an appropriation.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 905, entitled:

An Act authorizing the Department of Property and Supplies to acquire by gift ninety-three acres more or less of land with buildings thereon in the City of Pittsburgh Allegheny County for maintenance by the Department of Health as a sanitorium or hospital for the reception and treatment of indigent presons affected with tuberculosis and making an appropriation.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," authorizing boards of school directors of school districts of the second, third and fourth classes, with the approval of the Superintendent of Public Instruction, to levy an additional tax to pay for amortization of certain bond issues.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRED

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2020.

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the legislative session of 1955.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, by inserting after line 2 the following:

(6) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the majority caucus chairman five hundred dollars ($500)

(7) To the Senate for the payment of contingent expenses including extra services of employes of the Senate and clerical stenographic travel and discretionary charges of the minority caucus chairman five hundred dollars ($500)

(8) To the Senate for the payment of contingent expenses of the chief clerk including postage on the legislative journal bills and calendars session of one thousand nine hundred fifty-five the sum of four thousand dollars ($4000)

Line 18, by striking out at the beginning of the line the figure in brackets "(6)" and inserting in lieu thereof the figure in brackets "(9)"; page 4, line 3, by striking out at the beginning of the line the figure in brackets "(7)" and inserting in lieu thereof the figure in brackets "(10)"; line 8, by striking out at the beginning of the line the figure in brackets "(8)" and inserting in lieu thereof the figure in brackets "(11)"; line 13, by striking out at the beginning of the line the figure in brackets "(9)" and inserting in lieu thereof the figure in brackets "(12)"; line 17, by striking out at the beginning of the line the figure in brackets "(10)" and inserting in lieu thereof the figure in brackets "(13)"; and by inserting after line 20 the following:

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows.:

YEAS—185

Adam,	Frost,	Markley,	Rovansek,
Amarando,	Gaffney,	Maxwell,	Royer,
Anderson, M. S.,	Garlock,	McCann,	Rubin,
Anderson, S. A.,	George,	McCormack,	Rudisill,
Ashton,	Gibson,	McGee,	Sarraf,
Auker,	Goldstein,	McInroy,	Scarcelli,
Banker,	Gramlich,	McKeever,	Schuster,
Barnatovich,	Guss,	McLaughlin,	Sherman,
Bazin,	Guthrie,	McWherter,	Smith, C. C.,

Bell,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Blair,	Hass,	Metz,	Snider,
Boles,	Haudenshield,	Mihm,	Stank,
Bonner,	Heavey,	Mikula,	Stebbins,
Boory,	Helm,	Miller,	Steckel,
Bower,	Henzel,	Mills,	Stevenson,
Branca,	Hewitt,	Monroe,	Stone,
Breisch,	Hocker,	Moody,	Stoner,
Brennan, A. P.,	Holt,	Moran,	Strausser,
Brennan, J. J.,	Horst,	Moscrip,	Stroup,
Brenninger,	Houk,	Muldowney,	Swartz,
Breth,	Isaacs,	Mullen,	Taylor,
Brown,	Jenkins,	Munley,	Thomas,
Bucchin,	Johnson,	Murphy,	Toll,
Bullen,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Capano,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cianfrani,	Jump,	Musto,	Varallo,
Cioffi,	Kamyk,	Naugle,	Varner,
Cochran,	Kehler,	Needham,	Vaughan,
Cooper,	Keller,	Ogilvie,	Verona,
Curwood,	Kent,	Olsen,	Wall,
Davis,	Kline,	O'Neil,	Wallace,
Donahue,	Knecht,	Pacchioli,	Walsh,
Dougherty,	Kolankiewicz,	Parry,	Wargo,
Ehrgood,	Kooker,	Pashley,	Waterhouse,
Eilberg,	Kornick,	Paulhamus,	Weidner,
Erb,	Leiby,	Petrosky,	Wescott,
Ashleman,	Leisey,	Polaski,	Wheeler,
Ewing,	Leonard,	Polen,	Whitenight,
Farabaugh,	Leven,	Pomeroy,	Willaredt,
Filo,	Light,	Price,	Williams,
Flint,	Limper,	Pursley,	Wood,
Floyd,	Lippincott,	Readinger,	Worley,
Flynn,	Lopresti,	Reibman,	Yetter,
Foster,	Lovett,	Reidenbach,	Yetzer,
Frank,	Lutty,	Renwick,	Ziegler,
Frascella,	Magee,	Rigby,	Andrews,
		Rosen,	Speaker

NAYS—0

NOT VOTING—22

Agnew,	Gelfand,	Lawyer,	Stephens,
Comer,	Gibb,	Mahan,	Thompson,
Connelly,	Greenwood,	Murray, P. G.,	Welsh,
Donaldson,	Kratz,	Pettigrew,	Wilt,
Down,	Kromer,	Sigman,	Young,
Fineman,	Lafore,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

Mr. LOVETT asked and obtained unanimous consent to address the House.

Mr. Speaker, last week on Tuesday when we had the Conference Report on House Bill 2009 I raised the question of my Senator's name not being on the Conference Report.

I want to clear the record due to the fact that some of my friends came to me after the session was over and thought I was possibly taking my Senator from Westmoreland County to task.

I want to say to the Members of the House that that was the farthest thing from my mind. I have all the respect in the world for my Senator from Westmoreland. I think he is a very able Senator, and I was only trying to secure information why his name was not on the Conference Report. However, I was interrupted by a Point of Order during the discussion.

I have been a Member of this House for many years. I have never raised a Point of Order on any Member. I find no fault with raising a Point of Order, but I do feel we have a very able Speaker and I feel the Speaker as a rule will keep us in order. I have noticed many times when a Point of Order has been raised the Speaker will only say to the Member, "Please confine your remarks to the question before the House."

I might say the Members jump up and raise Points of Order. I might say that those very Members in my mind lots of times are not in order. So I just want to make this statement and I want to make it clear, I was only seeking information in regard to the conference report.

I have always insisted that we work too hastily. We spend hours and hours waiting for conference reports and the minute the conference report hits the floor of the House we are told we must vote on it.

Many times when these conference reports, or the bills themselves, are acted upon very hastily, we find ourselves in trouble. I think we find ourselves in that same trouble today on the conference report we so readily adopted last week. We were given to understand it was a better bill and one which we could vote for.

After due consideration of the bill, after time to study, after time to listen to the reports in the Senate of Pennsylvania, we find the amendments which were put in by the Conference Committee, especially as to the stamp plan, did not fit into our bill. We find ourselves in serious trouble today and possibly there will have to be time spent in order to correct the mistakes we made.

I say, in all fairness is that correct procedure? Or should we be given an opportunity to ask questions and receive the necessary information so that we know what is in the reports when we vote upon them?

STUDENTS OF NETHER PROVIDENCE HIGH SCHOOL WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the Hall of the House a delegation of students from the Nether Providence High School of Delaware County under the supervision of their teachers, Mrs. Seidel and Mr. Waters. They are the guests of the gentlemen from Delaware, Messrs. Lippincott, Foster, Isaacs and Bell.

PERMISSION TO ADDRESS HOUSE

Mr. GOLDSTEIN asked and obtained unanimous consent to address the House.

Mr. Speaker, last week when the gentleman from Westmoreland, Mr. Lovett, made his remarks about equal standards of procedure in the House and Senate, I was willing to say he had earned the title of fairness and that he had a right to say in each and every speech, "Let's be fair."

I thought he was referring to the standards of conduct which I witnessed in the Senate the other night in connection with the passage of the sales tax when Members of our House were mentioned upon the floor. I was astonished at the manner in which Members of our House were referred to. I believe the standards should be equal and if the Members of the Senate have a right to castigate us, then we should amend our Rules and have the right to castigate them. So I say to Mr. Lovett, "Let's be fair," and stick by your original position.

Mr. LOVETT. Mr. Speaker, I say again that I am misunderstood. The statement just made was pertaining to my statement and my interrogation on the conference report. The reference the gentleman makes is to a statement I made.

I have not changed my mind one bit, I am only proud

that the gentleman thinks I was fair. If he did, I am still fair. I maintain the Rules should be changed, we should have the same set of Rules for our courtesy to the Senate that the Senate should have for courtesy to the House.

REPORT FROM COMMITTEE

Mr. VAUGHAN from the Committee on Cities—Counties Second and Second Class A, reported as committed, House Bill No. 2075, entitled:

An Act amending the "Policemen's Relief and Pension Fund Law," approved May 22, 1935 (P. L. 233), further regulating the withdrawal of service increment contributions.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2075, entitled:

An Act amending the "Policemen's Relief and Pension Fund Law," approved May 22, 1935 (P. L. 233), further regulating the withdrawal of service increment contributions.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Toll for Mr. WELSH.

Mr. Erb for Mr. KROMER.

The SPEAKER (Mr. Hiram G. Andrews) IN THE CHAIR.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 641 as follows:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 1 1933 (P L 103) known as "The Second Class Township Code" reenacted and amended and revised July 10 1947 (P L 1481) is amended by adding after Article XIX a new article to read

ARTICLE XIX-A

Sanitary Board

Section 1901-A Establishment of Board of Sanitary Officers The administration of the health laws in townships may be enforced by a sanitary board or by a sanitary officer or officers as the case may be appointed by the township supervisors

Where the township supervisors elect to appoint a sanitary officer or officers the said sanitary officer or officers shall have the same powers and duties and exercise the same authority as is prescribed for sanitary boards in townships All sanitary officers whether appointed by sanitary boards or by the township supervisor shall have had some experience or training in public health work in accordance with rules and regulations established by the Advisory Health Board of the State Department of Health Such sanitary officers shall not enter upon the performance of their duties until they are certified so to do by the State Department of Health

Section 1902-A Members of Sanitary Board Where the township supervisors decide to appoint a sanitary board said board shall be composed of five members at least one of whom shall be a reputable physician of not less than two years experience in the practice of his profession The members of the board shall be appointed by the township supervisors At the first appointment one member shall be appointed to serve for one year one for two years one for three years one for four years and one for five years and thereafter one member shall in like manner be appointed each year to serve for five years The members of the sanitary board shall serve without compensation but if any member of the board shall be elected to the office of secretary he shall be entitled to receive a salary fixed by the board for that office

Section 1903-A Oaths of Members Secretary and Sanitary Officer The members of the board shall severally take and subscribe to the oath prescribed by section five hundred one of this act and shall annually organize by electing a president from among the members of the board a secretary who may or may not be a member of the board and a sanitary officer who shall not be a member of the board The secretary and the sanitary officer shall receive such salary as may be fixed by the board and ratified by the township supervisors and shall serve for a period of one year or until such time thereafter as their successors may be elected and qualified They shall severally give bond to the township in such sums as may be fixed by ordinance for the faithful discharge of their duties and shall also take and subscribe to the oath required by members of the board

Section 1904-A Duties of Secretary The secretary of the board shall keep the minutes of the proceedings of the board shall keep accurate accounts of the expenditures of the board shall draw all requisitions for the payment of moneys on account of the sanitary board from appropriations made by the supervisors to the board and shall present the same to the president of the board for his approval shall render statements of the expenditures to the board at each stated meeting or as frequently as the board may require shall prepare under the directions of the board the annual report to the township supervisors together with the estimate of appropriation needed for the ensuing year and shall make such other reports and perform such other duties as the board may require

Section 1905-A Powers and Duties of Sanitary Officer It shall be the duty of the sanitary officer to attend all stated and special meetings of the sanitary board and at all times be ready and available for the prompt performance of his official duties He shall make sanitary inspections and shall execute the orders of the sanitary board and shall in the performance of his duties have the power and authority of a policeman

Section 1906-A Powers of Board The sanitary board shall have the powers and it shall be its duty to enforce the laws of the Commonwealth the regulations of the State Department of Health and to make and enforce such additional rules and regulations for abating and removing all nuisances which the board shall deem prejudicial to the public health to mark infected houses or places to prescribe rules for the construction and maintenance of house-drains wash-pipes soil-pipes and cesspools and to make all such other rules and regulations as shall be deemed necessary for the preservation of the public health.

The board shall also have the power to make enforce

and cause to be published all necessary rules and regulations not inconsistent with law for carrying into effect the powers and functions with which they are invested by law and the power and authority relating to the public health conferred on the township Such rules and regulations when approved by the township supervisors and when advertised in the same manner as ordinances shall have the force of ordinances of the township and all penalties or punishment prescribed for the violation thereof as well as the expenses actually and necessarily incurred in carrying such rules and regulations into effect shall be recoverable for the use of the township in the same manner as penalties for violation of the ordinances of the township and subject to like limitations as to the amount thereof

Section 1907-A Entry Upon Premises The sanitary board shall have the power as a body or by committee as well as the sanitary officer together with their assistants subordinates and workmen under and by order of the said board to enter at any time upon any premises in the township upon whcih there is suspected to be any nuisance detrimental to the public health for the purpose of examining and abating the same.

Section 1908-A Inspections Abatement of Nuisances The sanitary board may inspect house-drains waste and soil-pipes cesspools waterclosets slaughter-houses hog-pens stable stable-yards and any conditions or places whatsoever in the township which may constitute a nuisance or a menace to public health and whenever any condition or place in the township is found by the board to be a nuisance or a menace to the health of the people of the township it shall issue a written order of abatement directed to the owner or agent of the owner of the premises stating that the conditions specified therein constitute a nuisance or a menace to health and ordering an abatement thereof within such time as may be specified by them in such order In case such order of abatement is not obeyed within the time specified therein the board shall thereupon issue a further written order to the sanitary officer directing him to remove or abate the same which order shall be executed by him and his subordinates and workmen and the expense thereof shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed in the same manner as debts of like character are now collected by law or the said sanitary board may proceed to enforce such other remedy or inflict such penalty as may be provided by ordinance of the township

Section 1909-A Estimates of Expenditures Report It shall be the duty of the sanitary board or appointed sanitary officer or officers to submit annually to the supervisors before the commencement of the fiscal year an estimate of the probable expenditures of the board during the ensuing year and the supervisors shall then proceed to make such appropriations as may be deemed necessary The sanitary board sanitary officer or officers shall in the month of January of each year submit a report in writing to the supervisors of its appropriation and expenditures for the preceding year together with such other information on subjects relative to the sanitary conditions or requirements of the township as may be necessary and the supervisors shall publish the same in their official journal

Section 1910-A Cooperation With Other Units Any township may cooperate with the county or with any city borough or township as well as with the State Department of Health in the administration and enforcement of health laws

Section 1911-A Powers of Secretary of Health Whenever in the opinion of the Secretary of Health conditions found by him to exist in any township shall constitute a menace to the lives and health of people living outside the corporate limits of such townships or if it be known to him that any township is without an existing or efficient sanitary board or sanitary officer he or his agents may enter and take full charge of and administer the health laws regulations and ordinances in such township and may continue in charge thereof until he shall decide that a competent and efficient sanitary board or sanitary officer has been appointed and qualified for such township and is ready able and willing to assume and carry into effect the duties imposed upon it or him by law

Section 1912-A Expenses of Board or Secretary of Health All expenses incurred by any local sanitary board its officers or employes in the performance of the duties imposed upon it by law and all expenses incurred by the Secretary of Health or his agents in accordance with the provisions of this article shall be paid by the township wherein such duties are performed in the same manner as other expenses of such township are paid

Section 1913-A Failure to Pay Expenses Incurred by State Secretary Whenever expenses incurred by the Secretary of Health or his agents in the administration of health laws in any township in accordance with the provisions of this article shall remain unpaid by said township for a period over three months after a statement of such expense has been rendered by him to such township and demand for payment by him made he shall with the approval of the Governor institute in the name of the Commonwealth as plaintiff an action of assumpsit against such township for the collection of such expense from the township in the same manner as debts of like amount are collected by law Upon the trial of any such action of assumpsit the reasonableness of the expenditures made by the Secretary of Health shall be submitted to the jury for its determination

Section 1914-A Disposition of Collected Funds All expenses incurred by the Secretary of Health in the administration of health laws in any township when paid to him by such township or when collected by him shall be returned by him to the State Treasurer who shall credit the amount so received to the appropriation made to the Department of Health

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—129

Adam,	**Guss,**	**McCann,**	**Rosen,**
Ashton,	Guthrie,	McCormack,	Royer,
Auker,	**Hass,**	McGee,	**Rubin,**
Banker,	**Haudenshield,**	McInroy,	Sherman,
Barnatovich,	**Heavey,**	**McKeever,**	Smith, C. C.,
Bell,	**Helm,**	**Meholchick,**	**Snider,**
Bonner,	**Henzel,**	Metz,	**Stank,**
Boory,	Hewitt,	**Mikula,**	**Stebbins,**
Bower,	**Hocker,**	Miller,	**Steckel,**
Breisch,	**Holt,**	Mills,	**Stevenson,**
Brenninger,	Horst,	Moody,	**Stoner,**
Brown,	Houk,	Moran,	**Strausser,**
Capano,	Isaacs,	Moscrip,	Stroup,
Cooper,	Johnson,	Munley,	**Swartz,**
Curwood,	**Jones, G. E.,**	Murphy,	**Taylor,**
Davis,	Jones, T. H. W.,	**Murray, H. P.,**	**Toll,**
Donahue,	Kehler,	Musto,	**Toomey,**
Dougherty,	Keller,	**Naugle,**	**Varner,**
Ehrgood,	Kline,	**Needham,**	Vaughan,
Erb,	Knecht,	**Ogilvie,**	Wall,
Eshleman,	Kolankiewicz,	O'Neil,	**Wallace,**
Ewing,	Kooker,	**Pacchioli,**	Wargo,
Farabaugh,	**Kornick,**	Parry,	**Weidner,**
Filo,	Leiby,	Pashley,	**Wescott,**
Floyd,	Leisey,	Paulhamus,	**Wheeler,**
Flynn,	Leven,	Petrosky,	**Whitenight,**
Frank,	Limper,	Polaski,	**Willaredt,**
Frost,	**Lippincott,**	Pursley,	**Williams,**
Gaffney,	Lopresti,	**Readinger,**	**Wood,**
Garlock,	Lovett,	Reibman,	**Worley,**
Gibson,	Markley,	**Reidenbach,**	**Ziegler,**
Gramlich,	Maxwell,	**Renwick,**	Andrews,
		Rigby,	Speaker

NAYS—27

Amarando,	Cochran,	Lutty,	Scarcelli,
Anderson, M. S.,	Goldstein,	McLaughlin,	Schuster,
Anderson, S. A.,	**Hamilton, R. K.,**	**Mihm,**	Thomas,
Bazin,	**Jenkins,**	Monroe,	Tompkins,
Buccini,	Kamyk,	Murray, J. J.,	Verona,
Clanfrani,	Leonard,	**Olsen,**	**Walsh,**
Cioffi,	Light,	Sarraf,	

NOT VOTING—51

Agnew,	Fineman,	Lawyer,	Sigman,
Blair,	Flint,	Magee,	Smith, Wm. B.,
Boles,	Foster,	Mahan,	Stephens,
Branca,	Frascella,	McWherter,	Stone,
Brennan, A. P.,	Gelfand,	Muldowney,	Thompson,
Brennan, J. J.,	George,	Mullen,	Varallo,
Breth,	Gibb,	Murray, P. G.,	Waterhouse,
Bullen,	Greenwood,	Pettigrew,	Welsh,
Comer,	Jump,	Polen,	Wilt,
Connelly,	Kent,	Pomeroy,	Yetter,
Donaldson,	Kratz,	Price,	Yetzer,
Down,	Kromer,	Rovansek,	Young,
Eilberg,	Lafore,	Rudisill,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 730, Printer's No. 1487

was passed over at the request of Mr. READINGER.

BILLS ON FINAL PASSAGE

BILLS PASSED OVER

There being no objection

House Bill No. 885, Pinter's No. 1488,

House Bill No. 1176, Printer's No. 1415 and

House Bill No. 2008, Printer's No. 1428,

were passed over at the request of Mr. READINGER.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection

House Bill No. 217, Printer's No. 345,

was passed over at the request of Mr. McCORMACK.

There being no objection

House Bill No. 231, Printer's No. 1318

was passed over at the request of the SPEAKER.

STATEMENT BY SPEAKER

The SPEAKER. The Chair simply wants to remark that we cannot clear this calendar by passing bills over day after day. We wish the Democratic Caucus would determine what bills they want called and what bills they do not want called, so the Speaker's calendar can be marked.

Mr. READINGER. Mr. Speaker, the Majority Leader would like to remind the Chair that the Majority Leader is much confused, too, by the Members coming in late with requests for amendments.

The SPEAKER. The Chair simply asks that the requests for delays be taken up with the Caucus and determined beforehand, rather than on the floor, because the Speaker's calendar is marked that certain bills are to be called and certain bills are not to be called. Then the information from the floor is different.

These matters can be determined in Caucus. These bills have been on the calendar for weeks. The Chair is not insisting that they be called but the Chair would request an orderly method of operation so when we meet each day we know exactly what bills we are going to act on and what bills we are not going to act on.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 776, as follows:

An Act reenacting and amending the title and act of June 27, 1939 (P. L. 1125) entitled as amended "An act providing for the regulation and supervision of nonprofit medical dental and osteopathic service corporations organized to provide medical dental or osteopathic services to subscribers of low income by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto authorizing certain departments commissions officers and other agencies of the State and its political subdivisions to subscribe under certain circumstances to the medical dental and osteopathic service plan of such corporations on behalf of persons of low income prescribing legal investments for the funds of such corporations and the rights of doctors of medicine doctors of dental surgery and doctors of osteopathy to register with such corporations conferring authority on the Department of Health and on the Insurance Commissioner each within its own sphere of lawful activity to regulate and supervise such corporations conferring certain rights powers duties and immunities upon such corporations and their officers and members prescribing the conditions on which such corporations may exercise their powers exempting such corporations from taxation prohibiting any person copartnership association common law trust or corporation except a nonprofit medical dental and osteopathic service corporation from providing medical dental or osteopathic services on a nonprofit plan in return for prepayment periodical or lump sum payments providing penalties for the violation of and mandatory and injunctive relief for the enforcement of the provisions of this act" including in the plan chiropody services and defining "chiropody services" for the purpose of this act only

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and the act of June 27, 1939 (P. L. 1125) known as the "Nonprofit Medical Dental and Osteopathic Service Corporation Act" reenacted and amended April 18, 1949 (P. L. 587) and May 12, 1949 (P. L. 1261) and subsection (a) of section 9 amended May 11, 1949 (P. L. 1124) are reenacted and amended to read

An Act providing for the regulation and supervision of nonprofit dental [and] osteopathic and chiropody service corporations organized to provide medical dental [or] osteopathic or chiropody services to subscribers of low income by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto authorizing certain departments commissions officers and other agencies of the State and its political subdivisions to subscribe under certain circumstances to the medical dental [and] osteopathic and chiropody service plan of such corporations on behalf of persons of low income prescribing legal investments for the funds of such corporations and the rights of doctors of medicine doctors of dental surgery [and] doctors of osteopathy and doctors of chiropody to register with such corporations conferring authority on the Department of Health and on the Insurance Commissioner each within its own sphere of lawful activity to regulate and supervise such corporations conferring certain rights powers duties and immunities upon such corporations and their officers and members prescribing the conditions on which such corporations may exercise their powers exempting such corporations from taxation prohibiting any person copartnership association common law trust or corporation except a nonprofit medical dental [and] osteopathic and chiropody service corporation from providing medical dental [or] osteopathic or chiropody services on a nonprofit plan in return for prepayment periodical or lump sum payments providing penalties for the violation of any mandatory and injunctive relief for the enforcement of the provisions of this act

Section 1 Short Title This act shall be known and may

be cited as the "Nonprofit Medical Dental [and] Osteopathic and Chiropody Service Corporation Act"

Section 2 Declaration of Necessity It is hereby declared that adequate medical dental [and] osteopathic and chiropody services are essential for the maintenance of the physical and mental health of the residents of the Commonwealth and that it is necessary that provision be made for adequate medical dental [and] osteopathic and chiropody services to persons of low income who are unable to provide such services for themselves or their dependents without depriving themselves or their dependents of such necessaries of life as food clothing and shelter

Section 3 Definitions For the purposes of this act only and not for the purposes of defining medical practice dental practice [or] osteopathic practice or chiropody practice as such the terms stated below have the meanings assigned to them respectively

"Chiropody services" means the general and usual services administered by doctors of chiropody serving in the capacity of a staff member of an accredited hospital provided such services are rendered in an accredited hospital

"Dental services" means the general and usual services rendered by doctors of dental surgery serving in the capacity of a staff member of an accredited hospital provided such services are rendered in an accredited hospital

"Medical services" means the general and usual services rendered and the care administered by doctors of medicine as defined in the Medical Practice Act

"Osteopathic services" means the general and usual services administered by doctors of osteopathy as defined in the osteopathic practice act

"Nonprofit medical dental [and] osteopathic and chiropody service corporation" means a corporation organized and operated under the provisions of the "Nonprofit Corporation Law" approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) and its amendments

"Income" means net income from gains profits and net income derived from professions vocations trades businesses commerce or sales or dealings in property whether real or personal growing out of the ownership or use of or interest in such property also from interest rent dividends securities or the transaction of any business carried on for gain or profit or gains or profits and income derived from any source whatever and income derived from salaries wages or compensation for personal service of whatever kind and in whatever form paid

"Low income" means income as set forth in section nine hereof

"Over-income" means income as set forth in section nine hereof

"Subscribers of low income" means persons of low income who subscribe to a nonprofit medical dental [and] osteopathic and chiropody service corporation plan

"Subscribers of over-income" means persons of over-income who subscribe to a nonprofit medical dental [and] osteopathic and chiropody service corporation plan

"Department of Health" means Department of Health of the Commonwealth

"Court" means the court of common pleas of the county where the principal office of the nonprofit medical dental [and] osteopathic and chiropody corporation is or is to be located

"Person with dependents" means any person who furnishes other persons with their chief support whether or not such dependent person is related to or living with him

Section 4 Unauthorized Nonprofit Medical Dental [or] Osteopathic or Chiropody Service for Prepayment Periodical or Lump Sum Payments Forbidden It shall be unlawful for any person copartnership association common law trust or corporation except when especially organized and authorized under the provisions of the Nonprofit Corporation Law and its amendments for the purpose to establish maintain or operate a nonprofit medical dental [and] osteopathic and chiropody service plan whereby medical dental [or] osteopathic or chiropody services may be provided to persons of low income and over-income as herein defined for prepayment periodical or lump sum payments but this shall not be construed as preventing a person copartnership association common law trust or corporation from furnishing medical dental [or] osteopathic or chiropody services for the prevention of disease among its or his employes or from furnishing such medical dental [or] osteopathic or chiropody services as is required under the Workmen's Compensation Act and related legislation when the employe is not charged for such service nor shall any provision in this act be construed to apply to beneficial benevolent fraternal and fraternal benefit societies having a lodge system and a representative form of government Nor shall this act limit or repeal any provision of the Nonprofit Hospital Acts of one thousand nine hundred thirty-seven (P. L. 1948) and one thousand nine hundred thirty-seven (P. L. 1980)

Section 5 Regulation and Supervision A nonprofit medical dental [and] osteopathic and chiropody service corporation shall be subject to regulation and supervision by the Department of Health and the Insurance Department as provided for by this act It shall not be subject to the laws of this State now in force relating to insurance and corporations engaged in the business of insurance nor to any law hereafter enacted relating to insurance and corporations engaged in the business of insurance unless such law specifically and in exact terms applies to such nonprofit medical dental [and] osteopathic and chiropody service corporations

Section 6 Reserves To Be Maintained A nonprofit medical dental [and] osteopathic and chiropody service corporation shall at all times while engaged in business maintain reserves in such form and amount as the Insurance Commissioner may determine to insure its subscribers against loss through the failure of the corporation to furnish the services agreed to in its contracts

Section 7 Scope of Service (a) A nonprofit medical dental [and] osteopathic and chiropody service corporation shall by its articles of incorporation and with the approval of the Department of Health the Insurance Department and the approval of the court define the limits of the area in which it will operate and the court shall be guided solely by public necessity and public interest and welfare in approving or disapproving the articles of incorporation

(b) A nonprofit medical dental [and] osteopathic and chiropody service corporation may by its articles of incorporation or by its by-laws limited the medical dental [or] osteopathic or chiropody services that will provide for its subscribers and may divide such medical dental [or] osteopathic or chiropody services as it elects to provide into classes or kinds and it may enter into contracts with its subscribers or groups of subscribers to secure medical dental [or] osteopathic or chiropody services of any kind or class so named and delimited

(c) A nonprofit medical dental [and] osteopathic and chiropody service corporation shall not provide medical dental [or] osteopathic or chiropody services for its subscribers otherwise than through doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody

(d) A nonprofit medical dental [and] osteopathic and chiropody service corporation shall provide medical dental [or] osteopathic or chiropody services only to persons domiciled within the State But if a subscriber regularly domiciled within the State and entitled to medical dental [or] osteopathic or chiropody services or any of his dependents so entitled necessarily employs medical dental [or] osteopathic or chiropody services within the meaning of this act while absent from the State a medical dental [and] osteopathic and chiropody service corporation to which he is a subscriber may in its discretion and if satisfied as to the necessity for such services and satisfied that it was such as the subscriber would have been entitled to under similar circumstances in this State pay to the physicians who rendered the services such fees and charges as would have been payable if the services had been rendered in this State Provided however That a nonprofit medical dental [and] osteopathic and chiropody service corporation organized under the laws of this

State and operating near its boundaries may with the consent of the proper officers of and as authorized by the laws of the adjacent State provide medical dental [or] osteopathic or chiropody services therein but all operations of any such coproration whether within or without this State shall remain at all times subject to the provisions of this act

(e) All medical dental [or] osteopathic or chiropody services provided by or on behalf of a nonprofit medical dental [and] osteopathic and chiropody service corporation shall be in accordance with the best medical dental [or] osteopathic or chiropody practice in the community at the time but the corporation providing such services shall not be liable for injuries resulting from negligence misfeasance malfeasance nonfeasance or malpractice on the part of any officer or employe or on the part of any doctor of medicine doctor of dental surgery [or] doctor of osteopathy or doctor of chiropody in the course of rendering medical dental [or] osteopahic or chiropody services to subscribers and the corporations may so provide in its contracts with subscribers

Section 8 Rights of Doctors of Medicine Doctors of Dental Surgery Doctors of Osteopathy Doctors of Chiropody etc (a) Every doctor of medicine doctor of dental surgery [or] doctor of osteopathy or doctor of chiropody practicing within the area covered by any nonprofit medical dental [and] osteopathic and chiropody service corporation shall have the right on complying with such regulations as the corporation may make with the approval of the Department of Health to register with such corporation for general or special medical dental [or] osteopathic or chiropody services as the case may be within that area but the corporation may with the approval of the Department of Health refuse to place the name of any doctor of medicine doctor of dental surgery [or] doctor of osteopathy or doctor of chiropody on its register Any nonprofit medical dental [and] osteopathic and chiropody service corporation may with the approval of the Department of Health remove from its register the name of any doctor of medicine doctor of dental surgery [or] doctor of osteopathy or doctor of chiropody after due notice and hearing for cause satisfactory to the corporation.

(b) A nonprofit medical dental [and] osteopathic and chiropody service corporation shall impose no restrictions on the doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody who administer to its subscribers as to methods of diagnosis or treatment The relation between a subscriber or any of his dependents and the doctor of medicine doctor of dental surgery [or] doctor of osteopathy or doctor of chiropody shall be identical with the relation that ordinarily exists in the community between a physician and his patient No person shall be permitted to interfere with patients choice or selection of his physician or other doctor mentioned in this act after that choice or selection has been made by an adult of sound mind

(c) All matters disputes or controversies relating to the medical dental [or] osteopathic or chiropody services rendered by the doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody or any questions involving professional eithics shall be considered acted upon disposed of and determined only by doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody as selected in a manner prescribed in the by-laws of the nonprofit medical dental [and] osteopathic and chiropody service corporations

Section 9 Determination of Income Status Rights of Persons of Low Income (a) (1) [The] Every nonprofit medical dental osteopathic and chiropody service corporation shall from time to time by action of its members fix the requisites for persons of low income eligible for the benefits of and under this act such requisites to afford due consideration to the marital status and to the number of dependents of the persons involved and such requisites to be consistent with the declaration of necessity contained in section two of this act Any requisites thus fixed shall be subject to the approval of the Insurance Commissioner of the Commonwealth of Pennsylvania

(2) All persons not meeting the requisites for persons of low income as thus fixed shall be persons of over-income

(b) The nonprofit medical dental [and] osteopathic and chiropody service corporation shall determine whether an applicant for subscription is in receipt of a low income or over-income within the meaning of this act and after the application has been approved the subscriber shall be deemed to be of low income or over-income until it has been redetermined by the corporation which redetermination may be made at any time

(c) The nonprofit medical dental [and] osteopathic and chiropody service corporation in determining the income status of any person may through its officers and agents examine under oath any applicant claiming a low income status and any other person consenting thereto who is believed to have material knowledge concerning the status of the applicant Its determination shall be final

(d) Every person of low income and every person of over-income residing in the area served by a nonprofit medical dental [and] osteopathic and chiropody service corporation shall be entitled upon complying with regulations adopted by that corporation and the payment of such initiation and other fees as authorized by the Insurance Department to the services of any doctor of medicine doctor of dental surgery [or] doctor of osteopathy or doctor of chiropody registered with the corporation under such terms and conditions as are customary in medical dental [or] osteopathic or chiropody services in the community but only within the limits of services for which such doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody are registered Provided however That a nonprofit medical dental [and] osteopathic and chiropody service corporation may for cause refuse to enter into contractual relations with an applicant and may for cause after due notice and hearing rescind any contract that it has entered into with any subscriber and refund any unearned portion of any fees paid and may on default in payment of the agreed dues fees payments or any charges by subscriber or someone on his behalf discontinue service without notice and hearing after having notified a subscriber of his default and having allowed him two days to procure such services Provided further however That persons of over-income shall be liable to doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody registered with the corporation rendering services to such persons of over-income for the full amount of the usual fees and charges for such services made by such doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody and any payment made by the corporation to doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody for services rendered to subscribers of over-income shall be a payment to the extent agreed upon between the corporation and the doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody on account of the full sum due the doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody for rendering such services

(e) No contract by or on behalf of any nonprofit medical dental [and] osteopathic and chiropody service corporation shall provide for the payment of any cash or other material benefit by that corporation to a subscriber on account of illness or injury nor be in any way related to the payment of any such benefit by any other agency

Section 10 Limitation of Subscriber's Contract A nonprofit medical dental [and] osteopathic and chiropody service corporation may as a condition precedent to entering into a contract with an applicant or group of applicants for medical dental [or] osteopathic or chiropody

(a) require a physical examination of the applicant and of each of his dependents if any and proof of his or their substantial freedom from any disease or condition requiring immediate medical dental [or] osteopathic or

chiropody service or likely to require it within the next twelve (12) months before a contract becomes effective or

(b) require a waiting period after a contract is entered into and before the subscriber is entitled to medical dental [or] osteopathic or chiropody service or

(c) require that the subscriber or someone on his behalf shall pay the stated fee or fees for medical dental [or] osteopathic or chiropody services in the case of any given illness or injury or other condition requiring medical dental [or] osteopathic or chiropody service before becoming entitled to treatment under the terms of the contract

Section 11 Relief Officers May Subscribe for Service Every department commission officer and other agency of the State or of any political subdivision thereof who is charged by law with the duty of providing medical dental [or] osteopathic or chiropody services within the meaning of this act for persons unable to provide it at their own expense or to procure it through persons to whose support and assistance they are by law entitled is hereby empowered in the exercise of his authority to provide such service if in his judgment it is in the public interest so to do through a subscription or subscriptions paid for from any lawfully available public funds with any nonprofit medical dental [and] osteopathic and chiropody service corporation on behalf of any person or persons entitled to such relief

Section 12 Contracts Subject to Supervision of Insurance Department All rates charged subscribers or groups of subscribers by any nonprofit medical dental [and] osteopathic and chiropody service corporation and the form and content of all contracts between any such corporation and its subscribers or groups of subscribers all methods and rates of payment by such corporation to doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody serving its subscribers all acquisition costs in procuring subscribers the reserves to be maintained by such corporation and all contracts entered into by any such corporation and extending over a period of more than twelve (12) months or calling for the expenidture by the corporation of any amount in excess of twenty (20) per cent of its reserves shall be approved by the Insurance Department before they become effective

Application for such approval shall be made to the Insurance Department in such form and shall contain such information as the department requires Within thirty (30) days after the filing of such application the department shall notify the applicant in writing whether the application has been approved or rejected by notice served on the president secretary or some other responsible officer of the corporation or addressed to the corporation at its principal place of business by registered mail with return receipt requested Within thirty days after the receipt of a notice repecting any such application the corporation may petition the court for a rule to show cause why the action of the department should not be set aside and the application approved The court is hereby given jurisdiction and authority to entertain and determine any such proceeding

Section 13 Financial Report Every nonprofit medical dental [and] osteopathic and chiropody service corporation shall on or before the first day of March of every year file with the Insurance Department a statement verified by at least two of the principal officers of the corporation summarizing its financial activities during the calendar year immediately preceding and showing its financial condition at the close of business on the thirty-first day of December of that year Such statement shall be in such form and shall contain such matter as the Insurance Department prescribes The financial affairs and status of every such corporation shall be examined by the Insurance Commissioner and his agents not less frequently than once in every three years and for that purpose the Insurance Commissioner and his agents shall be entitled to the aid and cooperation of the officers and employes of the corporation and shall have convenient access to all books records papers and documents that relate to the business of the corporation They shall have authority to examine the officers agents employes and subscribers for the medical dental [or] osteopathic or chiropody services of the corporation and all cooperating doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody registered with the corporation and all other persons having or having had substantial part in the work of the corporation in relation to its affairs transactions and financial condition Such examination shall be made at such times and with such frequency as the Insurance Commisisoner may determine The Insurance Commissioner may at any time without making such examination call on any such corporation for a written report authenticated by at least two of its principal officers concerning the financial affairs and status of the corporation

Section 14 Investment Any law to the contrary notwithstanding funds of any nonprofit medical dental [or] osteopathic or chiropody service corporation equal to its reserves shall be invested in compliance with the requirements of law for the investment of the capital reserves of life insurance companies The funds of any such corporation equal to its surplus shall be invested in compliance with the requirements of law for the investment of the surplus of life insurance companies

Section 15 Exemption from Taxation Every nonprofit medical dental [and] osteopathic and chiropody service corporation is hereby declared to be a charitable and benevolent institution and all its income funds investments and property shall be exempt from all taxation of the State or its political subdivisions

Section 16 Medical Dental [and] Osteopathic and Chiropody Service Report Every nonprofit medical dental [and] osteopathic and chiropody service corporation shall on or before the first day of March of every year file with the Department of Health a report of its activities other than its financial activities during the calendar year immediately preceding Every such report shall be authenticated by at least two of the principal officers of the corporation and shall be in such form and contain such matter as the Department of Health prescribes The Department of Health is hereby authorized to inquire into the acivities of the nonprofit medical dental [and] osteopathic and chiropody service corporations and to determine whether the corporation is providing adequate medical dental [or] osteopathic or chiropody services to its subscribers in accordance with the best medical dental [or] osteopathic or chiropody practice in the community The Secretary of Health and his agents shall be entitled to the aid and cooperation of the officers and employes of the corporation and shall have convenient access to all books records papers and documents that relate to the business of the corporation They shall have authority to examine the officers agents employes and subscribers for the service of the corporation and all doctors of medicine doctors of dental surgery [or] doctors of osteopathy or doctors of chiropody registered with the corporation and all other persons having or having had substantial part in the work of the corporation in relation to the affairs transactions and condition of the corporation other than financial Examinations may be made at such times and with such frequency as the Secretary of Health may determine The Secretary of Health may at any time without making any such examination call on any such corporation for a written report authenticated by at least two of its principal officers concering the affairs of the corporation other than its financial affairs In the event the Secretary of Health finds that the nonprofit medical dental [and] osteopathic and chiropody service corporation does not provide adequate medical dental [or] osteopathic or chiropody services to its subscribers in accordance with the best medical dental [or] osteopathic or chiropody practice in the community the Secretary of Health may notify the corporation of his findings and order the corporation in specific terms to extend or improve the medical dental [or] osteopathic or chiropody service furnished by the corporation Within thirty (30) days after receipt of such notice from the Secretary of Health the corporation may petition the court to show cause why the action of the Secretary of Health should not be set aside or modified The

court is given jurisdiction and authority to entertain and determine any such proceeding and controversy

Section 17 Penalties Any person partnership association common law trust or corporation that violates any provision of this act or of any order of the Department of Health or of the Insurance Department made pursuant thereto any person who hinders or prevents the Department of Health or the Insurance Department in the discharge of any duty imposed on it by this act any person who fraudulently procures or attempts to procure any benefit under this act and any person who wilfully makes any false statement in any proceeding or report under the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1000) or to be imprisoned for not more than six (6) months or both in the discretion of the court Any act or default by any corporation association or common law trust in violation of any provisions of the act or of any order of the department made pursuant thereto shall be deemed to be the act or default of its officers or directors who participated in authorizing or effecting such act or default or who knowingly permitted it

Section 18 Enforcement When necessary to effect the purposes of this act in addition to all other remedies in law or equity the Insurance Commissioner and the Secretary of Health either or both of them may be and are hereby authorized to petition the court for a mandamus or injunction to prevent any violation of the provisions of this act or the continuance of any such violation or to enforce compliance herewith The court is hereby vested with authority to entertain jurisdiction on any such petition to determine the cause and to issue such process as may be necessary to accomplish the purposes of this act

Section 19 Constitutional Construction and Severability It is hereby declared to be the purpose and intent of this act and the policy of the Legislature to authorize qualified persons to provide adequate medical dental [or] osteopathic or chirpody services for residents of this State who are unable to provide such services for themselves or their dependents at their own cost without depriving themselves or their dependents of such necessaries of life as food clothing and shelter and provide persons or over-income with the limited medical dental [or] osteopathic or chiropody service benefits hereinbefore set forth The courts of this State are hereby directed to constue this act liberally in order to accomplish those ends

The provisions of this act shall be severable and if any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—126

Adam,	Flynn,	Lovett,	Rosen,
Amarando,	Frascella,	Maxwell,	Rovansek,
Anderson, S. A.,	Frost,	McCann,	Royer,
Auker,	Gaffney,	McGee,	Rubin,
Banker,	Garlock,	McInroy	Scarcelli,
Barnatovich,	Gibson,	McKeever,	Sherman,
Bazin,	Goldstein,	Meholchick,	Snider,
Bell,	Gramlich,	Mihm,	Stank,
Bonner,	Guthrie,	Mikula,	Stebbins,
Boory,	Hamilton, R. K.,	Miller,	Strausser,
Bower,	Hass,	Mills,	Stroup,
Breisch,	Haudenshield,	Monroe,	Swartz,
Brennan, A. P.,	Heavey,	Moran,	Taylor,
Brennan, J. J.,	Helm,	Moscrip,	Thomas,
Brenninger,	Holt,	Muldowney,	Toll,
Breth,	Horst,	Munley,	Toomey,
Bucchin,	Houk,	Murphy,	Varallo,
Capano,	Isaacs,	Murray, H. P.,	Varner,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Vaughan,
Cioffi,	Jones, T. H. W.,	Naugle,	Wall,
Cochran,	Kehler,	Needham,	Walsh,
Cooper,	Keller,	O'Neil,	Wargo,
Curwood,	Kline,	Pacchioli,	Weidner,
Davis,	Knecht,	Parry,	Wheeler,
Donahue,	Kolankiewicz,	Pashley,	Whitenight,
Dougherty,	Kooker,	Paulhamus,	Willaredt,
Ehrgood,	Leiby,	Petrosky,	Williams,
Eilberg,	Leven,	Polaski,	Worley,
Erb,	Light,	Readinger,	Yetter,
Ewing,	Limper,	Reibman,	Andrews, Speaker
Farabaugh,	Lippincott,	Reidenbach,	
Filo,	Lopresti,	Renwick,	

NAYS—35

Anderson, M. S.,	Henzel,	McLaughlin,	Smith, C. C.,
Ashton,	Hewitt,	Moody,	Steckel,
Brown,	Hocker,	Musto,	Stevenson,
Eshleman,	Johnson,	Ogilvie,	Stoner,
Flint,	Kamyk,	Olsen,	Tompkins,
Floyd,	Leisey,	Pursley,	Verona,
Frank,	Leonard,	Rigby,	Wallace,
Guss,	Lutty,	Sarraf,	Wood,
	Markley,	Schuster,	Ziegler,

NOT VOTING—46

Agnew,	Gelfand,	Lawyer,	Rudisill,
Blair,	George,	Magee,	Sigman,
Boles,	Gibb,	Mahan,	Smith, Wm. B.,
Branca,	Greenwood,	McCormack,	Stephens,
Bullen,	Jenkins,	McWherter,	Stone,
Comer,	Jump,	Metz,	Thompson,
Connelly,	Kent,	Mullen,	Waterhouse,
Donaldson,	Kornick,	Murray, P. G.,	Welsh,
Down,	Kratz,	Pettigrew,	Wescott,
Fineman,	Kromer,	Polen,	Wilt,
Foster,	Lafore,	Pomeroy,	Yetzer,
		Price,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECESS

The SPEAKER. At the request of the Majority and Minority Leaders, the Chair declares a recess for one hour for the purpose of a Democratic and a Republican Caucus.

The Chair hopes the majority party will return from that caucus with enough votes present in the Hall of the House to do business.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

BILLS INTRODUCED AND REFERRED

By Miss LEIBY. HOUSE BILL No. 2076.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," revising the school program; changing the duties of the Department of Health and the Department of Public Instruction relating thereto, and changing the basis for reimbursement therefor.

Referred to the Committee on Education.

By Messrs. READINGER and CHARLES C. SMITH.

HOUSE BILL No. 2077.

An Act amending the act of March 31, 1949 (P. L. 372) entitled "An act to promote the welfare of the people of the Commonwealth; creating The General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to fix fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds for said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; empowering The General State Authority, to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," authorizing the issuance of bonds for refunding purposes.

Referred to the Committee on Rules.

By Mr. SARRAF. HOUSE BILL No. 2078.

An Act to amend the act approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521) entitled "An Act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by defining the procedure for assessment of tax thereunder and providing a method of determining disputed positions relative to such assessment.

Referred to the Committee on Judiciary.

By Mr. SARRAF. HOUSE BILL No. 2079.

An Act to amend the act approved the eighteenth day of April, one thousand nine hundred forty-nine (P. L. 512), entitled "An act relating to the administration and distribution of decedents' estates, trust estates, minors' estates and absentees' estates, both as to real and personal property, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases; the appointment, bond, removal and discharge of fiduciaries of such estates, their powers, duties and liabilities; the rights of persons dealing with such fiduciaries, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning guardians of the person of minors, the powers, duties and liabilities of sureties and of foreign fiduciaries, the abatement, survival and control of actions and rights of actions, and the presumption of death, and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries," by further limiting the powers of registers of wills to issue letters testamentary or of administration in certain cases and providing for further duties of personal representatives.

Referred to the Committee on Judiciary.

Mr. SARRAF. HOUSE BILL No. 2080.

An Act to amend the act approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by providing for the allowance of deductions in certain cases and by clarifying the procedure for the determination of the allowability of deductions.

Referred to the Committee on Ways and Means.

Mr. SARRAF. HOUSE BILL No. 2081.

An Act to further amend the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (P. L. 341), entitled, as amended, "An act to provide revenue by imposing a State tax upon sales or gifts of cigarettes by dealers as herein defined; requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; making it unlawful to possess cigarettes upon which the tax has not been paid; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties," by defining and redefining certain words; changing permit fees; authorizing agents to affix stamps; and providing for and changing penalties.

Referred to the Committee on Ways and Means.

By Messrs. SARRAF and EWING.

HOUSE BILL No. 2082.

An Act amending the act of July 28, 1953 (P. L. 723), entitled "An act relating to counties of the second class; amending, revising, consolidating and changing the laws relating thereto," authorizing employes of departments of health of the Commonwealth of Pennsylvania, cities of the second and third class, boroughs, and townships upon application to become members of the county retirement system upon becoming county employes, providing for payments by the employes and former employers into the county retirement fund.

Referred to the Committee on Cities—Counties Second and Second Class A.

By Mr. KORNICK. HOUSE BILL No. 2083.

An Act amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor

and other executive and administrative officers, and of the several administrative departments, boards commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," providing for the appointment of deputy commissioners of the Pennsylvania State Police, and the fixing of their salaries.

Referred to the Committee on Appropriations.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1246.

An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" authorizing boards of school directors of school districts of the second third and fourth classes with the approval of the Superintendent of Public Instruction to levy an additional tax to pay for amortization of certain bond issues

HOUSE BILL No. 1319.

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" clarifying the effect of certain provisions of the act with respect to powers granted by other laws

HOUSE BILL No. 1623.

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" extending retirement benefits to veterans of armed conflicts

HOUSE BILL No. 1932.

An Act amending the act of July 12, 1935 (P. L. 677) entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States" including members of the United States Air Force

HOUSE BILL No. 2020.

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the legislative session of 1955

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON THIRD READING

Mr. McCORMACK. Mr. Speaker, I call up House Bill No. 217 on page 6 of today's calendar, Bills on Third Reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 217, entitled:

An Act amending the act of April fourteen one thousand eight hundred sixty-eight (P. L. 1083) entitled "A supplement to an act entitled 'An Act appropriating ground for public purposes in the city of Philadelphia' approved the twenty-sixth day of March Anno Domini one thousand eight hundred and sixty-seven" permitting sale of liquor at tables in Fairmount Park

On the question,

Will the House agree to the bill on third reading?

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 1, last line of Title, by striking out "at tables" and inserting in lieu thereof "in a restaurant."

Amend Sec. 1 (Sec. 21) page 2, lines 12 and 13 by striking out "to patrons seated at tables No Liquors shall be sold at a bar" and inserting in lieu thereof "that intoxicating liquors may be sold for consumption on the premises only in a restaurant located in the Park when a license therefor is issued by the Pennsylvania Liquor Control Board Such license shall be subject to the quota provisions of the Pennsylvania Liquor Code."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

Mr. JOHNSON. Mr. Speaker, we would like to have Mr. McCormack explain his amendments very briefly.

Mr. McCORMACK. Mr. Speaker, these amendments spell out more clearly the original intent. It was felt by myself and others that the bill on the calendar today does not clearly spell out the intent.

This change briefly is a change in the Fairmount Park bill. Under the present law no intoxicating liquors are permitted in the Park. The bill on the calendar said, except to persons seated at tables inside the Park. That was rather ambiguous, so the amendments I am offering today say that no intoxicating liquors may be sold in the Park except in a restaurant within the Park and such license, if issued, shall be subject to the quota provisions of the Pennsylvania Liquor Code.

The latter part of the amendment was offered, Mr. Speaker, to clear up the confusion that existed. Some thought this would affect the quota provisions but I wanted it clearly spelled out that this did not provide an additional license.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Mr. READINGER. Mr. Speaker, I call up House Bill No. 231 on page 6 of today's calendar, Bills on Third Reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 231 entitled:

An Act permitting any person entitled to vote to absent himself from any service or employment in which he is then engaged or employed for a period of two hours in certain cases without deduction in salary or wages

On the question,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1, page 2, line 3, by striking out "primary" and inserting in lieu thereof "a primary, general, municipal or special".

Amend Sec. 2, page 2, line 12, by striking out "if the employer", where it appears the first time in said line.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1240 entitled:

An Act to amend the act approved the twenty-third day of May one thousand eight hundred eighty-seven (P. L. 164) entitled "An act to secure to laborers within this Commonwealth the benefit of the exemption laws of this Commonwealth and to prevent assignment of claims for the purpose of securing their collection against laborers outside of this Commonwealth" by forbidding creditors to sue resident debtors of this Commonwealth in the courts of another State where the creditor debtor and intended garnishee are within the jurisdiction of the Pennsylvania courts and providing penalties.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1385 entitled:

An Act amending the act of May 22, 1933 (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" requiring employers to make certain payments to employes when on jury duty

On the question,

Will the House agee to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 1, last line of Title, by inserting after "duty" in certain cases.

Amend Sec. 1 (Sec. 1.1), page 2, line 2, by inserting after "employer" if this employer employs fifty or more persons.

Amend Sec. 1 (Sec. 1.1), page 2, line 3, by inserting after "excluded" for a period not to exceed two weeks.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1753 as follows:

An Act amending the act of July 8, 1941 (P. L. 288) entitled "An act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto" enlarging the power of the court on habes corpus

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 10 act of July 8, 1941 (P. L. 288) known as the "Uniform Criminal Extradition Act" is amended to read

Section 10 Rights of Accused Person Application for Writ of Habeas Corpus (a) No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this State who shall inform him of the demand made for his surrender and of the crime with which he is charged and that he has the right to demand and procure legal counsel and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus When such writ is applied for notice thereof and of the time and place of hearing thereon shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody and to the said agent of the demanding state

(b) The court entertaining the writ may inquire into and receive evidence as to whether the demanding State violated the legal rights of the prisoner or subjected him to cruel and unusual punishment and may discharge the prisoner on either ground

Section 2 This act shall take effect immediately

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. AUKER. Mr. Speaker, I would like to speak very briefly on the bill. The purpose behind the bill possibly is good, inasmuch as the thing which caused it, no question about it, was a man probably being mistreated in one of the southern states.

I have no argument with that one way or the other, but when you try to correct one little evil by general legislation you thereby put an exceedingly larger burden on all the courts of this state.

Of course, the bill is only a "may" bill, but it certainly would allow any attorney for any criminal escaping from another state to come into this state and start delaying proceedings immediately, and no one knows, where the delays would end. From the refusal of the courts to inquire into the treatment complained of by the criminal sought to be extradited to another state, if the court

would refuse to inquire into it, then an appeal could be taken from that court's refusal along up through all of the appellate courts. So I can easily see where this state would become the gathering place for escaped criminals, numbers writers and criminals of every description from every other state. They certainly would try to get out of the other state by any manner or means and get into Pennsylvania so they could immediately take advantage of the delay furnished by this act.

I do not think it is good legislation where we try to correct one existing evil and where the burden upon the courts of this Commonwealth would certainly, to my mind, be far worse than the cure sought to be effected.

We are trying here to set this thing up as a criterion, as a censorship, of the way every other state in this Union treats, its criminals—it may be inquired into. Of course, it is only a "may" act, that is true, but if the court would refuse to inquire into it, as I said before, then they could take their appeals on up through the appellate courts.

We have been faced here lately with a situation, as you know, where there is one murderer at large for some eight years who has taken appeal, after appeal, after appeal, through technicalities in the law, and this would just enlarge the power of criminals from other states, or people who are under indictment in other states, no matter which to come into this state and obtain further delays to avoid ever being tried in those other states. I think it would make this state a haven for all kinds of criminals and racketeers from every other state in this union.

I therefore think it is bad legislation, and I ask the membership of the House to vote it down.

Mr. TOLL. Mr. Speaker, I would like to say a word or two in answer to the gentleman from Altoona.

I would like to know whether the gentleman from Altoona is concerned with the—

The SPEAKER. The gentleman from Blair.

Mr. TOLL. The gentleman from Blair, I beg the Speaker's pardon. Specifically, he is from Altoona.

The SPEAKER. We do not mention Altoona.

Mr. TOLL. I would like to know whether the gentleman is greatly concerned with the integrity of our judiciary when he says the state of Pennsylvania will become a haven for escaped criminals?

Right now we have language of a similar nature in the Habeas Corpus Act of 1937. The only thing this bill does is to use practically the same language that is now in the Habeas Corpus Act, which uses the word "may," and permits the judge who hears the case on a writ of habeas corpus to examine the facts in the case. The same type of clause is put into House Bill 1753, so that when a person invokes the Uniform Extradition Act the judge who hears it under this procedure will have the privilege of going into the facts.

As a matter of fact, in the Brown case, which went to the Supreme Court, Judge Levinthal of Philadelphia on a writ of habeas corpus did go into the facts and he did find the man's freedom was in jeopardy, his legal rights were not given to him, and he was subjected to cruel and unusual punishment. When the case finally was turned over to our Governor, he withdrew the extradition warrant. So the facts were substantiated.

All this bill does is liberalize our law so that under the Uniform extradition Act the judge will have the same privilege as he has now under the Habeas Corpus Act to go into the facts.

There certainly could be no problem there because we can depend on our judiciary. They are men of good sense, they are men of learning, they are men of honesty, and they are fearless. Don't you want to give them a chance to hear the facts involved in any case in which they are trying to extradite a Pennsylvania citizen?

I hope that you will support this bill.

Mr. SHERMAN. Mr. Speaker, let us speak plainly on this bill. At the present time if any warrant comes from another state the judge must recognize that warrant regardless of whether the man from the other state who has sought haven here has been horsewhipped, dragged, or chained and kept that way for twenty years.

As our friend on the other side has said, if he was guilty of numbers writing and if that is the reason he has been horsewhipped or chained, and kept in chains for ten years or more, and he has made himself properly a citizen of this Commonwealth, then the judge may release him. The only thing this bill does is to give the judge a chance to hear the testimony, which he could not hear under our present day regulations.

Give the man or woman involved, who has been chained, or horsewhipped and kept in prison for sometime, a chance to be heard in our courts before our judges.

Mrs. ANDERSON. Mr. Speaker, as one of the sponsors of this bill, I urge you to support this measure because it will liberalize the laws of Pennsylvania for the protection of those who are illegally oppressed and subjected to cruel and unusual punishment.

I ask every Member of this House to vote for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—120

Adam,	Floyd,	McCormack,	Renwick,
Amarando,	Flynn,	McGee,	Rosen,
Anderson, M. S.,	Frank,	McInroy,	Rovansek,
Anderson, S. A.,	Frascella,	McKeever,	Rubin,
Barnatovich,	Gaffney,	McLaughlin,	Rudisill,
Bazin,	Garlock,	McWherter,	Sarraf,
Bell,	Gibson,	Meholchick,	Scarcelli,
Boles,	Goldstein,	Mihm,	Schuster,
Bonner,	Guss,	Mills,	Sherman,
Boory,	Hamilton, R. K.,	Monroe,	Smith, C. C.,
Bower,	Hass,	Moody,	Smith, Wm. B.,
Branca,	Haudenshield,	Moran,	Snider,
Brennan, A. P.,	Heavey,	Muldowney,	Stank,
Brennan, J. J.,	Holt,	Mullen,	Stebbins,
Breth,	Jenkins,	Munley,	Swartz,
Bucchin,	Jones, G. E.,	Murphy,	Taylor,
Bullen,	Kamyk,	Murray, J. J.,	Thomas,
Capano,	Kent,	Musto,	Toll,
Cianfrani,	Knecht,	Needham,	Varallo,
Cioffi,	Kolankiewicz,	Olsen,	Varner,
Cochran,	Kornick,	O'Neil,	Vaughan,
Cooper,	Leiby,	Pacchioli,	Wallace,
Dougherty,	Leonard,	Pashley,	Wargo,
Ehrgood,	Leven,	Paulhamus,	Wheeler,
Eilberg,	Limper,	Petrosky,	Whitenight,
Eshleman,	Lopresti,	Polaski,	Williams,
Ewing,	Lovett,	Pomeroy,	Worley,
Farabaugh,	Lutty,	Price,	Yetzer,
Filo,	Maxwell,	Readinger,	Yetter,
Flint,	McCann,	Reibman,	Andrews,
		Reidenbach,	Speaker.

NAYS—61

Ashton,	Guthrie,	Leisey,	Steckel,
Auker,	Helm,	Light,	Stevenson,
Banker,	Henzel,	Lippincott,	Stone,

Blair,	Hewitt,	Magee,	Stoner,
Breisch,	Hocker,	Markley,	Strausser,
Brenninger,	Horst,	Metz,	Stroup,
Brown,	Houk,	Mikula,	Tompkins,
Curwood,	Isaacs,	Miller,	Toomey,
Davis,	Johnson,	Moscrip,	Wall,
Donahue,	Jones, T. H. W.,	Murray, H. P.,	Waterhouse,
Erb,	Jump,	Naugle,	Weidner,
Foster,	Kehler,	Ogilvie,	Wescott,
Frost	Keller,	Parry,	Willaredt,
George,	Kline,	Pursley,	Wood,
Gramlich,	Kooker,	Rigby,	Ziegler,

NOT VOTING—26

Agnew,	Gelfand,	Lawyer,	Stephens,
Comer,	Gibb,	Mahan,	Thompson,
Connelly,	Greenwood,	Murray, P. G.,	Verona,
Donaldson,	Kratz,	Pettigrew,	Walsh,
Down,	Kromer,	Polen,	Welsh,
Fineman,	Lafore,	Royer,	Wilt,
		Sigman,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1782 entitled:

An Act relating to apprenticeship creating a State Apprenticeship Council in the Department of Labor and Industry to formulate an apprenticeship policy and program and defining its powers and duties and providing for administration

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1829 entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" further regulating the payment of expenses of county commissioners attending anual meetings of their association

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 443 act of August 9, 1955 (Act No. 130) known as "The County Code" is amended to read

Section 443 Expenses of Attending Members to be Paid by County Time Limit on Meetings (a) The expenses of all authorized county officers attending the annual meetings of their associations shall be paid by the several counties out of general county funds Each of these officers [except the county commissioners] shall be allowed for his expenses twenty dollars ($20) per day for the number of days specified in subsection (b) of this section together with eight cents per mile in going to and returning from such meeting

* * *

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—72

Amarando,	Erb,	Leiby,	Polen,
Anderson, S. A.,	Farabaugh,	Leonard,	Price,
Anderson, M. S.,	Filo,	Leven,	Pursley,
Auker,	Floyd,	Limper,	Reibman,
Banker,	Flynn,	Lutty,	Renwick,
Barnatovich,	Frank,	McCormack,	Rosen,
Bazin,	Frascella,	McGee,	Rovansek,
Boles,	Gaffney,	McKeever,	Scarcelli,
Boory,	Garlock,	Mihm,	Sherman,
Branca,	Gibson,	Monroe,	Stebbins,
Brennan, A. P.,	Guss,	Moody,	Swartz,
Brennan, J. J.,	Heavey,	Moran,	Tompkins,
Bucchin,	Holt,	Muldowney,	Varallo,
Capano,	Jones, G. E.,	Mullen,	Whitenight,
Cianfrani,	Kehler,	Pacchioli,	Williams,
Cioffi,	Keller,	Pashley,	Worley,
Dougherty,	Kolankiewicz,	Paulhamus,	Ziegler,
Eilberg,	Kooker,	Petrosky,	Andrews, Speaker

NAYS—106

Adam,	Haudenshield,	Meholchick,	Smith, Wm. B.,
Ashton,	Helm,	Metz,	Snider,
Bell,	Henzel,	Mikula,	Stank,
Blair,	Hewitt,	Miller,	Steckel,
Bonner,	Hocker,	Mills,	Stevenson,
Breisch,	Horst,	Moscrip,	Stone,
Brenninger,	Houk,	Munley,	Stoner,
Breth,	Isaacs,	Murphy,	Strausser,
Brown,	Jenkins,	Murray, H. P.,	Stroup,
Bullen,	Johnson,	Murray, J. J.,	Taylor,
Cochran,	Jones, T. H. W.,	Musto,	Thomas,
Cooper,	Jump,	Naugle,	Toomey,
Curwood,	Kamyk,	Needham,	Varner,
Davis,	Kline,	Ogilvie,	Vaughan,
Donahue,	Kornick,	Olsen,	Wall,
Ehrgood,	Leisey,	O'Neil,	Wallace,
Eshleman,	Light,	Parry,	Walsh,
Ewing,	Lippincott,	Polaski,	Wargo,
Flint,	Lopresti,	Pomeroy,	Waterhouse,
Foster,	Lovett,	Readinger,	Weidner,
Frost,	Magee,	Reidenbach,	Wescott,
George,	Markley,	Rigby,	Wheeler,
Goldstein,	Maxwell,	Rubin,	Willaredt,
Gramlich,	McCann,	Rudisill,	Wood,
Guthrie,	McInroy,	Sarraf,	Yetter,
Hamilton, R. K.,	McLaughlin,	Schuster,	Yetzer,
Hass,	McWherter,		

NOT VOTING—29

Agnew,	Gelfand,	Lafore,	Smith, C. C.,
Bower,	Gibb,	Lawyer,	Stephens,
Comer,	Greenwood,	Mahan,	Thompson,
Connelly,	Kent,	Murray, P. G.,	Toll,
Donaldson,	Knecht,	Pettigrew,	Verona,
Down,	Kratz,	Royer,	Welsh,
Fineman,	Kromer,	Sigman,	Wilt,
			Young,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

HOME AND SCHOOL COUNCIL OF PHILADELPHIA WELCOMED

The SPEAKER. The Chair notes the presence in the Hall of the House of a delegation representing the Home and School Council of Philadelphia, composed of Myrtle Schuman, President, Virginia Harden, Alma Hentz, Dorothy O'Beirne and Evelyn Chancler.

The members of the Committee are the guests of the gentleman from Philadelphia, Mr. Branca.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1839, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the definition of the word "chasis" to include a rear bumper and requiring passenger motor vehicles to be equipped with certain types of exhaust pipes

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

SENATE BILL No. 484 MADE A SPECIAL ORDER

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 484, Printer's No. 245, on page 13 of today's calendar, bills on third reading be made a special order of business immediately.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 484, as follows:

An Act amending the act of June 27, 1923 (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" providing for retirement of members of the General Assembly their superannuation retirement age annual salary or annual earnable salary and final salary and authorizing certain members of the General Assembly to join the retirement association by making back payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clauses 16 and 17 of section 1 act of June 27, 1923 (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the use and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" clause 17 amended July 29, 1953 (P. L. 993) are amended to read

Section 1 Be it enacted &c That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

* * *

16 "Superannuation Retirement Age" shall mean as applied to State employes except members of the General Assembly sixty years of age and as to members of the General Assembly fifty years of age

17 "Final Salary" shall mean the highest average annual salary earnable by a contributor as a State employe during any five years of service preceding retirement except that [at the member's option the salary earnable by a contributor as a State employe for the years beginning June first one thousand nine hundred thirty-three and June first one thousand nine hundred thirty-four shall not be included in determining such "final salary"] in the case of a member of the General Assembly "final salary" shall be six thousand dollars ($6000)

* * *

Section 2 Subsection (5) of section 7 of the act amended May 20, 1949 (P. L. 1641) is amended and two new subsections are added to read

Duties of Heads of Departments

Section 7 * * *

(5) The head of each department shall cause to be deducted on each and every payroll of a contributor for each and every payroll period subsequent to December thirty-first nineteen hundred twenty-three such per centum of the total amount of salary earnable by the contributor in such payroll period as shall be certified to the head of each department by the retirement board as proper in accordance with the provisions of this act In determining the amount earnable by a contributor the retirement board may consider the rate of salary payable to such contributor on the first day of each regular payroll period as continuing throughout such payroll period and it may omit salary deductions for any period less than a full payroll period in cases where the member was not a contributor on the first day of the regular payroll period and to facilitate the making of the deductions it may modify the deduction required of any contributor by such amount as shall not exceed one-tenth of one per centum of the salary upon the basis of which the deduction is to be made In the case of members of the General Assembly as a class for the purposes of this act [the compensation received for each regular and special session if any of the Assembly shall be construed to be] the annual salary or annual earnable salary of each member shall be six thousand dollars ($6000) The deduction provided herein shall be made notwithstanding that minimum salaries or other compensation provided for by the laws rules or regulations of the Commonwealth shall be thereby reduced The head of each department shall certify to the Treasurer of the Commonwealth on account of each and every payroll of the contributor a statement as voucher for the amounts so deducted and shall send a duplicate of such statement to the secretary of the retirement board

* * *

(7) Each member of the General Assembly provided for by subsection (3) of section 13 of this act shall pay in addition to the contribution required by subsection (6) of section 8 of this act an amount equal to twenty-five per centum thereof for each year of service beginning December 1, 1954

(8) Any member of the General Assembly who is not a member of the retirement association on the effective date of this act may elect prior to the expiration of his or her present term in the General Assembly to become a new member of the retirement association as of the

date when he or she became a member of the General Assembly as covered by subsection (3) of section 13 upon payment to the retirement association of a sum equal to all back payments which he or she would have made had he or she become a member of the retirement association on or before December 31, 1947 if a member of the General Assembly at that time otherwise on the date he or she became a member of the General Assembly Back payments may be spread over a period of years by having the regular payroll deduction of the member increased by not less than one-third of the amount thereof The deduction increase shall be credited to the back payments owing and shall be continued until the amount thereof is paid in full deduction increases may be anticipated at any time if the member is retired under the provisions of this act before the back payments have been completed the combined member's annuity and State annuity provided for by these amendments shall be reduced by an amount equivalent to the unpaid back payments or deduction increases not anticipated

Section 3 Subsection (3) of section 11 of the act amended July 5, 1947 (P. L. 1342) is amended to read

Withdrawal

Section 11 * * *

(3) Should a member be discontinued from service not voluntarily after having completed ten years of total service or voluntarily after having completed twenty-five years of total service or should a member of the General Assembly discontinue his service as such member voluntarily or involuntarily after having served [during five regular sessions] ten years as a member of the General Assembly but in any case before reaching superannuation retirement age he or she shall be paid as he or she may elect as follows

(a) The full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings account or

(b) [An] Except as provided in clause (c) of this subsection an annuity of equivalent actuarial value to his or her accumulated deductions and in addition a State annuity having a value equal to the present value of a State annuity beginning at superannuation retirement age calculated in accordance with the provisions and with the privileges of the same options provided for in sections thirteen and fourteen of this act with respect to State annuities for superannuation retirement

(c) If the member is a member of the General Assembly provided for by subsection (3) of section thirteen of this act a combined member's annuity and State annuity having a value equal to the present value of such annuity beginning at superannuation retirement age calculated in accordance with the provisions and with the privileges of the same options provided for in subsection (3) of section thirteen and in section fourteen of this act with respect to such annuities for superannuation retirement

Section 4 Subsection (2) of section 13 of the act amended January 19, 1952 (P. L. 2176) is amended and subsection (3) is added to read

Section 13 Retirement for superannuation shall be as follows

* * *

(2) On retirement for superannuation a contributor shall receive a retirement allowance which (except for the service as a member of the General Assembly provided for by subsection (3) of this section and the accumulated deductions related thereto) shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity of one one hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in the case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and

(c) In addition thereto if an original member of the retirement association a further State annuity of one one hundred sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act but in no event shall the total State annuity exceed fifty per centum of his or her final salary

(d) In addition thereto an additional State annuity which shall be equivalent to the amount if any by which the employe's annuity is less than the State annuity for service rendered after the thirty-first day of December one thousand nine hundred twenty-three but in no event shall the total State annuity exceed fifty per centum of his or her final salary

(e) In addition thereto in the event of the retirement after ninety days from the effective date of this act of any contributor in the one one-hundredth (1-100) class a further State annuity which shall be equivalent to the amount if any by which the superannuation retirement allowance otherwise payable is less than one thousand two hundred dollars ($1200) where the contributor has twenty-five years or more of credited service in this Comonwealth or if less than twenty-five years of such service then such proportional amount of such one thousand two hundred dollars ($1200) as the years of such credited service bear to twenty-five years but in no event shall the total State annuity exceed fifty per centum of his or her final salary

(f) If the contributor has credit for service as a member of the General Assembly provided for by subsection (3) of this section but is not a member of the General Assembly at the time of retirement (i) he or she shall receive in addition to the foregoing annuities provided for by this subsection (2) a combined member's annuity and State annuity equal to two and one-half one-hundredths (2½-100) of his or her final salary as a member of the General Assembly for each year of service as a member of the General Assembly provided for by subsection (3) of this section or (ii) his or her accumulated deductions and years of service as a member of the General Assembly shall be included with his or her other accumulated deductions and years of other State service whichever will yield the greater return

(3) On retirement for superannuation a contributor who is a member of the General Assembly shall receive a retirement allowance which shall consist of a combined member's annuity and State annuity equal to two and one-half one-hundredths (2½-100) of his or her final salary for each year of total service as a member of the General Assembly provided for by the second paragraph of this subsection and in addition thereto if a member of the General Assembly at the time of retiring has credit for State service other than as a member of the General Assembly he or she shall receive with respect to such other service the member's annuity provided for in clause (a) of subsection (2) of this section and State annuities provided for in clauses (b) (c) (d) and (e) in so far as they are applicable or if the contributor has not reached the age of sixty years the State annuities having a value equal to the present value of the State annuities beginning at superannuation retirement age sixty

The provisions of this subsection shall apply to all contributors who were members or members elect of the General Assembly on December 1 1954 with respect to all years of service as a member of the General Assembly before and after that date and to all contributors becoming members of the General Assembly after December 1 1954 with respect to years of service as members of the General Assembly after that date only Any period of service as a member of the General Assembly not specifically provided for by these amendments shall entitle the contributor to the same rights as for State service other than as a member of the General Assembly

Section 5 Sections 14.1 and 14.2 of the act added July 29, 1953 (P. L. 993) are amended to read

Retirement as of Time of Death

Section 14.1 Any contributor who is entitled to retire under the provisions of this act by reason of having completed twenty-five (25) years of total service or by reason of having reached superannuation retirement age and any member of the General Assembly having completed ten (10) years as a member of the General Assembly may file with the retirement board a written application for retirement in the form required for such application but requesting that such retirement shall become effective as of the time of his death electing one of the options provided in section fourteen and nominating a beneficiary under said option as required in said section

In all such cases the application shall be held by the retirement board until the contributor shall file a later application in the usual manner for retirement or until the death of the contributor occurring while in State service at which time his retirement shall become effective with the same benefits to the designated beneficiary as if the contributor had retired on the day immediately preceding his death

Retirement While in State Service

Section 14.2 Any contributor who is or was entitled to retire under the provisions of this act by reason of having completed twenty-five (25) years of total service or by reason of having reached superannuation retirement age and any member of the General Assembly having completed ten (10) years as a member of the General Assembly and who shall die while in State service before filing with the retirement board a written application for retirement as heretofore provided or has died and whose payment into the fund have not been withdrawn shall be considered as having elected Option 1 as provided in section fourteen of this act as of the date of his or her death In such event payment under Option 1 shall be made to the beneficiary designated in the nomination of beneficiary form on file with the retirement board If said beneficiary has predeceased the contributor payment under Option 1 shall be made to the legal representative of said contributor

Section 6 This act shall take effect immediately

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I am not going to debate this bill, but I think the Members should be aware of the fact that this is a bill relating to pensions for Legislators.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—155

Amarando,	Garlock,	Lutty,	Rigby,
Anderson, M. S.,	George,	Magee,	Rosen,
Anderson, S. A.,	Gibson,	Markley,	Rovansek,
Ashton,	Goldstein,	Maxwell,	Rubin,
Banker,	Gramlich,	McCann,	Sarraf,
Barnatovich,	Guss,	McCormack,	Scarcelli,
Bell,	Guthrie,	McGee,	Schuster,
Blair,	Hamilton, R. K.,	McInroy,	Sherman,
Boles,	Hass,	McKeever,	Smith, O. C.
Bonner,	Haudenshield,	McLaughlin,	Smith, Wm. B.
Boory,	Heavey,	McWherter,	Snider,
Bower,	Helm,	Metz,	Stank,
Branca,	Hewitt,	Mihm,	Stebbins,
Breisch,	Hocker,	Mikula,	Steckel,
Brennan, A. P.,	Holt,	Mills,	Stone,
Brennan, J. J.,	Houk,	Monroe,	Stoner,
Breth,	Isaacs,	Moody,	Strausser,
Brown,	Jenkins,	Moran,	Stroup,
Bucchin,	Johnson,	Moscrip,	Taylor,
Bullen,	Jones, G. E.,	Muldowney,	Thomas,
Capano,	Jump,	Mullen,	Toll,
Cioffi,	Kamyk,	Munley,	Tompkins,
Cochran,	Kehler,	Murphy,	Toomey,
Cooper,	Keller,	Murray, H. P.,	Varallo,
Davis,	Kent,	Murray, J. J.,	Vaughan,
Dougherty,	Kline,	Musto,	Verona,
Ehrgood,	Knecht,	Naugle,	Wall,
Eilberg,	Kolankiewicz	Ogilvie,	Waterhouse,
Erb,	Kooker,	Olsen,	Weidner,
Fahleman,	Kornick,	Pacchioli,	Wescott,
Ewing,	Leiby,	Parry,	Wheeler,
Farabaugh,	Leisey,	Pashley,	Whitenight,
Filo,	Leonard,	Paulhamus,	Williams,
Flint,	Leven,	Petrosky,	Wood,
Floyd,	Light,	Polaski,	Yetter,
Flynn,	Limper,	Polen,	Yetzer,
Frascella,	Lippincott,	Pomeroy,	Ziegler,
Frost,	Lopresti,	Readinger,	Andrews,
Gaffney,	Lovett,	Reidenbach,	Speaker

NAYS—28

Adam,	Foster,	Needham,	Stevenson,
Auker,	Frank,	O'Neil,	Swartz,
Bazin,	Henzel,	Price,	Varner,
Brenninger,	Horst,	Pursley,	Wallace,
Cianfrani,	Jones, T. H. W.	Reibman,	Wargo,
Curwood,	Meholchick,	Renwick,	Willaredt,
Donahue,	Miller,	Rudisill,	Worley,

NOT VOTING—24

Agnew,	Gelfand,	Lawyer,	Stephens,
Comer,	Gibb,	Mahan,	Thompson,
Connelly,	Greenwood,	Murray, P. G.,	Walsh,
Donaldson,	Kratz,	Pettigrew,	Welsh,
Down,	Kromer,	Royer,	Wilt,
Fineman,	Lafore,	Sigman,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

REASONS FOR VOTE

Mr. BELL filed the following reasons for his vote.

During the past fifteen months of the 141st regular session of the General Assembly, I have been impressed with the tremendous sacrifices of time and money made by all members of the General Assembly in the faithful performances of their duties representing the citizens of Pennsylvania.

Some absenteeism has occurred during the session due to illness and the necessity of holding on to employment or conducting a business. As a general rule, my sisters and brothers in this great public body have faithfully and intelligently represented their neighbors with diligence and industry.

Certain uninformed persons have classed this legislation session as a "do-nothing" session. I do not concur. We have experienced a session marked by a constant struggle between two great political parties of almost equal strength. Under this truly American principle of government I have observed benefits to the Commonwealth. The Commonwealth means to me "the people."

The exposure of governmental processes to careful, intelligent, critical scrutiny of a strong minority party results in better government for the Honorable, the People of Pennsylvania.

True representative government moves slowly. Our same critics abhor the governmental efficiency of a dictatorship or a "one-man" rule.

Should the faithful legislator be penalized for careful attendance? Should he be penalized for thorough consideration of proposed legislation designed to keep our government current with the demands of a progressive civilization?

Legislators should receive a living wage. Legislators should have an incentive for continuous and lengthy service in the form of a pension. Such pension should be a fair pension—fair for the legislator and fair for the people. Too many excellent legislators have been forced by economic conditions to leave the service of our Commonwealth.

Although I may never personally benefit from this pension plan, I desire to cast my vote to insure that legislators of tomorrow receive a fair compensation and a fair pension plan.

If we do not make such provisions, membership on youd legislative body may well degenerate into an exclusive body of those of independent financial means or those in the employ of special interests. Let us keep our membership open to all citizens of this Commonwealth. This pension is essential to preserve the integrity of our representative system of free government.

REASONS FOR VOTE

Mrs. HENZEL filed the following reasons for her vote.

Being in sympathy with and in support of S-484 Pr. 245, I, however, am compelled at this time to vote in the negative. This vote is necessary because I conscientiously feel that our items of retirement legislation, particularly in relation to the Social Security situation of some Third Class County employees and retired teacher equity, should be given procedure. These are still being retarded on the calendar or are receiving no attention in committee. Because in the first instance these employees are not being protected in their vacation, in the second the folks are living in financially difficult stratas because of lack of corrective legislation, I can support legislation that would inure to personal benefit only when others of a more pressing nature have first been resolved.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1226

Mr. KOLANKIEWICZ. Mr. Speaker, I move that the vote by which House Bill No. 1226, Printer's No. 1353, entitled:

"An Act requiring the Senate Treasurer and other State officials to deduct the tax imposed by any first class city upon salaries wages and other compensation paid to officers and employes of the Commonwealth residing within that city and to make a return and remit the tax so deducted to the Revenue Commissioner of the city."

was defeated on final passage, Wednesday, March 7, 1956.

Mr. AMARANDO. Mr. Seaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Kolankiewicz vote on the final passage of this bill?

Mr. KOLANKIEWICZ. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Amarando vote on the final passage of this bill?

Mr. AMARANDO. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

Mr. LIPPINCOTT. Mr. Speaker, I desire to interrogate the person who made the motion we are now considering.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Kolankiewicz, permit himself to be interrogated?

Mr. KOLANKIEWICZ. I shall, Mr. Speaker.

Mr. LIPPINCOTT. Mr. Speaker, will the gentleman kindly state how many votes the bill received in favor of it when it was defeated?

Mr. KOLANKIEWICZ. Mr. Speaker, I believe there were something like 68 votes.

Mr. LIPPINCOTT. Mr. Speaker, would it be fair to state that the House History is accurate in saying that the bill received 52 votes in favor of it? Will the gentleman agree that the History is correct in that respect?

Mr. KOLANKIEWICZ. I do not dispute that at all.

Mr. LIPPINCOTT. Mr. Speaker, it seems to me we are wasting a lot of time reconsidering bills that were defeated overwhelmingly. I would ask for a slow roll call on the motion to reconsider.

Mr. READINGER. I ask the Members to vote for this motion, Mr. Speaker. The gentleman who just interrogated the maker of the motion knows full well that this bill was called up on a day when there were many, many members absent. I think he will have no trouble recalling that one of the reasons it got as few votes as it did when it was called up was because there were so many absentees.

I think it is only fair that we vote for the motion to reinstate this bill and let it be voted upon when we have a full membership.

The SPEAKER. Does the gentleman from Delaware, Mr. Lippincott, desire a roll call?

Mr. LIPPINCOTT. Mr. Speaker, I do not want to prolong this matter. I will withdraw my request for a roll call.

It seems to me this is just another example of the way we wasted time because, as the Chair knows and the House knows, the person who called this bill up originally was the person now seeking its reconsideration.

Mr. READINGER. I do, Mr. Speaker. I would like to interrogate the gentleman from Delaware.

The SPEAKER. Will the gentleman from Delaware, Mr. Lippincott, permit himself to be interrogated?

Mr. LIPPINCOTT. I shall, Mr. Speaker.

Mr. READINGER. Mr. Speaker, does the gentleman have any suggestions as to how to get the Members here and keep them here?

Mr. LIPPINCOTT. I would say that would be a problem for the majority rather than the minority.

The SPEAKER. If you had asked the Chair, the Chair could have answered it. All you have to do to get them here is to send for them with a state cop, a Sergeant-at-Arms, or any other way, unless they have a doctor's certificate certifying to their inability to be physically present.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. READINGER from the Committee on Rules, reported as committed Senate Bill No. 317, entitled:

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law and repealing certain inconsistent acts

BILL ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 317, entitled:

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law and repealing certain inconsistent acts

And sail bill having been read at length the first time,

Ordered, To be laid aside for second reading.

PERMISSION TO ADDRESS HOUSE

Mr. AUKER asked and obtained unanimous consent to interrogate the Majority Leader.

Mr. AUKER. Mr. Speaker, I desire to interrogate the Majority Leader on bills on the calendar, current legislation which we are considering, for the purpose of some information.

The SPEAKER. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. AUKER. Mr. Speaker, we know that last Wednesday was a working day and every Member of the House was so notified. In spite of that there were forty-seven absentees without leave, although most of us stayed and our business is just as important as the business of those who went home.

I should like to ask the Majority Leader if the reason for his putting these bills on the third reading postponed calendar is just to delay action awaiting the time when he thinks he may have enough votes to pass them, and when that time will be, if at all? How long we are going to be required to sit here until he does have enough to pass them? I would like to have an answer to that question.

Mr. READINGER. Mr. Speaker, maybe my answer will cool the gentleman off a little bit.

I think there is an old saying, "A soft answer turneth away wrath." I do not know whether I will accomplish that, but I can try.

I will inform the gentleman that we are going to adjourn this House in about ten minutes. There has been a dinner scheduled by the Governor which I must attend—or which I desire to attend. It is time for you to eat as well as myself, and we intend to dispose or more things on this calendar today, some of which are bills and some of which constitute amendments to bills.

I assure the gentleman that we expect to have a full quota of Members here tomorrow and we will be taking up more controversial bills then. I think the gentleman knows that we have taken some up today. We had every intention of working today and we have done so, but some of these bills will be placed on the postponed calendar and will undoubtedly be called up for action tomorrow—with or without a majority.

Mr. AUKER. Is Wednesday going to be a working day or not, Mr. Speaker?

Mr. READINGER. Wednesday is going to be a working day.

Mr. AUKER. If Members are absent without leave, will bills be called up if they are likely to go down for lack of Members being here to vote on them?

Mr. READINGER. Mr. Speaker, I would say that will be determined by a majority vote of this House. Anybody has a right to postpone action on a bill by motion, and I cannot advise the gentleman what the House will do that day.

Mr. AUKER. I thank the Majority Leader.

Mr. Speaker. I am going to say now, as I said last Wednesday, if I am in the same mood as I am in now, I will object tomorrow and Wednesday to any bills going over unless it is for the purpose of amendment. I am giving everybody in the House fair warning.

PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, I wanted to make a brief statement today on some of the things that have been happening since we passed the sales tax.

The Attorney General, who is, I understand, a candidate for a state-wide office in this year's election, is certainly in my opinion using his office openly at this time for political purposes, which is probably all right if he sees fit to do so.

Day after day since the sales tax has gone into effect we have been reading in the newspapers about all this terrible confusion, and more confusion, and more confusion, on what is taxable and what is not taxable.

To top everything off, we read in the newspapers, according to the Attorney General, that this is not even a retail sales tax, but it is a sales tax on wholesalers and on manufacturers. In fact, he says it is a tax on every kind of transaction that can be imagined.

It was certainly news to me to read such an article, and I believe to everybody on this side of the House who voted for it, the Members on the other side of the House who voted for it and even those who voted against it. I believe it was news to them that this taxed everything. After all, this is the man who is now hoping to get on the Supreme Court. He is a bit confused, I do believe.

The Attorney General has been saying that day after day, he is giving these free curbstone opinions. I know

Mr. Speaker, that a curbstone opinion is probably worth just as much as it costs to get in legal fees—it is worth practically nothing.

I think the Attorney General should remember the high public office he now holds. Instead of trying to destroy the public's confidence in a tax, I think he should do a little more to make it operate.

If there is anything wrong with this bill, we are still in session. He should come to the Legislature for the information he wants and not run to the newspapers first so that we in the Legislature find out what his opinions are and what he thinks we meant to say by seeing it in the newspapers. Let him come to the Legislature, where he should come, if he wants to be fair.

We agreed with the Majority Leader, and I think it was no secret, that if there were any technical changes necessary to make this tax work, or go into effect, or function more efficiently, we will pass them. I do not think it is a secret, and I think the Attorney General probably knows it. Is he going to try to override the Legislature by giving us his opinions at this stage? If he wants to find out what the intent of the Legislature is, I do not believe he would have much difficulty if he called the Majority Leader, or the Speaker, or myself, or any group from this Legislature, and inquired as to the intent.

But what is he trying to do? He is trying to hold up a tax bill so the public will scorn it.

He remembers that a week ago everybody was rushinig around here trying to pass this tax bill, and trying to put it on the Governor's desk without a moment's delay. We were criticized on this side of the House because we asked that it go to a Conference Committee.

The Majority Leader at that time tried to pass the bill, but he also let it go to a Conference Committee, even though he was opposed to that idea because he wanted to hurry the bill up so we would save money.

If I remember correctly, and from what I hear, after the bill went to the Conference Committee the Attorney General had a representative there. In reading the papers and in checking I have been unable to find out how many suggestions or how much advice his representative gave. As far as I can find out, the representative did nothing. The Attorney General did nothing while the bill was in the Conference Committee.

If he was as sincere as he now tries to appear, he would have had a perfect right to come into that Conference Committee and make suggestions.

I also see where the Republican Senate is being blamed for some of this confusion according to the Attorney General. I think we might remind the Attorney General that probably his office drew up some of the bill, the Legislative Reference Bureau drew up some of the bill, and if there is confusion it also came from his office. He is partly responsible for it.

This seems to me to be a case of biting the hand that feeds you. If anything can be done to make this tax more obnoxious to those who collect it, and that is the storekeepers, or to those who must pay it, it seems the Attorney General is doing his best at this point to do it.

Today I am introducing a bill, and I hope, Mr. Speaker, it meets with your approval, because I do it in all sincerity and I think we can do a job with it.

This billl is going to ask you to appoint a committee, a bipartisan committee, on the part of the House, and it asks the President pro tempore of the Senate to appoint a bipartisan committee on the part of the Senate, and if there is any disagreement on the part of the Attorney General, as far as the intent of the Legislature is concerned, this Committee should be called in and asked what the intent of the bill was. I think we can probably save the Attorney General from going to the newspapers as much as he is. I believe we know what the intent was.

I noticed also where the Attorney General was not quite sure whether shoes came under luggage and leather goods. That is the gentleman who is going to the Supreme Court. He is not quite sure. I am not an attorney, but I can tell you that the gentleman sitting opposite me, Mr. Readinger, myself, and anybody else who voted for this bill, can assure him that shoes do not come under luggage and leather goods. It was not our intent at any time, and I want to specify right now that it was not the intent of any Member of this House who voted for the bill, as I know, that shoes would come under leather goods.

Mr. Speaker, I introduce this bill today and hope you will give it due consideration. It is a fair bill, it is honest, and I think it might save the Attorney General's nerves. Probably we can give him some honest and decent interpretations and he will not have to run around the state trying to make the tax bill obnoxious.

While I am on this, Mr. Speaker, I have also seen quite a little bit in the paper about the Ohio sales tax, the stamp plan.

I have a clipping here from the Pittsburgh Post-Gazette. It says, and this is under the date line of Columbus:

> There seems little chance that a legislative sales tax will recommend elimination of the Study committee reviewing Ohio's 20-year-old familiar little paper stamps.
>
> The tax, which brought in $206,217,169 in the last fiscal year, is being examined by an interim committee headed by Senator C. Stanley Mechem. . . .
>
> Hearings on the advantages of retaining the stamp feature are about concluded, and Senator Mechem has announced he doubts "very much" that the committee will recommend to the Legislature that a gross receipts tax supplant the stamp tax.

I am skipping over some things.

> Senator Mechem, a retail merchant, believes the stamps serve as a policing agency in the collections of the tax. "People do ask for the stamps," he points out.

Another quotation:

> Illustrating how widespread is the practice of redeeming the stamps, Senator Mechen cites his own county, Athens County, with a population of 45,000 last year had 295 groups which redeemed stamps.

It ends up by saying:

> One witness who appeared before the Mechem Committee, a spokesman for the Ohio Council of Retail Merchants, said the state treasury would lose, not gain, if the stamps are eliminated.

I think, Mr. Speaker, there is a very good example of what the people want. I think the Legislators in this House should remember that while we have the right to vote on taxes, if the people themselves want a certain thing in the administration of a tax, we should give it to them. I think we did it in adopting the Ohio stamp plan, and here is a perfect example of what we spoke about:

No Change in Sight After 22 Years of Levy Like Ours.

I think that is a good illustration, Mr. Speaker. I hope tomorrow the bill I just put in will come out. I personally will make a request at this time that I serve on the committee with the Majority Leader, and I think we will leave it up to the Senate to put whom they want on it. I am quite sure the Majority Leader, being a lawyer, and myself being just a poor fuel man, and incidentally I do sell fuel oil, I do think we could probably coach the Attorney General, who is going to be our next Supreme Court Justice, into making some honest and better interpretations.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like to very briefly state in relation to the gentleman's last remarks that nobody ever shoots Santa Claus.

I would also like to state, now that Candidate Cohen and Candidate Smith have gotten these things off their chests, it "wonders me" who is holding that adjournment motion?

The SPEAKER. The Chair requests that the gentleman from Armstrong, Mr. Helm, preside temporarily while the Speaker refers some bills.

Mr. HELM in the Chair

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 813.

The Clerk of the Senate being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 813, entitled:

An Act amending the act of October 27, one thousand nine hundred fifty-five (Act No. 222) entitled "An act prohibiting certain practices of discrimination because of race, color, religious creed, ancestry, age or national origin, by employers, employment agencies, labor organizations, and others ,as herein defined; creating the Pennsylvania Fair Employment Practice Commisison in the Department of Labor and Industry; defining its functions, powers and duties; providing for procedure and enforcement; providing for formulation of an educational program to prevent prejudice; providing for judicial review and enforcement; and imposing penalties," providing that termination of employment under a bona fide retirement or pension plan shall not constitute an unfair employment practice.

And has appointed Messrs. WAGNER, FLEMING and SEYLER a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the difference existing between the two Houses in relation to said bill.

BILLS INTRODUCED AND REFERRED

The SPEAKER. pro tempore. The Speaker has referred the following bills:

By Messrs. STANK and WHEELER.

HOUSE BILL No. 2084.

An Act making an appropriation to the Department of Commerce for payment of expenses incidental to ceremonies for the Distinguished Daughters of Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. WESCOTT and HOCKER.

HOUSE BILL No. 2085.

An Act amending the act of March 6, 1956 (Act No. 381), entitled "An act to provide revenue for Commonwealth purposes by imposing a tax on the purchase, use, storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property; providing for licenses, reports, payment and collection of tax, interest and penalties, assessments, collections, liens, reviews and appeals; conferring powers and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, corporations, partnerships, associations and individuals; and making an appropriation," excluding fuel oil and petroleum products for heating purposes, natural, manufactured and bottled gas and steam from the tax.

Referred to the Committee on Ways and Means.

By Mr. LOPRESTI. HOUSE BILL No. 2086.

An Act making it unlawful for any corporation to carry on any business under an assumed or fictitious name, style, or designation other than its proper corporate name unless an application is filed with the Secretary of the Commonwealth and the prothonotary; providing for the amendment of such application; fixing the fees of the Secretary of the Commonwealth and the prothonotary; providing penalties; and providing for the cancellation of such application by the registrant or the Secretary of the Commonwealth under certain circumstances.

Referred to the Committee on Judiciary.

By Messrs. EWING, READINGER, AMARANDO, McGEE, McKEEVER, SARRAF, JOHN J. MURRAY, McCANN, BAZIN, CHARLES C. SMITH, BOWER, BLAIR, VAUGHAN and STRAUSSER.

HOUSE BILL No. 2087.

An Act amending the act of May 1, 1929 (P. L. 905), entitled "An act for the protection of the public safety; regulating the u;se of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Comomnwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," further regulating applications for registration changing annual registration fees for certain commercial motor vehicles, truck tractors, trailers and semi-trailers; prescribing certain engine capacity and additional equipment requirements for certain vehicles, changing the maximum gross weights allowed for certain vehicles; providing a formula for determining the gross maximum weights; and prescribing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. AMARANDO. HOUSE BILL No. 2088.

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, in-

cluding certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," prohibiting the seeking of nomination or election to elective public office by professional employes or temporary professional employes.

Referred to the Committee on Judiciary.

By Mr. LOVETT. HOUSE BILL No. 2089.

An Act to amend the preamble and section one of the act, approved the twentieth day of August, one thousand nine hundred fifty-three (Appropriation Act No. 75-A), entitled "An act making an appropriation to the Department of Property and Supplies for the construction of armory facilities, under certain conditions," by providing that the Federal Government pay a portion of the cost of each facility.

Referred to the Committee on State Government.

By Mr. CHARLES C. SMITH. HOUSE BILL No. 2090.

An Act creating a joint commission of the House of Representatives and the Senate, and prescribing its powers and duties with regard to the "Selective Sales and Use Tax Act"; and making an appropriation.

Referred to the Committee on Rules.

COMMITTEE MEETINGS

AGRICULTURE and DAIRY INDUSTRIES, Mr. Snider, Chairman, Room 331, Tuesday, March 13th at 12:00 noon.

APPROPRIATIONS, Mr. Polen, Chairman, Room 246, Tuesday, March 13th, at 11:00 a. m.

CONSERVATION AND WILDLIFE, Mr. Breth, Chairman, Room 331, Tuesday, March 13, at 10:00 a. m.

EDUCATION, Mr. McCann, Chairman, Room 324, Tuesday, March 13th, at 11:00 a. m.

FISHERIES, Mr. Kornick, Chairman, Room 331, Tuesday, March 13th, at 12:45 p. m.

JUDICIARY, Mr. Lopresti, Chairman, Room 145, Tuesday, March 13th, at 10:00 a. m.

LAW and ORDER, Mr. Yetzer, Chairman, Room 325, Tuesday, March 13th, at 12:45 p. m.

LIQUOR CONTROL, Mr. Stank, Chairman, Room 325, Tuesday, March 13th, at 11:30 a. m.

MOTOR VEHICLES, Mr. Amarando, Chairman, Room 522, Tuesday, March 13th, at 12:00 noon.

MUNICIPAL CORPORATIONS, Mr. Verona, Chairman, Room 521, Tuesday, March 13th, at 11:15 a. m.

PROFESSIONAL LICENSURE, Mr. Boies, Chairman, Room 325, Tuesday, March 13th, at 12:00 noon.

PUBLIC HEALTH and SANITATION, Mr. McGee, Chairman, Room 522, Tuesday, March 13th, at 12:30 p. m.

STATE GOVERNMENT, Mr. Polaski, Chairman, Room 324, Tuesday, March 13th, at 12:45 p. m.

HEARING. The Conservation and Wildlife Committee will hold a special hearing with a Committee from the Pennsylvania Fish Commission headed by William Voight, Executor Director, Tuesday, March 13th at 10:00 a. m., Room 331. All House Members are welcome.

The Legislative Service Club will meet for breakfast tomorrow morning, March 13, at 8:30 a. m. in the private dining room of the Capitol Cafeteria.

ADJOURNMENT

Mr. McINROY. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 13, 1956 at 1:00 p. m.

The motion was agreed to, and (at 6:35 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., TUESDAY, MARCH 13, 1956. No. 152.

SENATE

TUESDAY, March 13, 1956.

The Senate met at 2:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

Honorable FRANK W. RUTH, a Member of the Senate from Berks County, offered the following prayer:

O Thou great Jehovah God, we come to Thee today and we pray that Thy Spirit will help us to understand how easily we can find Thee if we look for Thee. Help us, with the eye of faith when the burdens of life become heavy, when disappointments come or when joy and prosperity come, that we may always walk close to Thee.

Guide us in our thinking today that we may do those things that will mean greater days for our Commonwealth and for our people. We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quoroum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. McPHERSON, JR., further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBERS OF THE CHESTER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Chester County Board of Assistance:

Milton Apfelbaum, Esq. (Dem.), 529 East Lincoln Highway, Coatesville, to serve until December 31, 1958. (Reappointment)

J. Gibson McIlvain, Jr. (Rep.), Old Kings Highway, Downingtown, to serve until December 31, 1957. (Reappointment)

GEORGE M. LEADER.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert C. McCormick, 55 South Mt. Vernon Avenue, Uniontown, Fayette County, for appointment as Alderman in and for the Seventh Ward of the City of Uniontown, Fayette County, to serve until the first Monday of January 1958, vice M. R. Gregg, deceased.

GEORGE M. LEADER.

MEMBERS OF THE CLARION COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Clarion County Board of Assistance:

Mrs. Frances Heeter (Dem.), 201 Seventh Avenue, Clarion, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Ralph M. Baker, Foxburg, whose term expired.

Mrs. Iris Mae Bish (Rep.), Shippenville, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

Charles P. Leach (Rep.), 533 East Penn Street, New Bethlehem, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Mrs. Mary E. Kassel (Rep.), 108 Merle Street, Clarion, from October 26, 1954 until December 31, 1956, and until her successor is duly appointed and qualified.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Francis L. Kennedy, 127 Lombardo Avenue, St. Marys, Elk County, for reappointment as Justice of the Peace in and for the Borough of St. Marys, Elk County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

MEMBERS OF THE NORTHAMPTON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Northampton County Board of Assistance:

John S. Posivak (Dem.), 1716 Carlisle Street, Bethlehem, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Miss Catharine McGrath, Easton, whose term expired.

Rev. Stephen Ballek (Dem.), 1421 Lorain Avenue, Bethlehem, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Russel S. Moyer, Northampton, resigned.

Clifford A. Sebring (Dem.), Mt. Bethel, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Harry E. Flory, Bangor.

Andrew G. Kern (Rep.), 340 South Broad Street, Nazareth, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Margaret Peters, Nazareth, whose term expired.

Mrs. Frances W. Barthold (Dem.), 1457 Main Street, Bethlehem, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE CLINTON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of the Clinton County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

R. O. Raymond (Dem.), 154 Twelfth Street, Renovo.

Dr. Neal F. Carlson (Rep.), 300 Huron Avenue, Renovo.

Dr. Charles E. Coxe (Rep.), 35 North Fairview Street, Lock Haven.

GEORGE M. LEADER.

HOUSE MESSAGES

SENATE BILL No. 484 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 484, entitled:

An Act amending the act of June 27, 1923 (P. L. 858), entitled "State Employes Retirement Law," providing for retirement of members of the General Assembly, their superannuation retirement age, annual salary or annual earnable salary and final salary; and authorizing certain members of the General Assembly to join the retirement association by making back payments.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence bill of the House, as follows:

House Bill No. 1753, entitled:

An Act amending the "Uniform Criminal Extradition Act" approved July 8, 1941 (P. L. 288) enlarging the power of the court on habeas corpus

Which was committed to the Committee on Judiciary General.

BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 244, entitled:

An Act amending the act of June 28, 1951 (P. L. 638), entitled "Register of Wills Act of 1951," providing for the fixing of costs where there are separate orphans' courts.

House Bill No. 245, entitled:

An Act amending the act of August 21, 1953 (P. L. 1309), entitled "An act prescribing the fees to be received by registers of wills in counties of the fourth, fifth, sixth, seventh and eighth class," eliminating counties of the fourth class.

House Bill No. 246, entitled:

An Act amending the act of August 21, 1953 (P. L. 1306), entitled, "An act prescribing the fees to be received by the clerks of orphans' courts of counties of the fourth, fifth, sixth, seventh and eighth class," eliminating counties of the fourth class.

House Bill No. 247, entitled:

An Act amending the act of August 10, 1951 (P. L. 1168), entitled, as amended, "Orphan's Court Act of 1951," providing for the fixing of costs where there are separate orphans' courts.

Senate Bill No. 608, entitled:

An Act amending the act of May 2, 1925 (P. L. 448), entitled "Fish Law," authorizing the use of long bows and arrows for capturing or killing carp.

House Bill No. 876, entitled:

An Act amending the act of June 23, 1931 (P. L. 932), entitled "Third Class City Law," further regulating the hours of service, and sick leaves of firemen.

House Bill No. 1246, entitled:

An Act amending the act of March 10, 1949, (P. L. 30), entitled "Public School Code of 1949," authorizing boards of school directors of school districts of the second, third and fourth classes, with the approval of the Superintendent of Public Instruction, to levy an additional tax to pay for amortization of certain bond issues.

House Bill No. 1319, entitled:

An Act amending the act of May 1, 1933 (P. L. 103), entitled "The Second Class Township Law," clarifying the effect of certain provisions of the act with respect to powers granted by other laws.

House Bill No. 1623, entitled:

An Act amending the act of May 2, 1929 (P. L. 1778), entitled "General County Law," extending retirement benefits to veterans of armed conflicts.

House Bill No. 1873, entitled:

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 789) entitled as amended "Insurance Department Act of 1921," by changing provisions relating to certain legal proceedings.

House Bill No. 1932, entitled:

An Act amending the act of July 12, 1935 (P. L. 677), entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States," including members of the United States Air Corps.

House Bill No. 1944, entitled:

An Act to amend the "State Council of Civil Defense Act of 1951" approved the nineteenth day of March, one thousand nine hundred fifty-one (1951-1952 P. L. 28) *** by authorizing the State Council of Civil Defense to make rules and regulations.

House Bill No. 2020, entitled:

An Act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the legislative session of 1955.

Whereupon,

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. BLASS, from the Committee on Judiciary General, reported as committed, House Bill No. 95, entitled:

An Act amending the act of June twenty-four one thousand nine hundred thirty-nine (P. L. 872) entitled "The Penal Code," making it unlawful to sell or dispense knives etc. commonly called "switch blades."

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 96, entitled:

An Act amending the act of June twenty-four one thousand nine hundred thirty-nine (P. L. 872) entitled "The Penal Code," making it unlawful for any person to carry on or about his person a firearm slingshot handy-billy dirk-knife razor or any other deadly weapon or any knife razor or cutting instrument the blade of which can be exposed in an automatic way by switch push-button spring mechanism or otherwise.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 416, entitled:

An Act amending the act of June 12, 1951 (P. L. 533) entitled "The Mental Health Act of 1951," permitting the indictment of persons while committed and validating indictments heretofore returned.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 557, entitled:

An Act amending the act of June 24, 1939 (P. L. 872) entitled "The Penal Code" redefining murder in first degree to include murder in the commission of sodomy.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 650, entitled:

An Act amending the act of May 5, 1933 (P. L. 289) entitled "Nonprofit Corporation Law" prescribing how notice shall be given of meetings of churches or other religious congregations.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 669, entitled:

An Act amending the act of April 14, 1905 (P. L. 162) entitled "An act regulating the method and procedure in the erection of line or partition fences" authorizing surveyors appointed by judges of common pleas courts to act as fence viewers.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 904, entitled:

An Act amending the act of April 11, 1899 (P. L. 37) entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth" making compliance with certain provisions evidence of innocence in prosecutions for receiving stolen goods.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 907, entitled:

An Act amending the act of June 24, 1939 (P. L. 872) entitled "The Penal Code," prohibiting the interception of jury deliverations and prescribing penalties.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 929, entitled:

An Act amending the act of July 20, 1917 (P. L. 1158) entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth," increasing mileage.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1002, entitled:

An Act amending the act of January 8, 1952 (P. L. 1851), entitled "An act providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases; . . . . ," regulating bail for persons charged with commission of sex crimes.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1013, entitled:

An Act amending the act of August 24, 1951 (P. L. 1405) entitled "Estate Tax Apportionment Act of 1951" changing the method of apportionment regarding the inheritance or death tax effect with respect to charitable, public or similar gifts or bequests.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1018, entitled:

An Act amending the act of July 25, 1955 (P. L. 273) entitled "An act authorizing counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law; . . . . " extending the time during which political subdivisions may act under the provisions thereof.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 1083, entitled:

An Act limiting in certain cases the right of appeal to the court of common pleas from decisions of magistrates aldermen and justices of the peace.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 1570, entitled:

An Act amending the act of May 11, 1925 (P. L. 561) entitled "Jury Law, Second Class Cities" authorizing the president judge of the court of common pleas to transfer and assign jurors summoned to serve in any court civil and criminal of the county and changing form of venire and summons to comply therewith.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 1886, entitled:

An Act to amend section two hundred one of the act approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 512) entitled "Fiduciaries Act of 1949," by changing the amount of wages or salary which an employer may pay to a deceased employee's spouse or other certain persons whether or not a personal representative has been appointed.

He also, from the Committee on Judiciary General, reported as committed, House Bill No. 1964, entitled:

An Act making the offices of constable and justice of the peace or alderman incompatible.

Mr. VAN SANT, from the Committee on Law and Order reported as committed, House Bill No. 76, entitled:

An Act amending subsections (a) and (g) of section 403 act of April twelve one thousand nine hundred fifty-one (Pamphlet Laws 90) entitled "Liquor Code," further regulating the application for an issuance of hotel restaurant and club liquor licenses.

He also, from the Committee on Law and Order reported as committed, House Bill No. 400, entitled:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "Liquor Code," changing the time within which a notice of hearing upon a citation may be issued and the nature of the notice and requiring notice of violations noted by an agent or employe of the board as a prerequisite to the imposition of a penalty suspension or revocation.

He also, from the Committee on Local Government reported as amended, House Bill No. 861, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278) entitled "The General County Law," increasing the maximum appropriation which may be made for agricultural extension work.

Mr. WATSON, from the Committee on Highways reported as committed, Senate Bill No. 1023, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law" changing or deleting certain routes and adding certain new routes.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 1024, entitled:

An Act amending the act of June 22, 1931 (P. L. 720), entitled "City State Highway Law," adding certain new routes:

He also, from the Committee on Highways, reported as committed, Senate Bill No. 1025, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," changing or deleting certain routes and adding certain new routes.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 1028, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code," permitting certain persons to equip and use warning devices on commercial motor vehicles for limited purposes.

He also, from the Committee on Highways, reported as committed, House Bill No. 1450, entitled:

An Act to amend section 404 of the act approved the first day of June one thousand nine hundred forty-five (Pamphlet Laws 1242) entitled "State Highway Law," by requiring that the additional bond covering labor and materials furnished by the contractor shall also cover equipment rental.

He also, from the Committee on Highways, reported as committed, House Bill No. 1451, entitled:

An Act to further amend Section 33 of the act approved the thirty-first day of May one thousand nine hundred eleven (Pamphlet Laws 458) entitled "Sproul Highway Law," by changing the percentage of payments to be withheld by the Secretary of Highways pending satisfactory completion of contracts for the construction of State highways and bridges.

He also, from the Committee on Highways, reported as committed, House Bill No. 1769, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code," requiring informations charging violations of summary provisions of the act in cities of the first class to be brought before centrally located traffic courts designated by the chief magistrate and authorizing cities of the first class to fix penalties and fines by ordinances.

Mr. WAGNER, from the Committee on Law and Order, reported as amended, House Bill No. 323, entitled:

An Act providing for the protection of the public safety by regulating the sale offering or exposing for sale at retail and the use of air rifles defining air rifles authorizing cities boroughs towns and townships to issue permits for licensing and to regulate target ranges imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties.

He also, from the Committee on Law and Order, reported as committed, House Bill No. 675, entitled:

An Act to amend the title and further amend the act approved the fifteenth day of May one thousand nine hundred fifteen (Pamphlet Laws 534) entitled "Motion Picture Censorship Law" by authorizing the disapproval of any reel film or view which is obscene or incites to crimes of violence and by repealing certain sections of the act.

He also, from the Committee on Law and Order, reported as committed, House Bill No. 1924, entitled:

An Act to amend the act approved the thirty-first day of August one thousand nine hundred fifty-five (Pamphlet Laws) (Act No. 131) entitled "An act permitting and regulating wrestling and boxing contests and exhibitions requiring licenses and permits conferring powers and imposing duties upon the State Athletic Commission . . . ." by regulating the use of a fictitious or assumed nane by any participant in any amateur boxing contest or exhibition.

Mr. WHALLEY, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 935, entitled:

An Act amending the compact contained in the act of June 5, 1937 (P. L. 1664), entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, and commissioners designated by the Governor of the State of Ohio, relative to the development, use, and control of the Pymatuning Lake . . .," designating the lake area on which motor boats may be operated; limiting the horsepower of the motor boats operated thereon and fixing penalties.

He also, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 975, entitled:

An Act authorizing the Department of Forests and Waters to convey certain lands located in Whitemarsh Township, Montgomery County, in order to facilitate the further development of Fort Washington Park.

He also, from the Committee on Forests and Waters, Game and Fish, reported as committed, House Bill No. 1720, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (Pamphlet Laws 842) entitled "An act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of waters within the Commonwealth . . ." by further regulating the period within which water rights must be acquired.

He also, from the Committee on Forests and Waters, Game and Fish, reported as committed, House Bill No. 1967, entitled:

An Act to amend section seventeen of the act approved the twenty-ninth day of March one thousand eight hundred three (Pamphlet Laws 542) entitled "An act to establish a Board of Wardens for the port of Philadelphia . . . .," by permitting second class pilots to pilot vessels drawing twenty-seven feet of water or under and permitting third class pilots to pilot vessels drawing twenty-three feet of water or under.

He also, from the Committee on Judiciary General, reported as amended, House Bill No. 1418, entitled:

An Act amending the act of June 5, 1935 (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name "further regulating exceptions to contracts of sale and actions at law for unfair competition.

Mr. KOPRIVER, JR., from the Committee on Public Health and Welfare, reported as committed, House Bill No. 596, entitled:

An Act providing for authorization for autopsies or postmortem examinations of human bodies claimed for burial within thirty-six hours after death.

He also, from the Committee on Public Health and Welfare, re-reported as committed, Senate Bill No. 816, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" revising the school health services program and transferring that reimbursement appropriation for school nurses in such program to the Department of Public Instruction.

He also, from the Committee on Public Health and Welfare, reported as committed, House Bill No. 1413, entitled:

An Act to amend the act approved the twelfth day of June one thousand nine hundred fifty-one (1951-52) Pamphlet Laws 533) entitled "The Mental Health Act of 1951," by changing the qualifications of superintendents of State institutions.

He also, from the Committee on Public Health and Welfare, reported as committed, House Bill No. 1592, entitled:

An Act amending the act of May 14, 1907 (P. L. 197) entitled "An Act to provide for the establishing and maintenance of one or more sanatoria or colonies in Pennsylvania for the free care and treatment of indigent persons suffering from tuberculosis and making an appropriation therefor "extending its provisions to all persons suffering or suspected of suffering from tuberculosis.

He also, from the Committee on Public Health and Welfare, reported as committed, House Bill No. 1617, entitled:

An Act amending the act of July 11, 1917 (P. L. 769) entitled "An act to regulate the importation into the State of Pennsylvania of dependent delinquent or defective children . . .," authorizing use of forfeited bond for the further placing of children.

He also, from the Committee on Public Health and Welfare, reported as committed, House Bill No. 1619, entitled:

An Act providing for the prevention and control of communicable and non-communicable diseases including venereal diseases fixing responsibility for disease prevention and control requiring reports of diseases authorizing financial assistance to typhoid fever carriers and authorizing treatment of venereal diseases and providing for premarital and prenatal blood tests amending revising and consolidating the laws relating thereto and repealing certain acts.

He also, from the Committee on Public Health and Welfare, reported as committed, House Bill No. 1642, entitled:

An Act to add clause (1) to section two thousand one hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "The Administrative Code of 1929" by authorizing and making it the duty of the Department of Health to provide limited training in the field of public health work for certain State and municipal employes.

He also, from the Committee on Public Health and Welfare, reported as committed, House Bill No. 1643, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" redefining the powers and duties of the Department of Health.

He also, from the Committee on Public Health and Welfare, reported as committed, House Bill No. 1793, entitled:

An Act amending the act of June 12, 1931 (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals . . .," extending the act to private convalescent homes conducted for profit requiring licensing under the act for treatment care or nursing by reason of pregnancy changing license fees requiring certain records to be kept by hospitals regulating the refusal to grant refuse or renew licenses and changing penalties.

He also, from the Committee on Local Government, reported as amended, House Bill No. 111, entitled:

An Act to amend the act approved the twenty-first day of May one thousand nine hundred forty-three (Pamphlet Laws 349) entitled "An act requiring political subdivisions to refund taxes and licenses fees erroneously and inadvertently paid thereto . . .," by further prescribing what taxes or license fees may be refunded or sued for.

He also, from the Committee on Local Government, re-reported as amended, Senate Bill No. 521, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304) entitled "Local Health Administration Law" reguating pension and retirement rights of employes of single-county and joint-county departments of health except in counties of the second class.

He also, from the Committee on Local Government, reported as committed, Senate Bill No. 943, entitled:

An Act permitting the conducting, staging,, operating and exhibiting stage shows on Sunday during certain hours when the electors of a city of the first class or second class approve thereof; defining stage shows and providing for referendums to ascertain the will of the electors.

He also from the Committee on Local Government, reported as committed, Senate Bill No. 980, entitled:

An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An Act authorizing cities of the first class to adopt and enforce zoning ordinances; . . .," regulating appeals based on invalidity of zoning ordinances.

He also from the Committee on Local Government, reported as amended, Senate Bill No. 999, entitled:

An Act amending the act of May 20, 1949 (P. L. 1591) entitled "An act providing for the compensation of the mayor council and appointed officers in cities of the second class A" increasing the compensation of the mayor and appointed officers in cities of the second class A.

He also from the Committee on Local Government, reported as committed, Senate Bill No. 1016, entitled:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "The County Code" further regulating the payment of sheriff's salaries in certain counties.

He also from the Committee on Local Government, reported as committed, Senate Bill No. 1019, entitled:

An Act amending the act of May 12, 1943 (P. L. 259) entitled, as amended "An act providing for the payment by the State Treasurer of the amount of the tax on premiums paid by foreign casualty insurance companies to the treasurers of the several cities, boroughs, towns, townships and certain counties, . . ." further defining policemen and changing the time when unused funds are returned to the General Fund for redistribution.

He also from the Committee on Local Government, reported as committed, Senate Bill No. 1020, entitled:

An Act amending the act of May 26, 1949 (P. L. 1828), entitled "Fiduciaries Investment Act of 1949" further prescribing the eligibility for authorized investments of the obligations of municipality authorities.

He also from the Committee on Local Government, reported as committed, Senate Bill No. 1022, entitled:

An Act relating to condemnation proceedings; requiring the filing of plans and imposing duties on the recorder of deeds.

He also, from the Committee on Local Government, reported as committed, House Bill No. 2049, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class . . ." further regulating payments to certain beneficiaries under the fund.

He also from the Committee on Local Government, reported as committed, House Bill No. 2050, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class . . . "further regulating the withdrawal of service increment contributions.

Mr. KESSLER, from the Committee on Finance reported as amended, House Bill No. 944, entitled:

An Act amending the act of August twenty-fourth one thousand nine hundred fifty-one (P. L. 1417) entitled, as amended "Corporation Income Tax Law" changing formula for determining gross receipts of corporations owning property or carrying on activities within and without the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time.

Mr. McCREESH, from the Committee on Law and Order, reported as committed, Senate Bill No. 232, entitled:

An Act to select and adopt the Great Dane as the official State dog of Pennsylvania.

Mr. DENT, from the Committee on Appropriations, reported as committed, House Bill No. 901, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

He also from the Committee on Appropriations, reported as committed, House Bill No. 902, entitled:

An Act making an apropriation to the Trustees of the University of Pennsylvania for the School of Medicine.

He also from the Committee on Appropriations, reported as committed, House Bill No. 903, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the School of Veterinary Medicine.

He also from the Committee on Appropriations, reported as committed, House Bill No. 1065, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania.

He also from the Committee on Appropriations, reported as committed, House Bill No. 1066, entitled:

An Act making an appropriation to the Temple University Medical School at Philadelphia Pennsylvania.

He also from the Committee on Appropriations, reported as committed, House Bill No. 1082, entitled:

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania for defraying part of expenses of the 250th Anniversary Celebration of the birth of Benjamin Franklin.

He also from the Committee on Appropriations, reported as committed, House Bill No. 1090, entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for maintenance and support.

He also from the Committee on Appropriations, reported as committed, House Bill No. 1280, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire tracts of land in the Borough of Edinboro Erie County for use of the Edinboro State Teachers' College and making an appropriation.

He also from the Committee on Appropriations, reported as committed, House Bill No. 1482, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1483, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the University.

He also from the Committee on Appropriations, reported as committed, House Bill No. 1484, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the School of Medicine.

He also from the Committee on Appropriations, reported as committed, House Bill No. 1610, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania East Falls Philadelphia Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1611, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1612, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

He also, from the Committee on Appropriations, reported as committed, House Bill No. 1629, entitled:

A Supplement to the act approved the twenty-second day of August one thousand nine hundred fifty-three (Appropriation Acts page 54) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Department of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and fifty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-three" providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first one thousand nine hundred fifty-five

He also, from the Committee on Appropriations, reported as committed, House Bill No. 2046, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five.

SENATE CONCURRENT RESOLUTION, SERIAL No. 165, REPORTED FROM COMMITTEE

Mr. BLASS, from the Committee on Judiciary General, to which was referred resolution offered by Messrs. McPherson, Jr. and Weiner, on January 16, 1956, reported the same without amendment as follows:

DIRECTING THE CONTINUANCE OF THE SUBCOMMITTEE ON DECEDENTS' ESTATE LAWS OF THE JOINT STATE GOVERNMENT COMMISSION

In the Senate, January 16, 1956.

Resolved, (The House of Representatives concurring), That the Subcommittee on Decedents' Estate Laws of the Joint State Government Commission be continued until the end of the legislative session of 1957 for the purpose of considering necessary and desirable changes in the decedents' estate laws and related statutes developed by the Subcommittee, and to make recommendations to the commission with drafts of legislation necessary to carry the recommendations into effect.

Laid over for one day under the Rules.

SENATE CONCURRENT RESOLUTION, SERIAL No. 170, REPORTED FROM COMMITTEE

Mr. BLASS, from the Committee on State Government, to which was referred resolution offered by Messrs. McPherson, Jr., Berger, Weiner and Seyler, on March 12, 1956, reported the same without amendment as follows:

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO STUDY AND INVESTIGATE THE THE PROBLEM OF WIRE TAPPING

In the Senate, March 12, 1956.

Wire tapping and its effect on the privacy of the citizens and other residents of this Commonwealth is a matter of grave concern to this law making body.

The use of evidence secured by wire tapping is of importance in the proper disposition of court cases involving the liberty and finances of many Pennsylvanians; therefore be it

Resolved (the House of Representatives concurring), That the Joint State Government Commission be directed to study and investigate the problem of wire tapping and its effect on the people of Pennsylvania, and to include in the study a comprehensive review and consideration of federal laws and the laws of other states on the subject of wire tapping; and be it further

Resolved, That the Joint State Government Commission report to the next regular session of the General Assembly, its findings and recommendations, with drafts of legislation necessary to carry the recommendations into effect.

Laid over for one day under the Rules.

BILLS INTRODUCED AND REFERRED

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 1034, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) en titled "The Vehicle Code" increasing operator's license fees, and making an appropriation.

Which was committed to the Committee on Highways.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1035, entitled:

An Act amending the act of August 21, 1953 (P. L. 1273) entitled "The Private Detective Act of 1953" granting licensees within cities of the first class power to serve warrants.

Which was committed to the Committee on Local Government.

Messrs. LANE and STEVENSON read in place and presented to the Chair Senate Bill No. 1036, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled, as amended, "Local Tax Enabling Law" increasing the maximum millage amount for certain political subdivisions.

Which was committed to the Committee on Local Government.

PETITIONS AND REMONSTRANCES

Mr. STIEFEL. Mr. President and Members of the Senate, I take it for granted that many of you have heard the name of a man of antiquity, King Hammurabi, the old King of the Sumerians. King Hammurabi was the old gentleman who became the first codifier in the world. He was the man who introduced the principle of what the Romans called lex talionis, the law of retribution, an eye for an eye, a tooth for a tooth and so on. When he said "An eye for an eye," he meant that a person who was aggrieved should actually blacken the eye of his assailant.

Unfortunately, Mr. President, after being buried and dead for many millenniums, I see now that the shades of Hammurabi are beginning to stalk all over Pennsylvania. Recently, there were a crop of statements in the newspapers of Pennsylvania about the Board of Pardons. Two gentlemen from the House of Representatives even had the temerity of introducing a resolution to investigate this board. Now what do they think about? Do they think that leniency should be completely stricken from the rules and regulations of Pennsylvania? Do they think that people who are doomed to eternal confinement should have no cases which, when the circumstances are considered, command and demand certain ameliorative action.

Mr. President, about six months ago, I appeared before the Board of Pardons on a case which, in my opinion, was the most interesting in the annals of the board. True enough, it involved a youthful murderer from Reading who, after serving fifteen years, petitioned the board for commutation. This fellow, when he came into the Eastern Penitentiary, developed an ability as an atomic scientist. He had offers from all over the United States from outstanding engineering companies who wanted his services. Even from England came lucrative offers to join their staffs and do research on atomic energy and thermonuclear. While in prison, the man was a model prisoner. He developed a library, running close to 1,000 volumes. He became one of the finest printers and, otherwise, expiated the crime of his youth. He was only seventeen years old when he was sentenced to life imprisonment.

The judge who sentenced him to life imprisonment realized that the sentence was rather Draconian. However, the judge was subject to the hysteria which gripped the city of Reading at the time of the crime. The judge, himself, came to plead before the board for leniency to this young man. The man was pardoned.

Now, Mr. President, I read in one of the editorials of the newspapers a reference to this case. We have to be critical; we may criticize but, in my opinion, before you start criticizing, study the case and then come to conclusions. For this reason, Mr. President, I believe that many statements in the newspapers—and I do not hold any brief for the Pardons Board—are rather conceived in haste. For this reason, I feel that I must bring it to the attention of the Members of the Senate. Before you condemn, before you criticize, do a little studying and then jump to conclusions. Please remember that King Hammurabi has no room in the life of Pennsylvania.

REPORT FROM COMMITTEE

Mr. BLASS. Mr. President, I ask unanimous consent to mage report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BLASS, from the Committee on Judiciary General, reported as amended, Senate Bill No. 1021, entitled:

An Act authorizing the recovery of damages from parents of children destroying property.

SENATE RESOLUTION

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO STUDY AND INVESTIGATE THE SAFEGUARDING OF THE HEALTH OF THE CITIZENS OF THE COMMONWEALTH, BOTH THROUGH THE PREVENTION OF MANUFACTURE AND SALE OF MISBRANDED, ADULTERATED, UNWHOLESOME OR DELETERIOUS FOODS.

Messrs, HARNEY, MADIGAN and DENT offered the following resolution which was twice read and referred to the Committee on Agriculture:

In the Senate, March 13, 1956.

Whereas, The protection of the public health includes both the prevention of adulteration and misbranding of foods and the imposition of positive duties upon food manufacturers, processors, and sellers to offer pure, wholesome food, accurately and truthfully labeled; and

Whereas, While the laws enacted by the Federal Government dealing with both the misbranding and adulteration and the truthful labeling and representation of foods, in their application to interstate commerce, operate to some extent to protect the citizens of the Commonwealth, yet the Commonwealth's obligation to provide safeguards for the health of its citizens is not discharged by a reliance upon the Federal Government, and it remains the right and duty of the Commonwealth to take whatever steps necessary to insure that foods manufactured, processed, and sold within our state be wholesome and be completely and accurately labeded; and

Whereas, The Commonwealth's food laws deal primarily with preventing the adulteration and misbranding of foods and but infrequently provide for the complete and accurate labeling and advertising of foods; now, therefore be it

Resolved, That the Joint State Government Commission be directed to study and investigate the safeguarding of the health of the citizens of the Commonwealth, both through the prevention of manufacture and sale of misbranded, adulterated, unwholesome, or deleterious foods and through requirements for complete and accurate labeling and advertising of foods.

RECESS

Mr. FLEMING. Mr. President, I move that the Senate do now take a recess until 4:30 o'clock, p. m., Eastern Standard Time, for the purpose of holding a Republican Caucus.

Mr. PECHAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILL INTRODUCED AND REFERRED

Mr. HARNEY. Mr. President, I ask unanimous consent to introduce a bill at this time.,

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. HARNEY and PROPERT read in place and presented to the Chair Senate Bill No. 1037, entitled:

An Act providing for the reassessment of properties for tax purposes where new improvements have been

made, and the addition thereof to existing tax duplicates of political subdivisions.

Which was committed to the Committee on Local Government.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1618

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1618, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929," prescribing powers and duties of the Department of Welfare with respect to juveniles.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

RECALLING SENATE BILL No. 321, FROM THE GOVERNOR

In the Senate, March 12, 1956.

Resolved (if the House of Representatives concur), That Senate Bill No. 321, Printer's No. 211, entitled "An act amending the act of May 2 1929 (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' authorizing the board of commissioners to make appropriations to county firemen's associations for the conducting of fire prevention education," be recalled from the Governor for the purpose of amendment.

BILL SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1618, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929," prescribing powers and duties of the Department of Welfare with respect to juveniles.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 641, as follows:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 1, 1933 (P. L. 103) known as "The Second Class Township Code" reenacted and amended and revised July 10, 1947 (P. L. 1481) is amended by adding after Article XIX a new article to read

Article XIX-A

Sanitary Board

Section 1901-A Establishment of Board of Sanitary Officers The administration of the health laws in townships may be enforced by a sanitary board or by a sanitary officer or officers as the case may be appointed by the township supervisors

Where the township supervisors elect to appoint a sanitary officer or officers the said sanitary officer or officers shall have the same powers and duties and exercise the same authority as is prescribed for sanitary boards in townships All sanitary officers whether appointed by sanitary boards or by the township supervisor shall have had some experience or training in public health work in accordance with rules and regulations established by the Advisory Health Board of the State Department of Health Such sanitary officers shall not enter upon the performance of their duties until they are certified so to do by the State Department of Health

Section 1902-A Members of Sanitary Board Where the township supervisors decide to appoint a sanitary board said board shall be composed of five members at least one of whom shall be a reputable physician of not less than two years experience in the practice of his profession The members of the board shall be appointed by the township supervisors At the first appointment one member shall be appointed to serve for one year one for two years one for three years one for four years and one for five years and thereafter one member shall in like manner be appointed each year to serve for five years The members of the sanitary board shall serve without compensation but if any member of the board shall be elected to the office of secretary he shall be entitled to receive a salary fixed by the board for that office

Section 1903-A Oaths of Members Secretary and Sanitary Officer The members of the board shall severally take and subscribe to the oath prescribed by section five hundred one of this act and shall annually organize by electing a president from among the members of the board a secretary who may or may not be a member of the board and a sanitary officer who shall not be a member of the board The secretary and the sanitary officer shall receive such salary as may be fixed by the board and ratified by the township supervisors and shall serve for a period of one year or until such time thereafter as their successors may be elected and qualified They shall severally give bond to the township in such sums as may be fixed by ordinance for the faithful discharge of their duties and shall also take and subscribe to the oath required by members of the board

Section 1904-A Duties of Secretary The secretary of the board shall keep the minutes of the proceedings of the board shall keep accurate accounts of the expenditures of the board shall draw all requisitions for the payment of moneys on account of the sanitary board from appropriations made by the supervisors to the board and shall present the same to the president of the board for his approval shall render statements of the expenditures to the board at each stated meeting or as frequently as the board may require shall prepare under the directions of the board the annual report to the township supervisors together with the estimate of appropriation needed for the ensuing year and shall make such other reports and perform such other duties as the board may require

Section 1905-A Powers and Duties of Sanitary Officer It shall be the duty of the sanitary officer to attend all stated and special meetings of the sanitary board and at

all times be ready and available for the prompt performance of his official duties He shall make sanitary inspections and shall execute the orders of the sanitary board and shall in the performance of his duties have the power and authority of a policeman

Section 1906-A Powers of Board The sanitary board shall have the power and it shall be its duty to enforce the laws of the Commonwealth the regulations of the State Department of Health and to make and enforce such additional rules and regulations for abating and removing all nuisances which the board shall deem prejudicial to the public health to mark infected houses or places to prescribe rules for the construction and maintenance of house-drains wash-pipes soil-pipes and cesspools and to make all such other rules and regulations as shall be deemed necessary for the preservation of the public health

The board shall also have the power to make enforce and cause to be published all necessary rules and regulations not inconsistent with law for carrying into effect the powers and functions with which they are invested by law and the power and authority relating to the public health conferred on the townships Such rules and regulations when approved by the township supervisors and when advertised in the same manner as ordinances shall have the force of ordinances of the township and all penalties or punishment prescribed for the violation thereof as well as the expenses actually and necessarily incurred in carrying such rules and regulations into effect shall be recoverable for the use of the township in the same manner as penalties for violation of the ordinances of the townships and subject to like limitations as to the amount thereof

Section 1907-A Entry Upon Premises The sanitary board shall have the power as a body or by committee as well as the sanitary officer together with their assistants subordinates and workmen under and by order of the said board to enter at any time upon any premises in the township upon which there is suspected to be any nuisance detrimental to the public health for the purpose of examining and abating the same

Section 1908-A Inspections Abatement of Nuisances The sanitary board may inspect house-drains waste and soil-pipes cesspools waterclosets slaughter-houses hog-pens stable stable-yards and any conditions or places whatsoever in the township which may constitute a nuisance or a menace to public health and whenever any condition or place in the township is found by the board to be a nuisance or a menace to the health of the people of the township it shall issue a written order of abatement directed to the owner or agent of the owner of the premises stating that the conditions specified therein constitute a nuisance or a menace to health and ordering an abatement thereof within such time as may be specified by them in such order In case such order of abatement is not obeyed within the time specified therein the board shall thereupon issue a further written order to the sanitary officer directing him to remove or abate the same which order shall be executed by him and his subordinates and workmen and the expense thereof shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed in the same manner as debts of like character are now collected by law or the said sanitary board may proceed to enforce such other remedy or inflict such penalty as may be provided by ordinance of the township

Section 1909-A Estimates of Expenditures Report It shall be the duty of the sanitary board or appointed sanitary officer or officers to submit annually to the supervisors before the commencement of the fiscal year an estimate of the probable expenditures of the board during the ensuing year and the supervisors shall then proceed to make such appropriations as may be deemed necessary The sanitary board sanitary officer or officers shall in the month of January of each year submit a report in writing to the supervisors of its appropriation and expenditures for the preceding year together with such other information on subjects relative to the sanitary conditions or requirements of the township as may be necessary and the supervisors shall publish the same in their official journel

Section 1910-A Corporation With Other Units Any township may cooperate with the county or with any city borough or township as well as with the State Department of Health in the administration and enforcement of health laws

Section 1911-A Powers of Secretary of Health Whenever in the opinion of the Secretary of Health conditions found by him to exist in any township shall constitute a menace to the lives and health of people living outside the corporate limits of such townships or if it be known to him that any township is without an existing or efficient sanitary board or sanitary officer he or his agents may enter and take full charge of and administer the health laws regulations and ordinances in such township and may continue in charge thereof until he shall decide that a competent and efficient sanitary board or sanitary officer has been appointed and qualified for such township and is ready able and willing to assume and carry into effect the duties imposed upon it or him by law

Section 1912-A Expenses of Board or Secretary of Health All expenses incurred by any local sanitary board its officers or employes in the performance of the duties imposed upon it by law and all expenses incurred by the Secretary of Health or his agents in accordance with the provisions of this article shall be paid by the township wherein such duties are performed in the same manner as other expenses of such township are paid

Section 1913-A Failure to Pay Expenses Incurred by State Secretary Whenever expenses incurred by the Secretary of Health or his agents in the administration of health laws in any township in accordance with the provisions of this article shall remain unpaid by said township for a period over three months after a statement of such expense has been rendered by him to such township and demand for payment by him made he shall with the approval of the Governor institute in the name of the Commonwealth as plaintiff an action of assumpsit against such township for the collection of such expense from the township in the same manner as debts of like amount are collected by law Upon the trial of any such action of assumpsit the reasonableness of the expenditures made by the Secretary of Health shall be submitted to the jury for its determination

Section 1914-A Disposition of Collected Funds All expenses incurred by the Secretary of Health in the administration of health laws in any township when paid to him by such township or when collected by him shall be returned by him to the State Treasurer who shall credit the amount so received to the appropriation made to the Department of Health

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will he Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL NO. 641, RECALLED FROM THE GOVERNOR

Mr. PECHAN. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 641, recalled from the Governor.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,

Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watson,
DiSilvestro,	Mahany,	Schmidt,	Watkins,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill no. 1174, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by providing for military leaves of absence for public school employes who are inducted for military service at any time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of Section 1176 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" amended July 19, 1951 (P. L. 1063) is amended to read

Section 1176 Leave of absence

(a) Any employe of any school district who shall have been regularly employed by [said] any school district or vocational school district for any period and who shall volunteer [or be called] for military or naval service [by] in the armed forces of the United States of America in time of war or during a state of national emergency or who shall be inducted for military service in the armed forces of the United States of America at any time shall within thirty (30) days after the receipt of notice to [said effect] report for duty send a copy of such notice to the secretary of the school board by which he is employed

Section 2 Section 1177 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" is amended to read

Section 1177 Reinstatement in former school position Upon termination of the military or [naval service] of such an employe [in time of war or during a state of national emergency] the school board shall immediately return said employe to the same position in the same school or schools from which said employe was granted leave of absence or if this is impracticable in the opinion of the board then to a similar position

Section 3 The provisions of this amendatory act shall be construed to include all public school employes inducted for military service in the armed forces of the United States on or after February 1 1955

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL No. 1174, RECALLED FROM THE GOVERNOR

Mr. PECHAN. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 1174, recalled from the Governor.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Silvert,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Stevenson,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 215

The Senate proceeded to the consideration of the report of Committee of Conference on Senate Bill No. 215, as follows:

To the Members of the Senate and House of Representatives.

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 215, entitled: "An act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto, changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation"

Respectfully submit the following bill as our report:

PAUL L. WAGNER,
EDWARD J. KESSLER.
JO HAYS.

(Committee on the Part of the Senate)

STEPHEN McCANN,
AIBERT E. STRAUSSER,
J. DEAN POLEN,

(Committee on the Part of the House of Representatives)

An Act amending the act of March 19, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The last paragraph of section 790 added

August 26, 1953 (P. L. 1471) and section 2511.1 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" and its amendments are repealed

Section 2 Article XXV of the act is amended by adding at the end a new subdivision to read

(f) School Building Rentals and Sinking Fund Charges

Section 2571 Standard Reimbursement Fraction for School Building Rentals and Sinking Fund Charges (a) for the purpose of reimbursement on account of all public school building rentals and sinking fund charges a school district's standard reimbursement fraction shall be computed

For projects heretofore or hereafter constructed by subtracting from four thousand five hundred dollars ($4500) an amount determined by multiplying the school district's valuation per district teaching unit by four-one thousands (.004) and dividing the difference so obtained by four thousand five hundred dollars ($4500)

(b) The school district's valuation is the valuation placed upon its taxable real property by the State Tax Equalization Board The Department of Public Instruction shall compute the standard reimbursement fraction of each school district entitled to payments on account of public school buildings annually in the month of December

Section 2572 State Public School Building Authority Leases Heretofore Approved (a) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings or providing educational equipment under the provisions of the State Public School Building Authority Act for every lease or contract entered into or approved by the Superintendent of Public Instruction prior to August 26, 1953 an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50/100) and by the annual rental charge as fixed by the State Public School Building Authority or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousands (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion of the annual rental charge fixed by the State Public School Building Authority

(b) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the State Public School Building Authority Act for every lease approved by the Department of Public Instruction on or after August 26 1953 but prior to the effective date of this amending act an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50/100) and by that portion of the annual rental charge sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings the cost of acquiring the land upon which the school buildings are situate and the interest on such cost or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion of the annual rental charge stated above

Section 2573 Municipality Authority and Nonprofit Corporation Leases Heretofore Approved (a) The Commonwealth shall also pay annually to each school district which shall have entered into a lease approved by the Department of Public Inestruction prior to August 26 1953 with a municipality authority or with a nonprofit corporation for the rental of a school building or buildings or providing education equipment an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50/100) and by the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousands (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation

(b) The Commonwealth shall also pay annually to each school district which shall have entered into a lease approved by the Department of Public Instruction on or after August 26 1953 but prior to the effective date of this amending act with a municipality authority or with a nonprofit corporation for the rental of a school building or buildings an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one hundredths (50/-100) and by that portion of the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings the cost of acquiring land upon which the school buildings are situate and the interest on such costs or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion stated above of the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation

Section 2574 Approved Reimbursable Rental for leases hereafter approved and approved reimbursable sinking fund charges on indebtedness (a) For school building projects for which the general construction contract is awarded subsequent to the effective date of this amending act and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Public Instruction prior to the effective date of this amending act the Department of Public Instruction shall calculate an approved reimbursable rental or approved reimbursable sinking fund charges Approved reimbursable rental or sinking fund charge shall consist of that part of the annual rental or sinking fund charge attributable to

(1) The cost of acquiring the land upon which the school buildings are situate to the extent that the cost is deemed reasonable by the Department of Public Instruction and the interest on such cost of acquisition and

(2) The approved building construction cost and the interest on such construction cost

(b) For new school buildings the approved building construction cost shall be the lesser of

(1) The cost of constructing the school buildings including the cost of essential fixtures and equipment but excluding architect's fees in excess of six per cent (6%) of the contract price or

(2) The product of the rated pupil capacity as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars ($1100) in the case of elementary schools (ii) one thousand seven hundred dollars ($1700) in the case of secondary schools (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by one thousand one hundred dollars ($1100) and the rated secondary pupil capacity by one thousand seven hundred dollars ($1700) and dividing the sum by the total rated pupil capacity

(c) For additions or alterations to existing buildings approved building construction cost shall be the lesser of

(1) The cost of constructing the additions or alterations including the cost of essential fixtures and equipment but excluding architect's fees in excess of six per cent (6%) of the contract price or

(2) The difference obtained by subtracting the appraisal value of the existing building from the product of rated pupil capacity of the altered or expanded building as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars ($1100) in the case of elementary

schools (ii) one thousand seven hundred dollars ($1700) in the case of secondary schools (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity of the altered or expanded building by one thousand one hundred dollars ($1100) and the rated secondary pupil capacity of the altered or expanded building by one thousand seven hundred dollars ($1700) and dividing the sum by the total rated pupil capacity of the altered or expanded building

Appraisal value shall be the valuation made immediately before the additions or alterations are begun by three competent appraisers one appointed by the school authorities one by the Superintendent of Public Instruction and the third by the other two

(d) For purposes of calculating the amount of rental reimbursement the approved reimbursable rental for a school project constructed for two or more school districts shall annually be apportioned among the participating districts on the basis of the proportion which the valuation of each district as certified by the state tax equalization board during the preceding school year bears to the total valuation of all participating districts

Section 2575 Payments on Account of leases hereafter approved and on account of sinking fund charges on indebtedness for school buildings hereafter constructed The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the Public School Building Authority Act the Municipality Authority Act or section 758 of the Public School Code of 1949 on account of buildings for which the lease is approved subsequent to the effective date of this amending act or through the incurring of indebtedness by the issuance of general obligation bonds on account of buildings for which the general construction contract is awarded subsequent to the effective date of this amending act an amount to be determined

(1) By multiplying the district's standard reimbursement fraction by itself and by fifty one hundredths (50/100) and adding the product to the districts standard reimbursement fraction multiplied by twenty-five one hundredths (25/100) and multiplying the sum by the approved reimbursable rental or approved reimbursable sinking fund charge or

(2) If the district's standard reimbursement fraction is greater than four thousand nine hundred ninety-nine ten-thousandths (.4999) by multiplying the district's standard reimbursement fraction by itself and by the approved reimbursable rental or approved reimbursable sinking fund charge Standard reimbursement fraction referred to herein is that povided by section 2571 for the purpose of reimbursement on account of public school building rentals and sinking fund charges

Section 2576 Approval of Department of Public Instruction (a) No payment shall be made to any school district on account of any lease entered into with the State Public School Building Authority or any municipality authority or nonprofit corporation or on account of sinking fund charges on indebtedness for school buildings unless such lease or sinking fund charge is approved by the Department of Public Instruction Except as hereinafter provided the Department of Public Instruction may give its approval to any lease heretofore or hereafter entered into and to any payments on account of sinking fund charges on indebtedness for school buildings if it shall find that the leased project or the project for which the indebtedness is incurred in conformance with county-wide plans prepared by the county board of school directors and approvey by the State Council of Education for the orderly development of improved attendance areas and administrative units and for the improved housing of public schools in the Commonwealth that the school building will conform with standards and regulations prescribed by the department with respect to educational and architectural design building materials fixtures and equipment location usefulness for community activities safety comfort and convenience and that the school district or school districts which incur the indebtedness or to which the project is to be leased will have the ability to meet from current revenues the rental or sinking fund charge or their respective shares of rental or sinking fund charge and to defray the cost of their respective shares of the cost of operation and maintenance of the project

(b) The department shall have the right to disapprove or approve with reservation a lease because of any failure on the part of the authority or school district to comply with the provisions of the laws of the Commonwealth relating to such authority or school district only to such extent as will prevent the school district from paying a greater sum as rental because of such noncompliance with law For that purpose the department may require a modification of the lease if not at that time executed or may approve the lease with the reservation that the department will pay the reimbursement on that amount only which would have been determined by reason of the lower rental

(c) The Department of Public Instruction shall not approve any project for which Commonwealth reimbursement is sought unless an inspection has been made by the department of the location and adequacy of existing school facilities and the determination made that existing facilities are inadequate in terms of prevailing educational standards

Section 2577 Limitations on approval of projects for reimbursement purposes (a) The superintendent of Public Instruction shall not give his approval for reimbursement purposes to any phase of any project or any project to be undertaken by the state public school building authority or by any municipality authority or nonprofit corporation or by any school district that would cause the approved reimbursable costs of projects to exceed six hundred and twenty-five million dollars ($625,000,000) during the school year 1955-1956 seven hundred and twenty-five million dollars ($725,000,000) during the school year 1956-1957 eight hundred and twenty-five million dollars ($825,000,000) during the school year 1957-1958 and nine hundred and twenty-five million dollars ($925,000,000) during the school year 1958-1959 in the aggregate for all the authorities nonprofit corporations and school districts conbined for projects already undertaken and to be undertaken

(b) The Department of Public Instruction shall determine reimbursement eligibility of all projects including projects submitted for approval prior to the effective date of this act in the order of date of filing of applications for project approval with the department if a delay in departmental processing of any application on file is occasioned by the applying school district the department shall proceed to determine reimbursement eligibilty of projects next in order.

(c) Unless the general construction contract for any project is awarded within ten months subsequent to the date of approval by the department approval shall be withdrawn except that when a district shows to the satisfaction of the department that the contract has not been let for reasons beyond its control or that withdrawal of approval would work undue hardship the department may grant extensions beyond the ten-months period for two periods of sixty days each before approval is withdrawn a project for which approval is withdrawn may be resubmitted to the Department as a new project

Section 2578 Payments (a) Payments to a school district shall be determined and approved by the Department of Public Instruction The amount so approved shall be included in and be payable from any future appropriations made to the Department of Public Instruction

(b) All payments due school districts by the Commonwealth on account of obligations to the State Public School Building Authority sinking fund charges or rentals under leases with municipality authorities for building or educational equipment for area technical schools shall be paid to the county board of school directors operating the school School districts not originally parties to an agreement with the State Public School Building Authority or a lease with a municipality authority for buildings or educational equipment for an area technical school

but later electing to participate in the operation of the school and agreeing to pay a part of the annual payments due under the agreement or lease shall be entitled to payments by the Commonwealth to the same extent as though they had originally been parties to the agreement or lease The amount thereof shall be paid to the county board of school directors No payments shall be made on account of obligations or rentals for buildings or educational equipment for area technical schools unless the schools conform to county-wide plans prepared by the county board of school directors and approved by the state board for vocational education

Section 2579 Inspection of Projects by Department of Public Instruction The Department of Public Instruction shall inspect during construction the work performed by or under contract with a municipality authority nonprofit corporation or school district on all projects for the rental or sinking fund charge of which the Commonwealth will make reimbursement and shall compel compliance approved plans

Section 2580 Changes in the amount of lease rentals reimbursements to school districts on account of rental payments in excess of the amount specified in the lease between the school districts and the state public school building authority or any municipality authority or nonprofit corporation or in the case of refinancing on account of rental payments provided by a renegotiated lease shall be calculated in the same manner as the specified lease rental

Section 3 The sum of four hundred five thousand dollars ($405,000) or as much thereof as is necessary is appropriated to the Department of Public Instruction for the two fiscal years ending May 31, 1957 to carry out the provisions of this act

Section 4 This act shall take effect immediately

On the question,

Will the Senate adopt the report of the Committee of Conference?

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No No. 215

Mr. PECHAN. Mr. President, I move that the Senate adopt the report of the Committee of Conference on Senate Bill No. 215.

Mr. LANE. Mr. President. I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. PROPERT. Mr. President, I desire to be recorded as voting "no" on the adoption of this bill and wish to state my reason for doing so.

I object to the inclusion of subsidies for General Fund obligations. That is the only portion of the bill which I object to. I want the record to show that that is my reason for voting against it.

Mr. McMENAMIN. Mr. President, I likewise want to be recorded as voting "no" for the same reason expressed by Senator Propert.

Mr. BARR. Mr. President, Senator Propert has already given my reasons for desiring to be recorded as voting "no." This is another facet of another increase in the school budget that will come back to haunt us and our budgets in the years to come.

Mr. WADE. Mr. President, I want to be recorded as voting "no," and join in the objections of Senator Propert.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Berger,	Haluska,	Mallery,	Stevenson,
Blass,	Harney,	McGinnis,	Taylor,
Camiel,	Hays,	McPherson, Jr.,	Wagner,
Chapman,	Kessler,	Pechan,	Watkins,
Dent,	Kopriver, Jr.,	Peelor,	Watson,
Diehm,	Lane,	Ruth,	Weiner,
Flack,	Madigan,	Scott,	Whalley,
Fleming.	Mahany,	Seyler,	Wolfe,
			Yosko,

NAYS—4

Barr,	McMenamin,	Propert,	Wade,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

THIRD READING CALENDAR

APPROPRIATION BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Seante proceeded to the third reading and consideration of Senate Bill No. 474, as follows:

An Act making an appropriation to the Trustees of the Pennsylvania State University for the use of the School of Agriculture for the erection of experimental mushroom houses and research in the communicable diseases of mushrooms and other phases of the mushroom industry

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand dollars ($50,000) or as much thereof as may be necessary is appropriated to the Trustees of the Pennsylvania State University for the two fiscal years beginning June 1 1955 for the use of the School of Agriculture for expenditure by the Agriculture Experiment Station for the erection of experimental mushroom houses and research in the communicable diseases of mushrooms and other phases of the mushroom industry

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.,	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,

NAYS—1

Haluska,

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 524, as follows:

An Act making an appropriation to the House Committee on Conservation and Wild Life for study of our game fish forest and water resources and their proper use and management for the benefit of the public

The General Assembly of the Comonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one thousand dollars ($1000) or so much thereof as may be necessary is hereby specifically appropriated to the House Committee on Conservation and Wild Life for study of our game fish forest and water resources and their proper use and management for the benefit of the public

Section 2 The sum appropriated shall be paid on warrant of the Auditor General in favor of the chairman of the committee on the presentation of his requisition for the same the chairman of the House committee on Conservation and Wild Life shall not later than thirty days after the termination of his term of office or until his successor is elected and also within thirty days after the adjournment of any regular or special session file an account with the Auditor General of the committee's expenses since the filing of the prior account

Section 3 This act shall take effect immediately The appropriation made hereby shall be available only for expenditures made and obligations incurred during the continuance of the 1955 session of the General Assembly

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	Silvert,	Stevenson,
Berger,	Harney,	McMenamin,	Stiefel,
Blass,	Hays,	McPherson, Jr.,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Pechan,	Wade,
Dent,	Lane,	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
DiSilvestro,	Mahany,	Ruth,	Watson,
Donolow,	Mallery,	Schmidt,	Weiner,
Flack,	McCreesh,	Scott,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 562, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire two tracts of land containing 2.42 acres more or less in the City of Lock Haven for the use of the Lock Haven State Teachers College and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The department of Property and Supplies with the approval of the Governor is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania for the use of the Lock Haven State Teachers College two tracts of land in the City of Lock Haven County of Clinton and Commonwealth of Pennsylvania bounded and described as follows

Tract No. 1 Bounded on the north by lands of Mrs. Christine McFarland on the east by lands of the Pennsylvania Railroad on the south by Water Street and on the west by lands of the Commonwealth of Pennsylvania containing 1.92 acres more or less

Tract No. 2 Bounded on the north by Water Street on the east by a public road or alley along the right of way of the Pennsylvania Railroad on the south by lands now or formerly of the Daniel Good Estate and on the west by lands of the Commonwealth of Pennsylvania containing one-half acre more or less

Section 2 The tracts of land shall not be acquired until the title to the respective tracts have been approved by the Department of Justice

Section 3 The sum of ten thousand two hundred dollars ($10,200) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tracts of land and the expenses incidental thereto including the completion of abstracts of title

Section 4 This act shall take effect immediately

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 563, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire sixty-two acres more or less of land in the City of Lock Haven for the use of the Lock Haven State Teachers College and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania for use of the Lock Haven State Teachers College a tract of land in the City of Lock Haven County of Clinton Commonwealth of Pennsylvania bounded and described as follows

Bounded on the north by the Old Lusk Road the new Lusk Run Road and St Marys Catholic Cemetery on the east by lands of St Marys Catholic Cemetery the Commonwealth of Pennsylvania and the Beth Yuda Cemetery on the south by lands now or formerly of the E Carlson Estate and a public road and on the west by lands now or

formerly of the Adam Gardner Warrant containing sixty-two acres more or less

Being the first parcel of land conveyed to David W. Thomas by Horace F. Hanna and M. Loretta Hanna by deed dated May 31, 1933 and recorded in Clinton County Pennsylvania in Deed Book 120 at page 716.

Section 2 The land shall not be acquired until its title has been approved by the Department of Justice

Section 3 The sum of eight thousand six hundred dollars ($8,600) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of land and the expenses incidental thereto including the completion of an abstract of title

Section 4 This act shall take effect immediately.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 590, as follows:

An Act amending the act of July 29 1953 (Appropriation Acts 19 No 24-A) entitled "An act making an appropriation to the Department of Mines for the sealing and dewatering of and extinguishment of fires in abandoned coal mines" authorizing the use of the funds for flushing mine voids in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of July 29 1953 (Appropriation Acts 19 No 24-A) entitled "An act making an appropriation to the Department of Mines for the sealing and dewatering of and extinguishment of fires in abandoned coal mines" is amended to read

Section 1 The sum of one million five hundred thousaind dollars ($1,500,000) or as much thereof as may be necessary is hereby appropriated to the Department of Mines for the two fiscal years beginning the first day of June one thousand nine hundred fifty-three for the purpose of purchasing and maintaining equipment paying salaries wages postage printing and other necessary expenses incurred in the sealing or dewatering of or extinguishment of fires in abandoned coal mines and for the flushing mine voids in abandoned mines where danger of subsidence may be imminent

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Hays,	McPherson, Jr.,	Stiefe.,
Blass,	Harney,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner
Diehm,	Madigan,	Ruth,	Watkins
DiSilvestro,	Mahany,	Schmidt.	Watson,
Donolow,	Mallery.	Scott,	Weiner.
Flack,	McCreesh,	Seyler.	Whalley.
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko.

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 971, as follows:

An Act amending the act of December 22, 1955 (Appropriation Acts No 29A) entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts" increasing the amount of the appropriation for state teachers colleges

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The item of appropriation for the state teachers colleges of section 3 of the act of December 22 1955 (Appropriation Acts No 29A) entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts" is amended to read

Section 3 The following sums or as much thereof as may be necessary are hereby specifically appropriated from the general fund to the Department of Public Instruction for the purpose hereinafter set forth for the two years beginning June first one thousand nine hundred fifty-five and for the payment of the bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

* * *

For the payment of salaries wages or other compensation of the presidents or principals and other employes for the expenses of maintaining and operating automobiles and other equipment for the payment to the department of property and supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture and furnishings for the expenses of the boards of trustees and incidental expenses for the payment to fire companies of costs of fighting fires upon approval of the institution and the department and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the state teachers colleges as may be authorized and approved by the superintendent of Public Instruction the sum of [fifteen

million dollars ($15,000,000)] sixteen million five hundred thousand dollars ($16,500,000) and in addition to said amount all income and all moneys collected at the various state teachers colleges and paid in to the general fund of the state treasury under existing laws are hereby appropriated out of the general fund to the several state teachers colleges for the same purpose each college to receive from such appropriation the exact amount which was collected at said college during the said fiscal years

* * *

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1072, as follows:

An Act approving ratifying and enacting into law the Great Lakes Basin Compact making the Commonwealth of Pennsylvania a party thereto creating "The Great Lakes Commission" providing for the members thereof from the Commonwealth of Pennsylvania providing for the carrying out of the purposes of the compact and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Enactment The Great Lakes Basin Compact is hereby approved ratified enacted into law and entered into by this Commonwealth as a party thereto with any other state or province which pursuant to Article II of the compact has legally joined therein in the form substantially as follows

Great Lakes Basin Compact

The party states solemnly agree

Article I

The purposes of this compact are through means of joint or cooperative action

1 To promote the orderly integrated and comprehensive development use and conservation of the water resources of the Great Lakes Basin (hereinafter called the Basin)

2 To plan for the welfare and development of the water resources of the Basin as a whole as well as for those portions of the Basin which may have problems of special concern

3 To make it possible for the states of the Basin and their people to derive the maximum benefit from utilization of public works in the form of navigational aids or otherwise which may exist or which may be constructed from time to time

4 To advise in securing and maintaining a proper balance among industrial commercial agricultural water supply residential recreational and other legitimate uses of the water resources of the Basin

5 To establish and maintain an intergovernmental agency to the end that the purposes of this compact may be accomplished more effectively

Article II

A This compact shall enter into force and become effective and binding when it has been enacted by the Legislatures of any four of the States of Illinois Indiana Michigan Minnesota New York Ohio Pennsylvania and Wisconsin and thereafter shall enter into force and become effective and binding as to any other of said states when enacted by the Legislature thereof

B The Province of Ontario and the Province of Quebec or either of them may become states party to this compact by taking such action as their laws and the laws of the Government of Canada may prescribe for adherence thereto For the purpose of this compact the word "state" shall be construed to include a Province of Canada

Article III

The Great Lakes Commission created by Article IV of this compact shall exercise its powers and perform its functions in respect to the Basin which for the purposes of this compact shall consist of so much of the following as may be within the party states

1 Lakes Erie Huron Michigan Ontario St Clair Superior and St Lawrence River together with any and all natural or man-made water interconnections between or among them

2 All rivers ponds lakes streams and other watercourses which in their natural state or in their prevailing condition are tributary to Lakes Erie Huron Michigan Ontario St Clair and Superior or any of them or which comprise part of any watershed draining into any of said lakes

Article IV

A There is hereby created an agency of the party states to be known as The Great Lakes Commission (hereinafter called the commission) In that name the commission may sue and be sued acquire hold and convey real and personal property and any interest therein The commission shall have a seal with the words "The Great Lakes Commission" and such other design as it may prescribe engraved thereon by which it shall authenticate its proceedings Transactions involving real or personal property shall conform to the laws of the state in which the property is located and the commission may by by-laws provide for the execution and acknowledgment of all instruments in its behalf

B The commission shall be composed of not less than three commissioners nor more than five commissioners from each party state designated or appointed in accordance with the law of the state which they represent and serve and subject to removal in accordance with such law

C Each state delegation shall be entitled to three votes in the commission The presence of commissioners from a majority of the party states shall constitute a quorum for the transaction of business at any meeting of the commission Actions of the commission shall be by a majority of the votes cast except that any recommendations made pursuant to Article VI of this compact shall require an affirmative vote of not less than a majority of the votes cast from each of a majority of the states present and voting

D The commissioners of any two or more party states may meet separately to consider problems of particular interest to their states but no action taken at any such meeting shall be deemed an action of the commission unless and until the commission shall specifically approve the same

E In the absence of any commissioner his vote may be cast by another representative or commissioner of his state provided that said commissioner or other representative casting said vote shall have a written proxy

in proper form as may be required by the commission

F The commission shall elect anually from among its members a chairman and vice-chairman The commission shall appoint an Executive Director who shall also act as secretary-treasurer and who shall be bonded in such amount as the commission may require The Executive Director shall serve at the pleasure of the commission and at such compensation and under such terms and conditions as may be fixed by it The Executive Director shall be custodian of the records of the commission with authority to affix the commission's official seal and to attest to and certify such records or copies thereof

G The Executive Director subject to the approval of the commission in such cases as its by-laws may provide shall appoint and remove or discharge such personnel as may be necessary for the performance of the commission's functions Subject to the aforesaid approval the Executive Director may fix their compensation define their duties and require bonds of such of them as the commission may designate

H The Executive Director on behalf of as trustee for and with the approval of the commission may borrow accept or contract for the services of personnel from any state or government or any subdivision or agency thereof from any inter-governmental agency or from any institution person firm or corporation and may accept for any of the commission's purposes and functions under this compact any and all donations gifts and grants of money equipment supplies materials and services from any state or government or any subdivision or agency thereof or intergovernmental agency or from any institution person firm or corporation and may receive and utilize the same

I The commission may establish and maintain one or more offices for the transacting of its business and for such purposes the Executive Director on behalf of as trustee for and with the approval of the commission may acquire hold and dispose of real and personal property necessary to the performance of its functions

J No tax levied or imposed by any party state or any political subdivision thereof shall be deemed to apply to property transactions or income of the commission

K The commission may adopt amend and rescind by-laws rules and regulations for the conduct of its business

L The organization meeting of the commission shall be held within six months from the effective date of this compact and may adopt an official seal

M The commission and its Executive Director shall make available to the party states any information within its possession and shall always provide free access to its records by duly authorized representatives of such party states

N The commission shall keep a written record of its meetings and proceedings and shall annually make a report thereof to be submitted to the duly designated official of each party state

O The commission shall make and transmit annually to the Legislature and Governor of each party state a report covering the activities of the commission for the preceding year and embodying such recommendations as may have been adopted by the commission The commission may issue such additional reports as it may deem desirable

Article V

A The members of the commission shall serve without compensation but the expenses of each commissioner shall be met by the state which he represents in accordance with the law of that state All other expenses incurred by the commission in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided by this compact shall be paid by the commission out of its own funds

B The commission shall submit to the executive head or designated officer of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the Legislature thereof

C Each of the commission's budgets of estimated expenditures shall contain specific recommendation of the amount or amounts to be appropriated by each of the party states. Detailed commission budgets shall be recommended by a majority of the votes cast and the costs shall be allocated equitably among the party states in accordance with their respective interests

D The commission shall not pledge the credit of any party state The commission may meet any of its obligations in whole or in part with funds available to it under Article IV (H) of this compact provided that the commission takes specific action setting aside such funds prior to the incurring of any obligations to be met in whole or in part in this manner Except where the commission makes use of funds available to it under Article IV (H) hereof the commission shall not incur any obligations prior to the allotment of funds by the party states adequate to meet the same

E The commission shall keep accurate accounts of all receipts and disbursements The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under the by-laws However all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the commission

F The accounts of the commission shall be open at any reasonable time for inspection by such agency representative or representatives of the party states as may be duly constituted for that purpose and by others who may be authorized by the commission

Article VI

The commission shall have power to

A Collect correlate interpret and report on data relating to the water resources and the use thereof in the Basin or any portion thereof

B Recommended methods for the orderly efficient and balanced development use and conservation of the water resources of the Basin or any portion thereof to the party states and to any other governments or agencies having interests in or jurisdiction over the Basin or any portion thereof

C Consider the need for and desirability of public works and improvements relating to the water resources in the Basin or any portion thereof

D Consider means of improving navigation and port facilities in the Basin or any portion thereof

E Consider means of improving and maintaining the fisheries of the Basin or any portion thereof

F Recommend policies relating to water resources including the institution and alteration of flood plan and other zoning laws ordinances and regulations

G Recommend uniform or other laws ordinances or regulations relating to the development use and conservation of the Basin's water resources to the party states or any of them and to other governments political subdivisions agencies or intergovernmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion thereof

H Consider and recommend amendments or agreements supplementary to this compact to the party states or any of them and assist in the formulation and drafting of such amendments or supplementary agreements

I Prepare and publish reports bulletins and publications appropriate to this work and fix reasonable sale prices therefor

J With respect to the water resources of the Basin or any portion thereof recommend agreements between the governments of the United States and Canada

K Recommend mutual arrangements expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of Canada including but not limited to such agreements and mutual arrangements as are provided for by Article XIII of the Treaty of 1909 Relating to Boundary Waters and Questions Arising Between the United States and Canada (Treaty Series No 548)

L Cooperate with the governments of the United States and of Canada the party states and any public or private agencies or bodies having interests in or jurisdiction sufficient to affect the Basin or any portion thereof

M At the request of the United States or in the event that a Province shall be a party state at the request of the Government of Canada assist in the negotiation and formulation of any treaty or other mutul arrangement or agreement between the United States and Canada with reference to the Basin or any portion thereof

N Make any recommendations and do all things necessary and proper to carry out the powers conferred upon the commission by this compact provided that no action of the commission shall have the force of law in or be binding upon any party state

Article VII

Each party state agrees to consider the action the commission recommends in respect to

A Stabilization of lake levels

B Measures for combating pollution beach erosion floods and shore inundation

C Uniformity in navigation regulations within the constitutional powers of the states

D Proposed navigation aids and improvements

E Uniformity or effective coordinating action in fishing laws and regulations and cooperative action to eradicate destructive and parasitical forces endangering the fisheries wild life and other water resources

F Suitable hydroelectric power developments

G Cooperative programs for control of soil and bank erosion for the general improvement of the Basin

H Diversion of waters from and into the Basin

I Other measures the commission may recommend to the states pursuant to Article VI of this compact

Article VIII

This compact shall continue in force and remain binding upon each party state until renounced by act of the Legislature of such state in such form and manner as it may choose and as may be valid and effective to repeal a statute of said state provided that such renunciation shall not become effective until six months after notice of such action shall have been officially communicated in writing to the executive head of the other party states

Article IX

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof The provisions of this compact shall be severable and if any phrase clause sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or in the case of a Province to the British North America Act of 1867 as amended or the applicability thereof to any state agency person or circumstance is held invalid the constitutionality of the remainder of this compact and the applicability thereof to any state agency person or circumstance shall not be affected thereby provided further that if this compact shall be held contrary to the constitution of the United States or in the case of a Province to the British North America Act of 1867 as amended or of any party state the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters

Section 2 Representation on the Commission In pursuance of Article IV of the compact there shall be three commissioners on The Great Lakes Commission (hereinafter called the commission) from this Commonwealth Each commissioner is hereby given all of the powers conferred on a commissioner by the compact or which shall be necessary or incidental to the performance of his functions as a commissioner The Governor with the advice and consent of the Senate shall appoint three persons as commissioners each of whom shall be a resident and citizen of this Commonwealth The terms of one of the commissioners first appointed shall be two years and of the other two shall be four and six years respectively Their successors shall be appointed by the Governor with the advice and consent of the Senate for terms of six years each Each commissioner shall hold office until his successor is appointed and qualified A vacancy in the office of any commissioner for any reason shall be filled by appointment by the Governor with the advice and consent of the Senate for the unexpired term The terms of each of the three initial commissioners shall begin on the date of appointment Any commissioner may be removed from office by the Governor The commissioners shall serve without compensation but shall be paid their actual expenses in and incidental to the performance of their duties as commissioners

Section 3 Actions of Commonwealth Officers and Agencies Generally All officers of this Commonwealth are hereby authorized and directed to do all things falling within their respective jurisdictions necessary to or incidental to the carrying out of said compact in every particular It is hereby declared to be the policy of this Commonwealth to perform and carry out the compact and to accomplish the purposes thereof All officers bureaus departments and persons of the government or administration of this Commonwealth are hereby authorized and directed at reasonable times and upon request of the commission to furnish the commission with information and data possessed by them or any of them and to aid the commission by loan of personnel or other means lying within their legal powers respectively

Section 4 Submission of Commission Budgets The budget of the estimated expenditures of the commission shall be submitted to the Governor for such period and in such form as shall be requested by him

Section 5 Appropriation The sum of eighteen thousand dollars ($18,000) or as much thereof as is necessary is hereby specifically appropriated to the commission as Pennsylvania's pro rata share of the expenses of the commission for the two fiscal years beginning June 1 1955 The commissioners shall file an accounting of said expenses with the Auditor General to be paid on warrant of the Auditor General on requisition of the commissioners

Section 6 Transmittal of Documents The Secretary of the Commonwealth shall transmit a duly authenticated copy of this act and the compact contained herein to each jurisdiction now party to the compact and to each jurisdiction which subsequently shall become party to the compact

Section 7 Effective Date This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

APPROPRIATION BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1687, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" creating the Advisory Board on Problems of Older Workers within the Department of Labor and Industry and placing additional powers and duties in the Department of Labor and Industry with respect to aging and aged persons

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. FLEMING. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Title, page 1, line 1 of Title, by striking out "Act" and inserting in lieu thereof: "act"; Amend Title, page 1, line 1 of Title, by striking out "Act" and inserting in lieu thereof: "act"; Amend Title, page 2, line 5 of Title, by inserting after "officers": "providing for the appointment of certain administrative officers"; Amend Sec. 1, page 2, line 1, by striking out "Act" and inserting in lieu thereof: "act"; Amend Sec. 1 (Sec. 203), page 3, line 1, by striking out "part" and inserting in lieu thereof: "parts"; Amend Sec. 1 (Sec. 203), page 3, line 5, by striking out "Veterans" and inserting in lieu thereof: "Veterans' "; Amend Sec. 2 (Sec. 464), page 4, line 3, by inserting after "Governor": "not more than five of such members to be from the same political party".

On the question,

Will the Senate agree to the amendment?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1687, Printer's No. 1509, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 30, as follows:

An Act amending the act of June nineteen one thousand nine hundred and thirteen (P. L. 534) entitled "An act relating to appointment of deputy constables" defining the jurisdiction of deputy constables

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of June nineteen one thousand nine hundred and thirteen (P. L. 534) entitled "An act relating to appointment of deputy constables" is amended to read

Section 1 Be it enacted &c That on and after the passage of this act the sole power to appoint a deputy constable or constables in any ward borough or township shall be vested in the constable of such ward borough or township subject to the approval of the court of quarter sessions as provided by law and that no person shall be appointed as a deputy constable unless he shall be at the time of his appointment a bona fide resident of the ward borough or township for which he shall have been appointed and shall continue to be a bona fide resident for the time during which such appointment is made It shall be unlawful for any deputy constable to exercise any powers or duties relative to or arising out of any case or action originating in or brought before the court of any magistrate alderman or justice of the peace outside of the ward borough or township in which the appointing constable was elected

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

Mr. LANE. Mr. President I, rise at this time to oppose the passage of Senate Bill No. 30, which limits the jurisdiction of deputy constables. I imagine that the sponsor of this legislation might have a particular problem in Allegheny County. However, in my opinion, deputy constables serve a very useful purpose, especially in the rural areas. I cannot see why it is necessary to penalize the rural areas because of some condition that might exist in the metropolitan areas.

Therefore, Mr. President, I ask the Members on both sides to vote "no" in opposition to this legislation.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Berger,	Harney,	McPherson, Jr.,	Van Sant,
Blass,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Diehm,	Madigan,	Propert,	Watkins,
Flack,	Mahany,	Scott,	Watson,
Fleming,	Mallery,	Stevenson,	Whalley,
		Taylor,	Wolfe,

NAYS—19

Barr,	Haluska,	McMenamin,	Silvert,
Camiel,	Hays,	Mullin,	Stiefel,
Dent,	Lane,	Ruth,	Weiner,
DiSilvestro,	McCreesh,	Schmidt,	Yosko,
Donolow,	McGinnis,	Seyler,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 335, as follows:

An Act amending the act of June 22, 1937 (P. L. 1987) entitled as amended "An act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution providing protection of water supply providing for the jurisdiction of courts in the enforcement thereof requiring the approval of the Attorney General for prosecutions thereunder providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts authorizing the acquisition by purchase or condemnation or otherwise of easements and right of ways the acquisition or construction of pipes conduits drains or tunnels by the Sanitary Water Board and providing for payment of the costs thereof by the Commonwealth authorizing the Sanitary Water Board to establish standards of purity and to determine the time for compliance with certain provisions of the act in certain cases and making it unlawful to open reopen or continue operation of any coal mine or to change any approved drainage or disposal plan without prior approval by the Sanitary Water Board" authorizing certain corporations to acquire interests in land by eminent domain

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article III of the act of June 22, 1937 (P. L. 1987) entitled as amended "An act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation empowering and directing the creation of indebtedness or the issuing of nondebt revenue bonds by political subdivisions to provide works to abate pollution providing protection of water supply providing for the jurisdiction of courts in the enforcement thereof requiring the approval of the Attorney General for prosecutions thereunder providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts authorizing the acquisition by purchase or condemnation or otherwise of easements and right of ways the acquisition or construction of pipes conduits drains or tunnels by the Sanitary Water Board and providing for payment of the costs thereof by the Commonwealth authorizing the Sanitary Water Board to establish standards of purity and to determine the time for compliance with certain provisions of the act in certain cases and making it unlawful to open reopen or continue operation of any coal mine or to change any approved drainage or disposal plan without prior approval by the Sanitary Water Board" is amended by adding at the end thereof a new section to read

Section 314 Authorizing Certain Corporations to Acquire Interests in Land by Eminent Domain Whenever the Sanitary Water Board shall direct any corporation to cease discharging industrial waste into any waters of the Commonwealth pursuant to the public policy set forth in this act and such directive would materially affect the operations of that corporation's business then such corporation if not otherwise vested with the right of eminent domain may make application to the board for an order finding that the use by the applicant of a specified interest in a specifically described piece of land is necessary in connection with the elimination reduction or control of the pollution of any of the waters of this Commonwealth For the purposes of this act such corporations are vested with the right of eminent domain which shall be exercised only upon authorization of the board in which event they shall proceed in the manner and form set forth in section 41 act of April 29, 1874 (P. L. 73) and its amendments provided that no property devoted to a public use or owned by a public utility or used as a place of public worship or used for burial purposes shall be taken under the right of eminent domain and provided further that where any existing public street or road is vacated by any municipality in order to facilitate any undertaking in connection with land acquired under the right of eminent domain as provided for above the corporation acquiring such land shall reimburse all public utilities for the costs of relocating and reconstructing heir facilities necessitated by the closing of any such street or road

In the event the application by the corporation to the board is denied then the corporation so applying may appeal to the court of common please in the county where the specified land in which the specified interest is sought to be obtained by eminent domain is situated and the court shall be empowered to review all questions of fact as well as of law.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barr,	Harney,	McGinnis,	Stevenson,
Camiel,	Hays,	McMenamin,	Stiefel,
Dent,	Kessler.	Mullin,	Taylor,
Diehm,	Kopriver, Jr.	Pechan,	Van Sant,
DiSilvestro,	Lane,	Peelor,	Wagner,
Donolow,	Madigan,	Ruth,	Watkins,
Flack,	Mahany,	Schmidt,	Watson,
Fleming,	Mallery,	Scott,	Weiner,
Haluska,	McCreesh,	Seyler,	Whalley,
		Silvert,	Yosko,

NAYS—7

Berger,	Chapman,	Propert,	Wolfe,
Blass,	McPherson, Jr.	Wade,	

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 698, as follows:

An Act amending the act of June 3 1937 (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" increasing the compensation of election officers in counties of the first and second classes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 412 act of June 3 1937 (P. L. 1333) known as the "Pennsylvania Election Code" amended April 21 1949 (P. L. 693) and May 23 1949 (P. L. 1698) is amended to read

Section 412 Compensation of Election Officers (a) In counties of the first and second classes the compensation of judges of election shall be [twenty dollars ($20.00)] twenty-five dollars ($25.00) and the compensation of inspectors clerks and machine inspectors shall be [fifteen dollars ($15.00)] twenty dollars ($20.00) for each primary and election

* * *

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 910, entitled:

An Act establishing minimum compensation and increments for administrators and members of the faculty of the Thaddeus Stevens Trade School and imposing duties on the board of trustees of such school and the Superintendent of Public Instruction.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. LANE. Mr. President, I ask unanimous consent to offer amendments at this time.

Mr. MAHANY. Mr. President, would the proposer of these amendments agree to allow the amendments to lie on the table until tomorrow? I desire to put the bill over and that will give the sponsors of the bill an opportunity to find out about these amendments and what effect they might have on the bill.

Mr. LANE. Mr. President, if the Majority Leader so requests, I will refrain from offering the amendments and permit the bill to go over in order. However, we, on this side of the Senate, feel that it is rather unusual that we should set up a separate salary schedule for schoolteachers. What we want to do is to amend this act to conform with the salary schedule of the public schoolteachers and also that of Scotland School. We do not feel that there should be any preference.

Therefore, Mr. President, I will refrain from offering the amendments at this time.

And the question recurring,

Will the Senate agree to the bill on third reading?

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 910, Printer's No. 549, on third reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1276,, as follows:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania making special provision for the taxation of private forest reserves

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof

That section one article nine of the Constitution of the Commonwealth of Pennsylvania is amended to read

Section 1 All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual place of religious worship places of burial not used or held for private or corporate profit and institutions of purely public charity and real and personal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines and the General Assembly may by general laws set up standards and qualifications for private forest reserves and make special provision for the taxation thereof

Section 2 This proposed amendment to the Constitution of the Commonwealth of Pennsylvania shall be submitted to the qualified electors of the State at the general election held in November 1958

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1693, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) enentitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the re-

organization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" further regulating membership of the State Veterans' Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of section 448 act of April 9, 1929 (P. L. 177) known as "The Administrative Code of 1929" amended June 6, 1945 (P. L. 1398) is amended to read

Section 448 Advisory Boards and Commissions The advisory boards and commissions within the several administrative departments shall be constituted as follows

* * *

(b) The State Veterans' Commission shall consist of the Adjutant General ex-officio and [seven] nine members all of whom shall have served in the armed forcs of the United States while a state of war existed between the United States of America and another sovereign power and shall be members in good and regular standing of a Pennsylvania branch post lodge or club of a recognized national veterans' organization active in this Commonwealth

The Governor upon recommendation of the Adjutant General shall declare a vacancy to exist whenever any member shall fail to attend three consecutive meetings and shall fill the vacancy for the unexpired term

Three members of the nine shall be considered members-at-large and shall be approved by the Governor and appointed for terms of four years

Five members of the commission shall constitute a quorum

The commission shall select from its number a chairman and a secretary

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1848, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" excluding the weight of safety devices in determining gross and axle weight.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 903 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended June 30, 1955 (P. L. 225) as amended by adding after subsection (h) a new subsection to read

Section 903 Weight of Vehicles and Loads

* * *

(i) When any commercial motor vehicle or truck tractor is equipped with extra brakes road sanding equipment or other safety device designed to stop it in emergencies the weight thereof not exceeding six hundred (600) pounds shall be excluded in determining gross weight and axle weight of the commercial motor vehicle truck tractor or combination in which such truck tractor shall be operated

* * *

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1987, as follows:

An Act amending the act of May 2, 1925 (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing in certain cases fishing in farm ponds without licenses and regulating the transportation of fish taken from such ponds during closed seasons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 56 57 and 58 act of May 2, 1925 (P. L. 448) known as "The Fish Law of 1925" added August 21, 1953 (P. L. 1222) are amended to read

Section 56 [Licenses The Pennsylvania Fish Commission shall upon application therefor accompanied by a license fee of one dollar issue a farm fish pond license effective from the first day of April to the thirty-first day of March to the owner or lessee of a farm on which is constructed an artificial pond not exceeding two acres in surface area inhabitated by fish and holding water the source of which is wholly within the limits of such farm or from waters in which there are no game fish Such licenses may be renewed each year

The Fish Commission shall fix the terms of each such license and notwithstanding any other provision of this act to the contrary shall include therein permission to release stock and propagate catfish sunfish perch or bass and to take fish of any size without regard to closed seasons or creel limits Such license shall specify the manner of taking and the type size and mesh of gear to be used but shall not prohibit the use of a seine] Fishing Authorized Without License The owner or lessee of a farm his family and persons residing or regularly employed upon the farm on which is constructed an artificial pond holding water the source of which is wholly within the limits of such farm or from waters in which there are no game fish may without license at any time fish in such pond and take therefrom fish of any kind and size and in any number without regard to closed seasons or creel limits or other restrictions or limitations

Section 57 [Use of Farm Fish Pond Any farm fish pond for which a license is issued shall be used for propagation of catfish sunfish perch or bass and for harvesting catfish sunfish perch or bass for the personal use of the licensee and persons residing or regularly employed upon the farm No licensee shall permit any other person to fish in such pond and no fish taken from such pond shall be sold or offered for sale or transported from the premises] Transporting Fish from Premises When any trout or bass lawfully taken from a farm pond are to be transported from the premises during the closed season for such fish the owner or lessee of the farm shall give to the person transporting the fish a written statement signed by him showing the date place and by whom the fish were taken the number and species of fish the name and address of the person transporting the fish and the date they are being transported Any person may lawfully have in his possession and transport such fish during the closed season for such species when accompanied by the statement herein provided for

Section 58 Penalty [Any person violating any provisions of this article shall on conviction in the manner provided by chapter fourteen of this act be sentenced to pay a fine of twenty dollars In addition to such penalty for the second offense the farm fish pond license or fishing license or both of any such person may be revoked for one year at the discretion of the Commission] Any person having in his possession during the closed season any trout or bass taken from a farm pond and transported from the premises without being accompanied by the statement of the owner or lessee provided for in the preceding section shall on conviction as provided in chapter fourteen of this act be sentenced to pay a fine of ten dollars ($10) for each fish had in possession

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments

HOUSE BILL NO. 794 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. PECHAN. Mr. President, I call up from the Third Reading Postponed Calendar, House Bill No. 794, Printer's No. 1209, for the purpose of amendment.

BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 794, entitled:

An Act amending the act of January 21, 1947 (P. L. 3) entitled "An act relating to officers and employes of the General Assembly . . ." changing the title of and compensation of certain Senate and House employes providing for the appointment of additional employes therein and making appropriations.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. MAHANY. Mr. President, on behalf of Senator Dent and myself, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none

The Clerk read the amendments as follows:

Amend Sec. 1, (Sec. 2), page 3, lines 2 and 3 by inserting a bracket before the word THREE in line 2 and after the figure ($3,300) in line 3, and inserting in lieu thereof: "three thousand six hundred dollars ($3,600)"; Amend Sec. 2, (Sec. 3), page 4, lines 7 and 8 by inserting a bracket before the word THREE in line 7 and after the figure ($3,300) in line 8, and inserting in lieu thereof: "three thousand six hundred dollars ($3,600)"; Amend Sec. 4, page 11, line 8 by striking out five thousand dollars ($5,000) and inserting: "five thousand nine hundred dollars ($5,900)"; Amend Sec. 1, (Sec. 2), page 9 by inserting between lines 14 and 15 the following: "(28) One chief assistant custodian at an annual salary of three thousand two hundred dollars ($3,200)"; Amend Sec. 1, (Sec. 2), page 9, line 15 by inserting a bracket before and after "(28)" and inserting: "(29)"; Amend

Sec. 1, (Sec. 2), page 9, line 15 by striking out the word "Four" and inserting in lieu thereof: "three"; Amend Sec. 1, (Sec. 2), page 10, line 8 by striking out "(29)" and inserting: "(30); Amend Sec. 1, (Sec. 2), page 10, line 11 by striking out "(30)" and insert: "(31)"; Amend Sec. 1, (Sec. 2), page 10, line 15 by striking out "(31)" and insert: "(32)"; Amend Sec. 1, (Sec. 2), page 10, line 18 by striking out "(32)" and insert: "(33)"; Amend Sec. 1, (Sec. 7), page 14, lines 3 and 4 by inserting a bracket before the word "a" in line 3 and after the figure ($15) in line 4 and inserting in lieu thereof: "an annual salary of three thousand dollars ($3,000)"; Amend Sec. 1, (Sec. 8), page 15, lines 1 and 2 by inserting a bracket before the word "a" in line 1 and after the figure ($15) in line 2 and inserting in lieu thereof: "an annual salary of three thousand dollars ($3,000)".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 794, Printer's No. 1209, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WATSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WATSON, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

WORKMEN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Leonard Sobol, Esq., 621 Princeton Avenue, Johnstown, Cambria County, for appointment as Workmen's Compensation Referee, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Emil C. Schwing, Johnstown, whose term expired.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alphonse J. Bredel, 116 Elm Drive, Trafford, Westmoreland County, for appointment as Justice of the Peace in and for the Township of Penn, Westmoreland County, to serve until the first Monday of January 1958, vice Clarence C. Whirlow, resigned.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advince and consent of the Senate Elwood L. Christman, Pocono Pines, Monroe County, for appointment as Justice of the Peace in and for the Township of Tobyhanna, Monroe County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

MEMBERS OF THE LAWRENCE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Lawrence County Board of Assistance:

Martin J. Kovach (Dem.), 219 Foch Street, Ellwood City, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Michael A. Barletta, Ellwood City, resigned.

James S. Newton (Dem.), Wurtemburg, Ellwood City, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice P. M. Cox, Volant, whose term expired.

Joseph Bordonaro, Jr., 233 Northview Avenue, New Castle, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice A. W. Thompson, New Castle, resigned.

Ralph H. Ramsey (Dem.), 325 Park Avenue, New Castle, to serve until December 31, 1958. (Reappointment)

Mrs. Florence Long (Rep.) 516 Neshannock Boulevard, New Castle, to serve until December 31, 1956. (Reappointment)

GEORGE M. LEADER.

MEMBER OF THE FAYETTE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Frances P. Hutchinson (Dem.), 33 West Fayette Street, Uniontown, Fayette County, for appointment as a member of the Fayette County Board of Assistance, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Dorothy F. Lewis, Uniontown, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE INDIANA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Indiana County Board of Assistance:

Arthur Freas Nicholson (Rep.), 1415 Washington Street, Indiana, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Joseph B. Vargo, Indiana, resigned.

Harry A. Shearer (Rep.), R. D. 4, Indiana, to serve until December 31, 1958, and until his sunccessor is duly appointed and qualiged. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE UNION COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 29, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Union County Board of Assistance:

Mrs. Lois Kalp (Dem.), R. D. 2, Lewisburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Frances G. Faint, Lewisburg, whose term expired.

Louis H. Harris (Rep.), 408 Market Street, Lewisburg, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Lester A. Snook (Dem.), New Berlin, to serve until December 31, 1958. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE FULTON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 29, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Fulton County Board of Assistance:

Mrs. Edna Swope (Dem.) R. D. 1, McConnellsburg, to serve until December 31, 1957, and until her successor is duly appointed and qualified, vice Leroy Wiser, McConnellsburg, resigned.

Mrs. Ethel Decker (Dem.), Star Route South, McConnellsburg, to serve until December 31, 1958. (Reappointment)

Wesley W. Mellott (Dem.), McConnellsburg, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

Howard L. Sipes (Dem.), Harrisonville, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBER OF THE SCHUYLKILL COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 20, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as Member of the Schuylkill County Board of Assistance:

Dr. E. W. Marazas (Rep.) Sunbury Street, Minersville, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Harvey Luckenbill, Orwigsburg, whose term expired.

GEORGE M. LEADER.

MEMBER OF THE SCHUYLKILL COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 20, 1955.

To the Honorable, the State of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as member of the Schuylkill County Board of Assistance:

Joseph W. Campion (Dem.) Heckscherville, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Thomas Dove, Pottsville.

GEORGE M. LEADER.

MEMBER OF THE SCHUYLKILL COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 20, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Member of the Schuylkill County Board of Assistance:

Martin V. McGuire, Esq. (Dem.) Shenandoah, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice William S. Boussum, Cressona.

GEORGE M. LEADER.

MEMBER OF THE SCHUYLKILL COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 20, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as member of the Schuylkill County Board of Assistance:

Charles B. Williams (Dem.), Wadesville, Saint Clair, to serve until Dec. 31, 1957, and until his successor is duly appointed and qualified, vice Miss Ann M. Noragong, Tamaqua, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE SCHUYLKILL COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Schuylkill County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Martin F. Brennan (Dem.), Heckscherville, vice W. J. Roberts, Girardville, whose term expired.

Mrs. Anna Wallace Macus (Dem.), 54 South Main

Street, Mahanoy City, vice Mrs. Marguerite M. Freeston, Pottsville, whose term expired.

Leon N. Mandell, Esq. (Rep.), 2157 West Norwegian Street, Pottsville, vice Daniel H. H. Lengel, Pottsville, whose term expired.

GEORGE M. LEADER.

COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Lauchlin H. McLean, Esq., Aetna Life Insurance Company, Hartford, Connecticut, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of Connecticut, for the term of five years to compute from the date of confirmation.

GEORGE M. LEADER.

MEMBERS OF THE BOARD OF TRUSTEES OF WEST CHESTER STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of West Chester State Teachers' College:

Dr. John Stokes Adams, Jr., Deepdale Road, Strafford, Wayne, Chester County, to serve until the third Tuesday of January 1961, and until his successor shall have been appointed and qualified, vice Raymond S. Shortlidge, Esq., Paoli, whose term expired.

Dr. Charles W. David, Radnor and Upper Gulph Roads, Wayne, Chester County, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Thomas A. Riley, Esq., Westtown, whose term expired.

Dr. H. LaRue Frain, Birchrunville, Chester County to serve until the third Tuesday of January 1961, and until his successor shall have been appointed and qualified, vice Samuel P. Cloud, Sconnelltown, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE MERCER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Mercer County Board of Assistance:

Miss Edna E. Rumbaugh (Dem.), 918 West Ridge Avenue, Sharpsville, to serve until December 31, 1957, and until her successor is duly appointed and qualified. (Reappointment)

Merle Levine (Dem.), 632 New Castle Road, Farrell, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Rev. Eugene Liggitt, Grove City, whose term expired.

Edward B. Madden, Esq., (Dem.), 1268 Carley Street, Sharon, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Edward W. Hoagland, Sharon, whose term expired.

Rev, William L. Wishart (Rep.), East State Street, Sharon, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Dr. Myron M. Murstein, Sharon, whose term expired.

Rev. John Gallagher (Rep.), R. D. 4, Mercer, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Roy C. Gregory, Mercer, whose term expired.

Raymond Withersty (Rep.), 1937 Highland Avenue Ext., Sharon, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Warren R. Keck, Jr., Esq., Greenville, whose term expired.

GEORGE M. LEADER.

MEMBER OF THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 25, 1955.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as member of the Delaware River Joint Toll Bridge Commission, to serve until terminated:

Gus P. Verona, Pen Argyl, Northampton County, vice Alex R. Miller, Easton.

GEORGE M. LEADER.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WATSON asked and obtained unanimous consent for immediate consideration of the nominations read by the Clerk.

EXECUTIVE SESSION

A motion was made by Mr. WATSON and Mr. McGINNIS, that the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

Whereupon,

A motion was made by Mr. WATSON and Mr. McGINNIS, that the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. WATSON. Mr. President, I move that the Executive Session do now rise.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 841 TAKEN FROM TABLE

Mr. PECHAN. Mr. President, I call from the table Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fare fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 841

Mr. PECHAN. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 841, and that a Committee of Conference on the part of the Senate be appointed.

Mr. McGINNIS. Mr. President, I second the motion

The motion was agreed to.

COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 841

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Merrs. FLEMMING, KOPRIVER, Jr. and McGINNIS, as a committee of conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 841.

Ordered, That the Clerk inform the House of Representatives accordingly.

COMMUNICATION FROM THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

RECALLING THE NOMINATION OF DONALD C. ATWELL AS A MEMBER OF THE MERCER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable , the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 7, 1956, for the appointment of Donald C. Atwell (Dem.), 540 Liberty Street, Grove City, as a member of the Mercer County Board of Assistance, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice G. G. Forquer, Grove City, deceased.

I respectfully request the return to me of the official nomination in the premises.

GEORGE M. LEADER.

SECOND READING CALENDAR

APPROPRIATION BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 31, entitled:

An Act creating a commission to arrange plans for the celebration of the One-nundredth Anniversary of the Battle of Gettysburg and Lincoln's Gettysburg Address and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 54, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvements at the Bloomsburg State Teachers College and for the Commonwealth's share of expenses incurred by the town of Bloomsburg in connection therewith

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 200, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purchase of fire fighting equipment for the Scotland School for Veterans' Children

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 320, entitled:

An Act making an appropriation to the Department of Commerce for the advertisement and advancement of Pennsylvania as a resort and travel area

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 343, entitled:

An Act making an appropriation to the Department of Agriculture for the maintenance and operation of the Regional Poultry Diagnostic Laboratory at the National Agricultural College Farm School Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 425, entitled:

An Act making an appropriation to the Department of Property and Supplies for sanitary and surface drainage sewer disposal at the California State Teachers College

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 597, entitled:

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 656, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania to provide for a deficiency in the maintenance of wards of the Commonwealth at said institution

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 659, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 791, entitled:

An Act making an appropriation to the Department of Agriculture for developing and operating a livestock show

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 873, entitled:

An Act making an appropriation to the Brandywine Battlefield Park Commission for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 887, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvement at the Shippensburg State Teachers College and for the Commonwealth's share of expenses incurred by the Borough of Shippensburg in connection therewith.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 905, entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania to provide improved facilities for female juveniles committed by the courts of the Commonwealth.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 963, entitled:

An Act making an appropriation to the Senate committee appointed to cooperate with certain State departments and commissions with regard to certain matters concerning stream pollution in the Lehigh Canal.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 968, entitled:

An Act making an appropriation to the Department of Welfare for use in the treatment of mentally retarded children and for the repair of buildings used in the treatment of mentally retarded children.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1035, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire land in the City of Nanticoke Luzerne County for the use of Nanticoke State Hospital and making an appropriation.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1036, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire .326 of an acre more or less of land in Newport Township Luzerne County for the use of Retreat State Hospital and making an appropriation.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

APPROPRIATION BILL RECOMMITTED

Mr. PECHAN. Mr. President, I move that House Bill No. 1306, on second reading, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathy Philadelphia Pennsylvania for maintenance and support.

be recommitted to the Committee on Appropriations.

Mr. WADE. Mr. President, I second the motion.

The motion was agreed to.

APPROPRIATION BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1470, entitled:

An Act amending the act of June 24, 1937 (P. L. 2051) entitled "Public Assistance Law" including financial assistance for nursing home care within the word assistance and making an appropriation.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1486, entitled:

An Act reenacting and amending the title and the act of May 20, 1949 (P. L. 1633), entitled "An act providing and regulating State assistance for housing, including slum clearance and redevelopment; and making an appropriation," transferring functions of State Planning Board relating to housing and redevelopment to the Department of Commerce; removing slum clearance and certain restrictions as to capital grants for redevelopment purposes from provisions of act and making an appropriation.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1573, entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvements at the Edinboro State Teachers College and for the Commonwealth's share of expenses incurred by the Borough of Edinboro in connection therewith.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1595, entitled:

An Act making an appropriation for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1596, entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1597, entitled:

An Act making an appropriation to the Department of Public Instruction for payments to school districts on account of rentals payable to municipal authorities and nonprofit corporations.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1598, entitled:

An Act making an appropriation to the Department of Public Instruction for payments to the school districts on account of obligations to the Public School Building Authority as provided by law.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1600, entitled:

An Act making an appropriation to the Moore Institute of Arts Science and Industry Philadelphia Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1601, entitled:

An Act making an appropriation to the Berean Manual Training School at Philadelphia Pennsylvania for the purpose of the maintenance of said school.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1602, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades for maintenance.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1603, entitled:

An Act making an appropriation to the Downingtown Industrial and Agriculture School Downingtown, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1605, entitled:

An Act making an appropriation to the National Agricultural College Farm School Pennsylvania at Doylestown Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1606, entitled:

An Act making an appropriation to the Philadelphia Textile Institute at Philadelphia Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1607, entitled:

An Act making an appropriation to the Orlando S Johnson Industrial School of Scranton Pennsylvania for maintenance and purchase of supplies and equipment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1608, entitled:

An Act making an appropriation to the Pennsylvania Museum School of Art Philadelphia.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1609, entitled:

An Act making an appropriation to the Philadelphia Commercial Museum for maintenance and the purchase of apparatus supplies and equipment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1614, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings thereon in the Borough of Indiana Indiana County Pennsylvania for the use of the Indiana State Teachers College and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1615, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings thereon in the Township of White Indiana County Pennsylvania containing 7.486 acres more or less for the use of the Indiana State Teachers' College and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1616, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in the Borough of Indiana County Pennsylvania containing 2.5 acres more or less for the use of the Indiana State Teachers College and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1632, entitled:

An Act making an appropriation to the Department of Welfare to reimburse State-aided hospitals and the Philadelphia General Hospital for part of the cost of training student nurses in approved schools of nursing.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1633, entitled:

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1634, entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1636, entitled:

An Act making an appropriation to the Department of Health for the use of the Institute for Cancer Research Incorporated Fox Chase Philadelphia Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1638, entitled:

An Act to provide for the interest and sinking fund requirements of the funded debt of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1646, entitled:

An Act making an appropriation to the Department of Property and Supplies for a continuance of the acquisition of real estate in connection with the extension of Capitol Park in the City of Harrisburg and for carrying on the work of the Department authorized under the act approved the third day of June one thousand nine hundred forty-three P. L. 818.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1647, entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

APPROPRIATION BILLS OVER IN ORDER

Mr. LANE. Mr. President, inasmuch as Senator Dent is preparing amendments to restore the cut in this appropriation, I ask unanimous consent that House Bill No. 1648, Printer's No. 1507, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1650, Printer's No. 1508, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

APPROPRIATION BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1651, entitled:

An Act making an appropriation for moneys in the Toll Bridge Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1654, entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks presented and to adjust errors

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1655, entitled:

An Act making an appropriation to the Department of Agriculture for the control of stem rust of wheat oats barley and rye by the eradication of rust spreading barberry bushes and providing for payment thereof to counties making like expenditures of county funds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1656, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the preservation protection and development of buildings and grounds at Ephrata Cloisters a famous historical shrine belonging to the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1657, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the preservation and improvement of the Drake Museum and the Drake Well Memorial Park

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1658, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the maintenance and development of the Daniel Boone Homestead

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1659, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the maintenance and development of the Pennsylvania Farm Museum of Landis Valley

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1660, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for repairs to the property known as "Old Economy"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1665, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in the acquisition of land

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1688, entitled:

An Act making an appropriation to the Department of Property and Supplies for the construction of armory facilities under certain conditions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1689, entitled:

An Act making an appropriation to the Department of Property and Supplies for repair and improvements to the Pennsylvania Soldiers' and Sailors' Home at Erie

And said bill having been read at length the second time and agreed to,
Ordered. To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1692, entitled:

An Act directing the Legislative Reference Bureau to compile and punlish a revised compilation of laws relating to war veterans and making an appropriation

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1694, entitled:

An Act making an appropriation to the Department of Welfare for the purpose of administering the "Pennsylvania Hospital Survey and Construction Act of 1947"

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1704, entitled:

An Act making an appropriation to the Department of Forests and Waters for payment of the Commonwealth of Pennsylvania's share of costs for salary and expenses of the River Master for the Delaware River required by Decree of the United States Supreme Court

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1728, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purchase and installation of equipment for the Commonwealth Cafeteria and expenses incident thereto

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

APPROPRIATION BILL ON SECOND READING AMENDED

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1881, entitled:

An Act making an appropriation to the Department of Public Instruction for payment to school districts on account of approved reimbursable rental payable to the State Public School Building Authority municipality authorities and non-profit corporations

The first section was read.
On the question,
Will the Senate agree to the section?
Messrs. SEYLER and HAYS offered the following amendment:

Amend Sec. 1, page 2, line 3 by inserting after "corporation": "and on account of sinking fund charges on indebtedness for school buildings".

It was agreed to.
The section was agreed to as amended.
The second section was read.
On the question,
Will the Senate agree to the section?
Messrs. SEYLER and HAYS offered the following amendment:

Amend Sec. 2, page 2, line 8 by inserting after "corporations": "or on account of sinking fund charges on indebtedness for school buildings".

It was agreed to.
The section was agreed to as amended.
The title was read.
On the question.
Will the Senate agree to the title?
Messrs. SEYLER and HAYS offered the following amendment:

Amend Title, page 1, last line of Title by inserting after "corporations": "and on account of sinking fund charges on indebtedness for school buildings".

It was agreed to.
The title was agreed to as amended.
And said bill having been read at length the second time, and agreed to as amended,
Ordered, To be transcribed for a third reading.

APPROPRIATION BILL ON SECOND READING AMENDED

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1955, entitled:

An Act amending the act of Sept 3 1955 (Appropriation Act No. 17-A) entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August one thousand nine hundred fifty-five" making the moneys appropriated available for flood damage of October 1955

The first section was read.
On the question,
Will the Senate agree to the section?
Messrs. DENT, CHAPMAN and BERGER offered the following amendment:

Amend House Bill No. 1955, Printer's No. 1335, page 2, line 10 by inserting after the word "five" the following: "and any flood or disaster damage during the year of one thousand nine hundred and fifty six".

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

APPROPRIATION BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1975, entitled:

An Act making an appropriation to the Department of Property and Supplies to be used for rehabilitating and reinscribing Chief Cornplanter's monument

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 324, Printer's No. 546;
Senate Bill No. 403, Printer's No. 142;
Senate Bill No. 449, Printer's No. 163;
House Bill No. 873, Printer's No. 1400; and
House Bill No. 984, Printer's No. 1518.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 996, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," requiring the imposition of a tax for school purposes on certain residents of school districts of the first class A prescribing the duties of public officials requiring the filing of returns and the giving of information by employers and those subject to the tax imposing on employers the duty of collecting the tax at source providing for the lien and collection of the tax and imposing penalties.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WHALLEY offered the following amendments:

Amend Sec. 1 (Sec. 663.1), page 4, line 9, by inserting after "A", where it appears the second time: "which imposes a tax under this section"; Amend Sec. 1 (Sec. 663.1), page 4, line 17, by inserting after "A": "which imposes a tax under this section"; Amend Sec. 1 (Sec. 663.1), page 4, line 19, by inserting after "A", where it appears the second time: "which imposes a tax under this section"; Amend Sec. 1 (Sec. 663.1), page 5, line 4, by striking out "every" and inserting in lieu thereof: "Any"; Amend Sec. 1 (Sec. 663.1), page 5, line 5, by striking out "shall" and inserting in lieu thereof: "may"; Amend Sec. 1 (Sec. 663.1), page 5, line 19, by inserting after "district": "which imposes a tax under this section"; Amend Sec. 1 (Sec. 663.1), page 7, line 17, by inserting after "A": "imposing a tax under the provisions of this act"; Amend Section 663.1 (f), page 8 by adding the following sentence in line 12: "An employer who deducts and transmits the tax owing by his employees shall be entitled to 2 per centum of the amount so deducted for his services"; Amend Sec. 1 (Sec. 663.1), page 12, line 1, by inserting after "A": "which imposes a tax under this section."

On the question,

Will the Senate agree to the amendments?

Mr. BARR. Mr. President, I desire to interrogate either of these two new residents of Allegheny County as to what they are trying to do. Mr. President, I desire to interrogate either Senator Wagner or Senator Whalley.

The PRESIDENT. Will the gentleman from Schuylkill, Mr. Wagner, permit himself to be interrogated?

Mr. WAGNER. I will, Mr. President.

Mr. BARR. Senator Wagner, will you tell me where you reside in Allegheny County?

Mr. WAGNER. Did you ask whether I reside in Allegheny County?

Mr. BARR. I asked whether you moved in.

Mr. WAGNER. I have the same relationship to Allegheny County, residentially, as you have, Senator Barr.

Mr. BARR. That is a very good answer. That is a very good retort, but I still pay my taxes there.

Mr. WAGNER. You and I both, Senator Barr.

Mr. BARR. Would you tell me what you are trying to do with these amendments?

Mr. WAGNER. Do you mean the amendments that Senator Whalley offered? I have not seen them in final print. I can tell you what we are trying to do with the bill.

Mr. BARR. All right, let me hear that.

Mr. WAGNER. As you noticed, in print the bill was submitted by request and the request was from the Education Committee which decided unanimously, when they were considering the distressed condition of the Pittsburgh School District, that if we were going to give Pittsburgh an additional appropriation over and above what they get under the formula that applies to the entire State, we also should provide a means for Pittsburgh to help itself in its school problems. They claim that they had no way to help themselves with an appointed school board, unless the Legislature directed such aid.

I think, Senator Barr, we should go back two years to the 1953 Session of the Legislature when Pittsburgh pleaded for additional money on the grounds that it was impoverished, but did not want to be classified as a distressed school district because of the dignity of the metropolitan area. The Legislature decided to give them the money at that time and also give them an apportunity to vote to increase their taxes to make up the additional slack. They took the money—pardon me; we gave them the money—and they had a vote and they defeated the vote to increase their own share of the cost. This year we find ourselves right back where we started, and Pitts-

burgh again is asking for money they say they need over and above their formula allocation in order to function.

The Committee on Education decided that instead of giving Pittsburgh the requested handout for two years, we would give it to them for one year, providing, at the same time, we passed a bill to put an end to this continuing distress and permit Pittsburgh to tax its citizens sufficiently to run their schools in the fashion to which they have become accustomed. Hence, this bill.

The amendments that were added today probably could be better explained by the person who offered them. However, I want it clearly understood that the bill had its inception in the thinking of the Education Committee, regardless of party, because the members of that committee are sufficiently interested in education everywhere not to want to see it break down anywhere. Yet we feel that we cannot, Session after Session, continue to appropriate to Pittsburgh $750,000 or more, which is in excess of what other districts get under the same formula by which Pittsburgh is paid.

Mr. BARR. Mr. President, the gentleman from Schuylkill kind of leaves me cold when he talks about distressed school districts. I have sat in this Senate since 1941 and I voted for more appropriations for Schuylkill County, for its distressed school districts, than any other county in this state. The gentleman, therefore, is either sincere or insincere.

In 1953 was passed a bill here and put it to a referendum, under the Republicans, in the city of Pittsburgh and it was defeated. This year our Democratic and Republican Members of the House and Senate got together and we passed a bill, giving them an increase of a mill and a half in real estate taxes, without any referendum. If Senator Wagner wants to be a party to the wage tax for the city of Pittsburgh, that is all right with me. However, I am tired hearing the whistles blown by the Republicans, on the other side, about the wage tax and then, today, find two Members of the Senate who do not come from Allegheny County or from the city of Pittsburgh try to impose a wage tax on the people in the city of Pittsburgh. I can just see Senator Watkins, Senator Harney and all the boys from Bucks, Montgomery and Delaware bleeding for this bill. I am sure they would; would you not, Senator Watkins?

Mr. WATKINS. I am going to vote "no" on any income tax at any time.

Mr. BARR. Mr. President, after hearing the side bar conversation, at least, we have one "no" vote. I will guarantee you we have a lot of "no" votes over here. Therefore, we will have to argue this out when it comes up for Final Passage. However, there is no one from Allegheny County on either side who would sponsor this bill.

Mr. WAGNER. Mr. President, I would like to suggest to the Senator from Allegheny County, Senator Barr, that he never voted for money for distressed school districts in Schuylkill County. Those distressed areas are not voted on specifically. The only thing he ever voted for was an appropriation for distressed school districts, to be distributed to needy dsitricts when the Department of Public Instruction would find that they were entitled to receive it. It is the same kind of a fund to which Pittsburgh could go under similar circumstances.

The reason, Senator Barr, that this special separate legislation is in is because Pittsburgh will not acknowledge itself to be distressed. It just acknowledges the need for millions of dollars that it does not have. I do not think the interpretation is quite fair about the wage tax. This permits Pittsburgh to do what some three or four hundred other districts do in the State, to levy a wage tax among their own people to keep their own children in school if that is the only way it can be done. If Pittsburgh does not want more money for their school children, the people of Pittsburgh do not need to take this opportunity to have a wage tax. However, if they choose to desire it, they still cannot have it unless the Legislature makes it permissive.

It is all right to stand there and almost arrogantly announce gleefully that there will be no votes on that side for this bill. However, I do not enjoy that declaration because as matters stand at this moment, the Committee on Education has directed that House Bill No. 917 should not pass unless this particular bill moves. If you are just going to arbitrarily, and coercively and politically say there will be no votes, then I am afraid you are making it almost impossible for Pittsburgh to get additional aid such as is proposed in House Bill No. 917.

Mr. BARR. Mr. President, when the gentleman talks about arrogance, I want to say that his is the most arrogant speech I ever heard on the Senate floor. He says that the Committee on Education is going to direct fifty Members of the Senate on what they are going to do.

I want to say to Senator Wagner that I will go over to the Department of Public Instruction tomorrow and I will find out the amount of money that has been given to the distressed school districts in Schuylkill County during the fifteen or sixteen years that I have been here. I would be willing to make a bet here on this floor that out of the $400,000. I voted for just a few moments ago, at least eighty per cent of it will go to Schuylkill County. That has happened year after year, although I do not know about this year. However, I think this is the first year when we did not have to pass a deficiency appropriation for the distressed school districts mainly in Schuylkill County.

Mr. FLEMING. Mr. President, I rise to the defense of the two sponsors of this measure in that it is not their wish to sponsor this legislation. However, several months ago, in the Committee on Education, of which I am a member, and being cognizant of the financial straits in which the school board of the city of Pittsburgh finds itself, I tried to secure from the committee the release of House Bill No. 917 because the city of Pittsburgh School Board needed the money for the biennium in order to carry on the orderly processes of their educational system. I met with very little success and very little sympathy from the members of the Education Committee, Republican and Democrat alike. The suggestion was made in the committee, not by any member from Allegheny County but by members from other parts of Pennsylvania, that Pittsburgh would have to raise the money itself. Finally, they came up with the proposal that they would release House Bill No. 917, not for the biennium, but with enough money for one year only, with the thought in mind that they would present to the city of Pittsburgh School Board the right to enact some other type of tax.

I would like to state parenthetically for the information of the Senate, although I am sure all of you know it but it may have slipped your minds, the School Board in the City of Pittsburgh is an appointed board and has no taxing power of its own. It can only put into effect those taxes that the Legislature gives it permission to enact. The Committee on Education thought that since the municipal government in the city of Pittsburgh was able to cut the one per cent wage tax, which was enforced there and had been cut to one-half of one per cent, then the city of Pittsburgh could be put on a par with all the other communities in Pennsylvania, whereby the municipal governments and the school boards, if they so saw fit, could enact up to one per cent of a wage tax. Half could be taken by the municipal government and half by the school board.

This bill was presented for that purpose. Certainly, it is not a bill that is backed by the Republican Caucus. It is a bill that was put out here to see whether or not it would be possible to secure bipartisan support for the measure in order that the much needed money in the city of Pittsburgh could be raised. How we can raise it, I do not know. I am sure that I would speak for all the Members of the Senate from Allegheny County, both Republican and Democrat, and I am sure that I would speak for all the Members of the House of Representatives from Allegheny County, both Republican and Democrat alike, in that we would like to see the school board of the city of Pittsburgh put, as we believe, on a par with the school board in the first class district in the city of Philadelphia. Seemingly, we cannot get anywhere with that. We have tried that, I know, for the past four years anyway and I believe a couple of years previous to that. This was an attempt, at least on the part of the Education Committee of the Senate, to peresent to the Senate the ways and means by which the city of Pittsburgh could solve its own problem.

I certainly canot speak for Senator Wagner; I cannot speak for the Committee on Education. However, I would think that Senator Wagner and all the members of the Committee on Education would welcome any suggestion that any Member of the Senate, either Republican or Democrat, might have to offer by which we could solve the needs of the city of Pittsburgh and the school system there. Certainly, the school board needs more money. It needs more money with which to pay its teachers. We cannot get it through State subsidy. Seemingly, every avenue of taxation on which they had the right to levy has been exhausted. The question surely recurs to them, and it is a major question to them, of how they will get the money to keep the educational system of Pittsburgh at least on a par with the educational systems of the other school boards all over the Commonwealth of Pennsylvania.

Mr. DENT. Mr. President, I think, perhaps, if I would have had an opportunity to have spoken first, we probably would not have had to take so long. The Senator from Allegheny, Senator Fleming, has asked for a suggestion and I could have given him a suggestion earlier in the debate.

Senator Fleming said that if anybody will come forward with the answer to the problem in order that Pittsburgh can be equalized with the rest of the school districts in their ability to meet their obligations, I might say that if you look in the budget, you will find that the budget provides for enough money in this biennium to equalize Pittsburgh's contribution out of the State appropriations on a unit basis, the same as is being received by the city of Philadelphia. That is all we ask for. We only ask that Pittsburgh be given the same unit refund on a subsidy base as what the city of Philadelphia has enjoyed for years. We do not want any wage tax for the school board. All we want is that they get their just share out of the taxes contributed to on an equal basis by the citizens of Pittsburgh and the citizens of Philadelphia and the other districts in the Commonwealth.

Mr. President, in the budget the Governor has placed sufficient moneys to cover the amount needed to equalize the subsidies to Pittsburgh on the same basis as Philadelphia. You do not need any two per cent wage tax, or one per cent or a half of one per cent. Just give them the same money that for years has been denied the city of Pittsburgh School Board on the basis of their subsidy grants out of the Commonwealth's General Fund. That is all they ask in Pittsburgh. They do not want any instructions for new taxes; they do not want any permission for new taxes.

Senator Fleming, you have every right to fight for it, coming from that end of the State. Pittsburgh should not be the stepson or stepdaughter of the Commonwealth in the educational field. For many years, many of us have fought to try to have the Pittsburgh subsidies equalized with the Philadelphia subsidies. That is all it takes. The money that is in House Bill No. 917, about which you are talking, is already provided for in the budget by the Governor of the Commonwealth, who has seen the inequalities which have existed over the years and has tried to equalize it. That is all it takes at this time or any other time.

Mr. WAGNER. Mr. President, I do not see any reason why we should try to accumulate figures any more today, but before we are finshed with this we will get relative figures for Philadelphia and Pittsgurgh.

Without questioning at all the sincerity with which the suggestion was made by the gentleman from Westmoreland, I do not like to see the impression get out that somehow or other Pittsburgh has been denied its fair share of State school money, and that Pittsburgh has not received back in proportion what they should receive considering what they pay into the State Treasury.

Senator Dent, you know that the amount of money any school district receives from the State in subsidies has nothing to do with the taxes they pay to the State. It is based on a formula which has been determined and acclaimed all over the Country by which Pennsylvania has the fairest system of school financing on the State level of any State in the Union. The law provides that each school district shall have certain standards of educational services and they shall pay the share of that locally according to their wealth and the rect will be provided by the State. That is the basis on which Philadelphia is recompensed and it is the basis on which Pittsburgh is recompensed.

Mr. President, Pittsburgh says, "Give us what Philadelphia gets," simply because they want more money and Philadelphia is getting more. There is nothing to stop me, Senator Dent, from coming in here and picking

out a school like Columbia, Pennsylvania, and finding that they get more money than Tamaqua, say that we should receive no less money in State subsidies in Tamaqua than they get in Columbia. You would simply have chaos instead of a formula. Now, Senator Dent, if the machinery is set up and if the revenues of the State are calculated in a fashion to take care of this, why do we have House Bill No. 917? If it is fair and square and proper, why do we not budget it, period, and stop there?

Mr. DENT. Mr. President, I think that the Senator knows full well that if the subsidies were based upon a just evaluation, the Governor would not have put into his budget, at this time, an amount which would equalize the subsidy returns to Pittsburgh with those of Philadelphia. Senator Wagner might realize also that the school district we are talking about are, as has been pointed out, appointed and have no taxing powers. However, if one goes deep into the picture, as the Tax Equalization Board should have done many years ago—I understand there have been some reports made—you will find that the situation is based upon the valuation of properties as against the amount of millage assessed in the community and if you work this out, based on the formula which has been used and which Senator Wagner claims to be such a fair method, it will be proven without any doubt that Pittsburgh, for many years, has been reiceving less than the amount they are entitled to out of the State educational fund. That is the reason why they have always run into difficulties when we, in Harrisburg, increase teachers' salaries and go along on the other increased costs of public education by establishing standards, without taking into consideration the ability of an appointed school board to meet the prescribed and mandated increase in cost.

I do not believe that any committee should have the right to say to this Senate, "We recognize that Pittsburgh needs this money and we are going to give it to them only if they in turn pass additional taxes."

Mr. President, if we go into the communities, even into Schuylkill, I dare say, and if we have a fair appraisal of their ability to pay taxes and the assessed valuation of the properties as compared to some of the neighboring properties and go deep into the ownerships and so forth, we may even find that some of the communities which we have treated as distressed over the years may have some ability to meet their own needs, such as up in Schuylkill County or any other place. Therefore, we just cannot say to the city of Pittsburgh, "You are a stepchild in the educational field and we will only give you money to meet your needs if, at this time. you subject your people to an additional yoke of taxation."

Mr. President, I do not understand the logic behind such a move and I resist the attempt to put Pittsburgh in a class, or its school board in a class or its peoples in a class whereby the moneys which they are entitled to out of State funds are only given to them under a threat of being taken from them unless they do something which the Legislature wants them to comply with. I do not think that is the proper spirit to legislate in and the people of Pittsburgh are entitled to more consideration.

And the question recurring,

Will the Senate agree to the amendments?

POINT OF ORDER

Mr. YOSKO. Mr. President, I rise to a point of order.

The PRESIDENT. The geneleman from Northampton, Mr. Yosko, will state his point of order.

Mr. YOSKO. Mr. President, we have a standing rule here, which we all agreed upon, that at six o'clock P. M. we would adjourn regardless of where we are on the day's business. I suggest for the health and welfare of of the Members, since it is past dinner time, that we wind up our affairs and quit for the day.

The PRESIDENT. The point of order of the gentleman is well taken. I was not here the day that rule was made, but I have been informed that that is the rule. However, the Senate has the power to change the rule at any time it so desires.

Mr. YOSKO. Mr. President, if we violate that rule tonight, it is not going to be worth anything for the balance of the Session. We should either revoke the rule or stand by it.

MOTION TO ADJOURN

Mr. YOSKO. Mr. President, I now move that the Senate do adjourn until Wednesday, March 14, 1956, at 11:00 o'clock a. m., Eastern Standard Time.

Mr. BARR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease).

MOTION TO ADJOURN WITHDRAWN TEMPORARILY

Mr. YOSKO. Mr. President, I withdraw, temporarily, my motion to adjourn until tomorrow, to give the Majority Leader a chance to have the bills reported from committees today read for the first time.

Mr. BARR. Mr. President, I withdraw my second to the motion.

The PRESIDENT. The motion to adjourn having been withdrawn, we have before us yet the amendments to Senate Bill No. 996.

And the question recurring,

Will the Senate agree to the amendments?

(A voice vote having been taken, the question was determined in the affirmative.)

The section was agreed to as amended.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. WHALLEY offered the following amendment:

Amend Sec. 2, page 13, line 11, by striking out "SHALL" and inserting in lieu thereof: "may".

On the question,

Will the Senate agree to the amendment?

(A voice vote having been taken, the question was determined in the affirmative.)

The section was agreed to as amended.

The title was read,

On the question,

Will the Senate agree to the title?

Mr. WHALLEY offered the following amendment:

Amend Title, page 1, line 5 of Title by striking out "REQUIRING" and inserting in lieu thereof: "permitting".

On the question,

Will the Senate agree to the amendment?

(A voice vote having been taken, the question was determined in the affirmative.)

The title was agreed to as amended.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILLS OVER IN ORDER

Mr. BARR. Mr. President, I ask unanimous consent that Senate Bill No. 996, Printer's No. 553, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 1009, Printer's No. 571;

House Bill No. 1311, Printer's No. 1496; and

House Bill No. 1507, Printer's No. 1020.

The PRESIDENT. Is there objection? The Chair hears none.

BILL INTRODUCED AND REFERRED

Mr. DENT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. DENT, CHAPMAN and BERGER read in place and presented to the Chair Senate Bill No. 1038, entitled:

An Act amending the act of September 3, 1955 (Act No. 18-A), entitled "An act providing for reconstruction and repair of roads, streets, highways and bridges damaged or destroyed by the hurricane flood or high water of August, 1955; . . . ." extending the provisions of the act to political subdivisions for damages caused by later disasters, and making them eligible for moneys out of said appropriations.

Which was committed to the Committee on Highways.

BILLS ON FIRST READING

Mr. PECHAN. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. YOSKO. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 76, entitled:

An Act amending subsections (a) and (g) of section 403 act of April twelve one thousand nine hundred fifty-one (P. L. 90) entitled "Liquor Code," further regulating the application for an issuance of hotel restaurant and club liquor licenses.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 95, entitled:

An Act amending the act of June twenty-four one thousand nine hundred thirty-nine (P. L. 872) entitled "The Penal Code," making it unlawful to sell or dispense knives etc commonly called "switch-blades."

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 96, entitled:

An Act amending the act of June twenty-four one thousand nine hundred thirty-nine (P. L. 872) entitled "The Penal Code," making it unlawful for any person to carry on or about his person a firearm slingshot handy-billy dirk-knife razor or any other deadly weapon or any knife razor or cutting instrument the blade of which can be exposed in an automatic way by switch push-button spring mechanism or otherwise.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 111, entitled:

An Act to amend the act approved the twenty-first day of May one thousand nine hundred forty-three (P. L. 349) entitled "An act requiring political subdivisions to refund taxes and license fees erroneously and inadvertently paid thereto . . ." by further prescribing what taxes or license fees may be refunded or sued for.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 232, entitled:

An Act to select and adopt the Great Dane as the official State dog of Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 323, entitled:

An Act providing for the protection of the public safety by regulating the sale offering or exposing for sale at retail and the use of air rifles defining air rifles authorizing cities boroughs towns and townships to issue permits for licensing and to regulate target ranges imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 400, entitled:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "Liquor Code," changing the time within which a notice of hearing upon a citation may be issued and the nature of the notice and requiring notice of violations noted by an agent or employe of the board as a prerequisite to the imposition of a penalty suspension or revocation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 416, entitled:

An Act amending the act of June 12, 1951 (P. L. 533) entitled "The Mental Health Act of 1951," permitting the

indictment of persons while committed and validating indictments heretofore returned.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 557, entitled:

An Act amending the act of June 24, 1939 (P. L. 872) entitled "The Penal Code" redefining murder in first degree to include murder in the commission of sodomy.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 596, entitled:

An Act providing for authorization for autopsies or postmortem examinations of human bodies claimed for burial within thirty-six hours after death.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 650, entitled:

An Act amending the act of May 5, 1933 (P. L. 289) entitled "Nonprofit Corporation Law" prescribing how notice shall be given of meetings of churches or other religious congregations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 669, entitled:

An Act amending the act of April 14, 1905 (P. L. 162) entitled "An act regulating the method and procedure in the erection of line or partition fences" authorizing surveyors appointed by judges of common pleas courts to act as fence viewers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 675, entitled:

An Act to amend the title and further amend the act approved the fifteenth day of May one thousand nine hundred fifteen (P. L. 534) entitled "Motion Picture Censorship Law" by authorizing the disapproval of any reel film or view which is obscene or incites to crimes of violence and by repealing certain sections of the act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 861, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278) entitled "The General County Law" increasing the maximum appropriation which may be made for agricultural extension work.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 901, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 902, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the School of Medicine.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 903, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the School of Veterinary Medicine.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 904, entitled:

An Act amending the act of April 11, 1899 (P. L. 37) entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth" making compliance with certain provisions evidence of innocence in prosecutions for receiving stolen good.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 907, entitled:

An Act amending the act of June 24, 1939 (P. L. 872) entitled "The Penal Code," prohibiting the interception of jury deliberations and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 929, entitled:

An Act amending the act of July 20, 1917 (P. L. 1158) entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth," increasing mileage.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 935, entitled:

An Act amending the compact contained in the act of June 5, 1937 (P. L. 1664), entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, and commissioners designated by the Governor of the State of Ohio, relative to the development, use, and control of the Pymatuning Lake . . .," designating the lake area on which motor boats may be operated; limiting the horepower of the motor boats operated thereon and fixing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 943, entitled:

An Act permitting the conducting, staging, operating and exhibiting stage shows on Sunday during certain hours when the electors of a city of the first class or second class approve thereof; defining stage shows and providing for referendums to ascertain the will of the electors.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 975, entitled:

An Act authorizing the Department of Forests and Waters to convey certain lands located in Whitemarsh Township, Montgomery County, in order to facilitate the further development of Fort Washington Park.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 980, entitled:

An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An Act authorizing cities of the first class to adopt and enforce zoning ordinances; * * *," regulating appeals based on invalidity of zoning ordiances.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 999, entitled:

An Act amending the act of May 20, 1949 (P. L. 1591) entitled "An act providing for the compensation of the mayor council and appointed officers in cities of the second class A" increasing the compensation of the mayor and appointed officers in cities of the second class A.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1002, entitled:

An Act amending the act of January 8, 1952 (P. L. 1851), entitled "An act providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases; * * *," regulating bail for persons charged with commission of sex crimes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1013, entitled:

An Act amending the act of August 24, 1951 (P. L. 1405) entitled "Estate Tax Apportionment Act of 1951" changing the method of apportionment regarding the inheritance or death tax effect with respect to charitable, public or similar gifts or bequests.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1016, entitled:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "The County Code" further regulating the payments of sheriff's salaries in certain counties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1018, entitled:

An Act amending the act of July 25, 1955 (P. L. 273) entitled "An act authorizing counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law; * * *," extending the time during which political subdivisions may act under the provisions thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1019, entitled:

An Act amending the act of May 12, 1943 (P. L. 259) entitled, as amended "An act providing for the payment by the State Treasurer of the amount of the tax on premiums paid by foreign casualty insurance companies to the treasurers of the several cities, boroughs, towns, townships and certain counties; * * *," further defining policemen and changing the time when unused funds are returned to the General Fund for redistribution.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1020, entitled:

An Act amending the act of May 26, 1949 (P. L. 1828), entitled "Fiduciaries Investment Act of 1949" further prescribing the eligibility for authorized investments of the obligations of municipality authorities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1021, entitled:

An Act authorizing the recovery of damages from parents of children destroying property.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1022, entitled:

An Act relating to condemnation proceedings; requiring the filing of plans and imposing duties on the recorder of deeds.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1023, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172), entitled "Borough Rural State Highway Law" changing or deleting certain routes and adding certain new routes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1024, entitled:

An Act amending the act of June 22, 1931 (P. L. 720), entitled "City State Highway Law," adding certain new routes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1025, entitled:

An Act amending the act of June 22, 1931 (P. L. 594), entitled "Rural State Highway Law," changing or deleting certain routes adding certain new routes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1028, entitled:

An Act amending the act of May 1, 1929 (P. L. 905), entitled "The Vehicle Code," permitting certain persons to equip and use warning devices on commercial motor vehicles for limited purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1065, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1066, entitled:

An Act making an appropriation to the Temple University Medical School at Philadelphia Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1082, entitled:

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania for defraying part of expenses of the 250th Anniversary Celebration of the birth of Benjamin Franklin.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1083, entitled:

An Act limiting in certain cases the right of appeal to the court of common pleas from decisions of magistrates aldermen and justices of the peace.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1090, entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for maintenance and support.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1280, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire tracts of land in the Borough of Edinboro Erie County for use of the Edinboro State Teachers' College and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1413, entitled:

An Act to amend the act approved the twelfth day of June one thousand nine hundred fifty-one (1951-52 Pamphlet Laws 533) entitled "The Mental Health Act of 1951," by changing the qualifications of superintendants of State institutions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1418, entitled:

An Act amending the act of June 5, 1935 (P. L. 266), entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" further regulating exceptions to contracts of sale and actions at law for unfair competition.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1450, entitled:

An Act to amend section 404 of the act approved the first day of June one thousand nine hundred forty-five (Pamphlet Laws 1242) entitled "State Highway Law," by requiring that the additional bond covering labor and materials furnished by the contractor shall also cover equipment rental.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1451, entitled:

An Act to further amend Section 33 of the act approved the thirty-first day of May one thousand nine hundred eleven (Pamphlet Laws 468) entitled "Sproul Highway Law," by changing the percentage of payments to be withheld by the Secretary of Highways pending satisfactory completion of contracts for the construction of State highways and bridges.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1482, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1483, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the University.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1484, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the School of Medicine.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1570, entitled:

An Act amending the act of May 11, 1925 (P. L. 561) entitled "Jury Law, Second Class Cities" authorizing the president judge of the court of common pleas to transfer and assign jurors summoned to serve in any court civil and criminal of the county and changing form of venire and summons to comply therewith.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1592, entitled:

An Act amending the act of May 14, 1907 (P. L. 197) entitled "An act to provide for the establishing and maintenance of one or more sanatoria or colonies in Pennsylvania for the free care and treatment of indigent persons suffering from tuberculosis and making an appropriation therefor" extending its provisions to all persons suffering or suspected of suffering from tuberculosis.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1610, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania East Falls Philadelphia Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1611, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1612, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1617, entitled:

An Act amending the act of July 11, 1917 (P. L. 769) entitled "An act to regulate the importation into the State of Pennsylvania of dependent delinquent or defective children . . ." authorizing use of forfeited bond for the further placing of children.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1619, entitled:

An Act providing for the prevention and control of communicable and non-communicable diseases including venereal diseases fixing responsibility for disease prevention and control requiring reports of diseases authorizing financial assistance to typhoid fever carriers and authorizing treatment of venereal diseases and providing for premarital and prenatal blood tests amending revising and consolidating the laws relating thereto and repealing certain acts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1629, entitled:

A Supplement to the act approved the twenty-second day of August, one thousand nine hundred fifty-three (Appropriation Acts page 54 entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and fifty-three, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-three," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred fifty-five.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1642, entitled:

An Act to add clause (1) to section two thousand one hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "The Administrative Code of 1929" by authorizing and making it the duty of the Department of Health to provide limited training in the field of public health work for certain State and municipal employes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.
Agreeably to order,
The Senate proceeded to the first reading and consideration of House Bill No. 1643, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" redefining the powers and duties of the Department of Health.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1720, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 842) entitled "An act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of waters within the Commonwealth . . ." by further regulating the period within which water rights must be acquired.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1769, entitled:

An Act amending the act of May 1 1929 (P. L. 905) entitled "The Vehicle Code," requiring informations charging violations of summary provisions of the act in cities of the first class to be brought before centrally located traffic courts designated by the chief magistrate and authorizing cities of the first class to fix penalties and fines by ordinances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1793, entitled:

An Act amending the act of June 12 1931 (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals . . .," extending the act to private convalescent homes conducted for profit requiring licensing under the act for treatment care or nursing by reason of pregnancy changing license fees requiring certain records to be kept by hospitals regulating the refusal to grant refuse or renew licenses and changing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1886, entitled:

An Act to amend section two hundred one of the act approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 512) entitled "Fiduciaries Act of 1949," by changing the amount of wages or salary which an employer may pay to a deceased employee's spouse or other certain persons whether or not a personal representative has been appointed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1924, entitled:

An Act to amend the act approved the thirty-first day of August one thousand nine hundred fifty-five (P. L.) (Act No. 131) entitled "An act permitting and regulating wrestling and boxing contests and exhibitions requiring licenses and permits conferring powers and imposing duties upon the State Athletic Commission . . .," by regulating the use of a fictitious or assumed name by any participant in any amateur boxing contest or exhibition.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1964, entitled:

An Act making the offices of constable and justice of the peace or alderman incompatible.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1967, entitled:

An Act to amend section seventeen of the act approved the twenty-ninth day of March one thousand eight hundred three (P. L. 542) entitled "An act to establish a Board of Wardens for the port of Philadelphia . . ." by permitting second class pilots to pilot vessels drawing twenty-seven feet of water or under and permitting third class pilots to pilot vessels drawing twenty-three feet of water or under.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 2046, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 2049, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class . . ." further regulating payments to certain beneficiaries under the fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 2050, entitled:

An Act amending the act of May 25, 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class . . ." further regulating the withdrawal of service increment contributions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. PECHAN. Mr. President, I move that the Senate do now adjourn until Wednesday, March 14, 1956, at 1:00 o'clock, p.m., Eastern Standard Time.

Mr. YOSKO. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:31 o'clock, p.m., Eastern Standard Time, until Wednesday, March 14 ,1956, at 1:00 o'clock, p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 13, 1956

The House met at 1:00 p. m.
The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend Horald J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Almighty God, who has called forth the day that we might work; we do thank Thee that Thou hast given us this day with all its opportunities for decision, service and labor. We pray that Thou wouldst awaken us to serve Thee most diligently according to the high and holy purposes of our calling.

Lord, we acknowledge that there is a very great and grave difference between what we are and what we ought to be as we come face to face with Thee, Grant most merciful God that as these Representatives deliberate and debate the issues for which they are responsible in this great Commonwealth, they may be strong in the power of Thy might and challenged by a goodness that comes forth from Thy Eternal Goodness.

We thank Thee that Thou dost hear us when we pray and dost answer us according to Thy grace in Jesus Christ our Lord. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, March 12, 1956 will be postponed until printed. The Chair hears none.

The SPEAKER. The Chair is requesting the gentleman from Armstrong to preside temporarily.

Mr. HELM IN THE CHAIR

STUDENTS OF EXETER TOWNSHIP HIGH SCHOOL WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the Hall of the House a delegation of 9th Grade students from the Exeter Township High School of Berks County under the supervision of their teachers, Mr. Fisher, Mr. Hertz, Mrs. Leitzer and Mrs. Handorf. They are the guests of the gentleman from Berks, Mr. Weidner.

STUDENTS OF NORTHERN LEBANON HIGH SCHOOL WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the Hall of the House a delegation of students from the Northern Lebanon School of Fredericksburg of Lebanon County under the supervision of their teacher, Mrs. Black. They are the guests of the gentleman from Lebanon, Mr. Ehrgood.

FOREIGN STUDENTS WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the Hall of the House a group of foreign students under the guidance of the Philadelphia Textile Institute. The faculty members are Mr. Norman Lawrence and Mr. Samuel Levin. The students and the countries they represent are

Anna Brumlick	Venezuela
Nick Christodoulakis	Athens, Greece
Isaac Guberek	Colombia
David Korman	Australia
Maung Tin Kyaw	Burma
Gonzalo Mazuera	Colombia
Cesar Mota	Mexico
Simon Palacios	Venezuela
Edna Peled	Israel
Rodolfo Poepsel	Bolivia
Naman Sabbagh	Syria
Virenchee Sagar	India
Quisar Siddiqui	Pakistan
Bhung Ho Seo	Korea
Fukan Tjian	Brazil
Manni Thapar	India

They are here as the guests of the International Goodwill Committee.

RESOLUTIONS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Chair has referred the following resolutions:

By Messrs. BELL and ISAACS.

(Concurrent) RESOLUTION No. 162.

In the House of Representatives, March 12, 1956.

Under the statutory laws of the Commonwealth, the Board of Pardons has the power to hear applications for the remission of fines and forfeitures, and the granting of reprieves, commutations of sentence, and pardons, except in cases of impeachment, and to make recommendations in writing to the Governor thereon, in the manner provided in and under and subject to Article IV, section 9 of the Constitution of the Commonwealth.

The Board of Pardons consists of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, three members of the board constituting a quorum.

In February, 1955, the Board of Pardons commuted the death sentences of Theodore Elliot and Edward Hough to life imprisonment. Both men had been sentenced to death for killing a policeman.

Between April, 1955 and March, 1956, at least seventeen persons serving life imprisonment sentences for murder and killing have received commutation of sentence from the Pardon Board.

In its report, the March, 1956 Grand Jury of Delaware County condemned the action of the State Pardon Board for pardoning several convicted criminals. The Grand Jury said: "Our courts will become a laughing stock and respect for law and order will disappear if the pardon board is to set at naught all of the effort required to convict such criminals."

Clemency dispensed in a manner condemned by a Grand Jury and seriously questioned by responsible newspapers is well subject to inquiry by this Legislature; therefore be it

Resolved, (the Senate concurring) That to preserve the administration of criminal justice, the President pro tempore appoint three members of the Senate and the Speaker of the House of Representatives appoint three members of the House, who together shall constitute a joint commission and be authorized and directed to make an investigation of charges made of improper granting of clemency by the State Pardon Board.

The committee shall have the power to issue subpoenas under its hand requiring and commanding any person or persons to appear before them and answer questions touching matters properly being inquired into and to produce such books, papers and documents as the committee may deem necessary. Such subpoenas shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. The committee shall have the power to administer oaths and affirmations to witnesses

appearing before them. Any person who shall wilfully neglect or refuse to testify before the committee or to produce books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and be it further

Resolved, That the committee make a report of its findings, together with its recommendations for appropriate legislation at the earliest possible date before the adjournment of this Session of the General Assembly.

Referred to the Committee on Rules.

By Mr. MULDOWNEY. RESOLUTION (Not Printed).

In the House of Representatives, March 12, 1956.

During the evening of March 9, 1956, more than 8000 screaming spectators at Penn's Palestra, Philadelphia, witnessed one of the finest and hard-fought city title basketball contests in Philadelphia history when North Catholic High School's Falcons by superb teamwork and sheer determination clashed with and shaded the Speedboys of West Philadelphia High Schol 68-67 for the City Crown. West Philadelphia, Public Conference kings, who entered the game unbeaten had their victory string halted at 17.

For the Falcons, coached by Ed Scullin, this was their first appearance in the Public-Parochial championship playoff. Bobby McNeill, one of the two Falcons named to the six-man All-Catholic Team and leading point producers for the Falcons this season netted 29 points on 12 fields goals and five fouls. He was named the game's most valuable player, for which he received the ninth annual Inquirer Award. McNeill had plenty of support from speedy Jim Kenney, another All-Catholic selection who accounted for 16 points, John (Josh) Keenan who ripped the cards for 13 points and the other members of the team who came through with timely points; therefore be it

Resolved, That the House of Representatives hereby extends its congratulations to the basketball team of North Catholic High School, known as "The Falcons," upon its winning in a hard, clean fought battle, its first city championship. It also wishes to congratulate Coach Ed Scullin for producing a team with fighting spirit and Bobby McNeill and Jim Kenny for their leadership, ability and appointment to the All-Catholic Team; and be it further

Resolved, That the Chief Clerk of the House send a copy of this resolution to Coach Ed Scullin of North Catholic High School.

Referred to the Committee on Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The SPEAKER pro tempore. The Speaker has referred the following Senate bill:

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 933.

An Act amending the act of May 15, 1933 (P. L. 624) entitled as amended "The Banking Code" prohibiting the assumption and use of deceptive names by corporations and persons not authorized to engage in the banking business providing for investments of loans by and the purchase sale and creation of obligations by banks bank and trust companies trust companies and savings banks providing for the voluntary liquidation of banks bank and trust companies and trust companies and further providing for the powers and limitation on powers of corporations authorized to engage in a banking business.

Referred to the Committee on Judiciary.

MISSISSIPPI SENATE CONCURRENT RESOLUTION No. 125

The SPEAKER pro tempore laid before the House Senate Concurrent Resolution No. 125 of the State of Mississippi condemning and protesting the usurpation and encroachment on the reserved powers of the States by the Supreme Court of the United States and declaring that its decisions of May 17, 1954 and May 31, 1955, and all similar decisions are in violation of the Constitutions of the United States and the State of Mississippi, and are therefore unconstitutional and of no lawful effect within the territorial limits of the State of Mississippi; declaring that a contest of powers has arisen between the State of Mississippi and said Supreme Court and invoking the historic doctrine of interposition to protect the sovereignty of this and the other states of the Union; and calling on our sister states and the Congress for redress of grievances as provided by law; and for other purposes.

Referred to the Committee on Judiciary.

SENATE MESSAGE

SENATE BILL No. 321 RECALLED FROM GOVERNOR

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 12, 1956.

Resolved (if the House of Representatives concur) that Senate Bill No. 321, Printer's No. 211, entitled "An act amending the act of May 2, 1929 (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' authorizing the board of commissioners to make appropriations to county firemen's associations for the conducting of fire prevention education," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Lippincott for Mr. CONNELLY because of illness in the family.

Mr. Kornick for Mr. COCHRAN because of a death in the family.

REPORTS FROM COMMITTEES

Mr. GRANVILLE E. JONES from the Committee on Professional Licensure, reported as amended, House Bill No. 452, entitled:

An Act relating to and regulating the practice of massage; providing for the licensure and for the revocation and suspension of licenses of masseurs and masseuses by the Department of Public Instruction; conferring powers; and imposing duties upon the Dept. of Public Instruction; and prescribing penalties.

Mr. TOLL from the Committee on Judiciary, reported as amended, House Bill No. 1890, entitled:

An Act reenacting and amending the "Trademarks Registration Act," approved Sept. 26, 1951 (P. L. 1518), extending the act to service-marks used to identify certain services and distinguish them from others.

Mr. LUTTY from the Committee on State Government, re-reported as committed, House Bill No. 1037, entitled:

An Act authorizing the Department of Property and Supplies to sell at public sale a plot of ground presently a part of acreage administered at the Polk State School Venango County Pennsylvania containing 1.46 acres more or less.

Mr. HOLT from the Committee on Municipal Corporations, reported as committed, House Bill No. 27, entitled:

An Act requiring the Penna. Turnpike Commission to pay political subdivisions an amount equal to the real estate tax on account of property acquired by the commission for turnpike purposes.

Mr. LOVETT from the Committee on Liquor Control, reported as committed House Bill No. 454, entitled:

An Act amending the "Liquor Code" approved April 12, 1951 (P. L. 90), exempting certain clubs from the limitation and quota.

Mr. WILLIAMS from the Committee on Motor Vehicles, reported as committed House Bill No. 1269, entitled:

An Act amending "The Vehicle Code," approved May 1, 1929 (P. L. 905), authorizing the issuance of dealer registration plates to certain collector-repossessors, and limiting their use thereof.

Mr. ROVANSEK from the Committee on Education, re-reported as committed House Bill No. 1396, entitled:

An Act to further amend section 2 of the act approved the twenty-third day of May one thousand nine hundred forty-nine (Pamphlet Laws 1676) entitled as amended "An act to provide revenue in school districts of the first class by imposing a tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes school treasurer board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties' by changing certain exemptions.

Mr. ROVANSEK from the Committee on Education, re-reported as committed House Bill No. 1402, entitled:

An Act to further amend section 2 of the act approved the twentieth day of June one thousand nine hundred forty seven (Pamphlet Laws 733) entitled as amended "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes school treasurer board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties" by changing certain exemptions

Mr. CIANFRANI from the Committee on Municipal Corporations, re-reported as committed, House Bill No. 1544, entitled:

An Act providing for the incorporation as bodies corporate and politic of "Regional Service Districts" by adjoining counties; prescribing the rights, powers and duties of the regional service districts;***

Mr. FARABAUGH from the Committee on Agriculture and Dairy Industries, re-reported as committed, House Bill No. 1644, entitled:

An Act providing for the construction transportation installation maintenance marking use and inspection of tanks and containers for liquefied compressed gases except liquefied petroleum gas prohibiting the filling or refilling of the tanks and containers unless designed for the purpose authorizing the Department of Labor and Industry to prescribe uniform regulations for the carrying out of the provisions of this act requiring fees for permits and providing penalties.

Mr. ROBERT K. HAMILTON from the Committee on State Government, re-reported as committed, House Bill No. 1872, entitled:

An Act to further amend the "Administrative Code of 1929" ***" by authorizing the Governor to appoint and fix the compensation of comptrollers and other related employes in The General State Authority, the State Public School Building Authority and the State Highway and Bridge Authority.

Mr. CIANFRANI from the Committee on Motor Vehicles, reported as committed, House Bill No. 1876, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) further regulating the removal of wrecked and abandoned automobiles.

Mr. EWING from the Committee on Motor Vehicles, reported as committed, House Bill No. 1905, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905), by changing registration fees for certain motor buses and motor omnibuses.

Mr. MIHM from the Committee on Judiciary, reported as committed, House Bill No. 1934, entitled:

An Act amending the "Vital Statistics Law of 1953," approved June 29, 1953, making it unlawufl for unauthorized persons to copy, duplicate or issue certificates of birth, death or fetal death.

Mr. GRANVILLE E. JONES from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 1945, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177) changing requirements in promulgating rules and regulations by the Department of Health.

Mr. CAPANO from the Committee on Judiciary, reported as committed, House Bill No. 1972, entitled:

An Act amending the act of September 26, 1951 (P. L. 1505) entitled "An act to authorize the revival of judgments entered in favor of the Commonwealth of Pennsylvania by filing a suggestion of nonpayment," authorizing the giving of notice by certified mail return receipt requested.

Mr. THOMAS H. W. JONES from the Committee on State Government, reported as committed, House Bill No. 1976, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177), changing the Brandywine Battlefield Park Commission from an independent administrative commission to a departmental administrative commission in the Department of Forests and Waters.

Mr. WHITENIGHT from the Committee on Agriculture and Dairy Industries, reported as committed, House Bill No. 2041, entitled:

An Act relating to the distribution, sale, or transportation of adulterated or misbranded insecticides, fungicides, rodenticides, and other pesticides; regulating traffic therein; providing for registration and examination of such materials; and imposing penalties.

Mr. WESCOTT from the Committee on Education, reported as committed, House Bill No. 2072, entitled:

An Act regulating rights and duties of teachers in schools for the teaching and training of the mentally retarded, functioning within the Department of Welfare.

Mr. LUTTY from the Committee on Cities—Counties Second and Second Class A, reported as committed, House Bill No. 2082, entitled:

An Act amending the "Second Class County Code" of July 28, 1953 (P. L. 723) authorizing employes of departments of health of the Commonwealth of Pennsylvania, cities of the second and third class, boroughs, and townships upon application to become members of the county retirement system upon becoming county employes, providing for payments by the employes and former employers into the county retirement fund.

Mr. EWING from the Committee on Motor Vehicles, reported as committed, House Bill No. 2087, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905), further regulating applications for registration; changing annual registration fees for certain commercial motor vehicles, truck tractors, trailers and semi-trailers.

Mr. WILLIAMS from the Committee on Motor Vehicles, reported as committed, Senate Bill No. 420, entitled:

An Act amending "The Vehicle Code . . ." providing additional enforcement procedures on traffic violations in first second and second class A cities.

Mr. OLSEN from the Committee on Liquor Control, reported as committed, Senate Bill No. 600, entitled:

An Act to amend "Liquor Code" * * *" by permitting sales on credit of liquor malt or brewed beverages by railroad or pullman companies dining club or buffet cars to passengers for consumption while enroute holding authorized credit cards issued by railroad or railroad credit bureaus.

Mr. GAFFNEY from the Committee on Education, reported as committed Senate Bill No. 906, entitled:

An Act amending the Act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein providing for its levy and collection for the issuance of mercantile licenses upon the payment of fees therefor conferring and imposing powers and duties on boards of public education receivers of school taxes and school treasurers in such districts saving certain ordinances of council of certain cities and providing compensation for certain officers and employes and imposing penalties" as amended by changing the penalties on taxes not paid when due.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 27, entitled:

An Act requiring the Pennsylvania Turnpike Commission to pay political subdivisions an amount equal to the real estate tax on account of property acquired by the commission for turnpike purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 454, entitled:

An Act amending the "Liquor Code" approved April 12, 1951 (P. L. 90), exempting certain clubs from the limitation and quota.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1269, entitled:

An Act amending "The Vehicle Code," approved May 1, 1929 (P. L. 905), authorizing the issuance of dealer registration plates to certain collector-repossessors, and limiting their use thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1396, entitled:

An Act to further amend section 2 of the act, approved the twenty-third day of May, one thousand nine hundred forty-nine (P. L. 1676), entitled, as amended, "An act to provide revenue in school districts of the first class by imposing a tax upon certain classes of personal property; providing for its levy and collection; conferring and imposing powers and duties on the county assessing authority, board of revision of taxes, receiver of school taxes, school treasurer, board of public education in such districts, and courts; providing for compensation to certain officers and employes; and imposing penalties," by changing certain exemptions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1402, entitled:

An Act to further amend section 2 of the act, approved the twentieth day of June, one thousand nine hundred forty-seven (P. L. 733), entitled, as amended, "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property; providing for its levy and collection; conferring and imposing powers and duties on the county assessing authority, board of revision of taxes, receiver of school taxes, school treasurer, board of public education in such districts and courts; providing for compensation to certain officers, and employes and imposing penalties," by changing certain exemptions.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1544, entitled:

An Act providing for the incorporation as bodies corporate and politic of "Regional Service Districts" by ad-

joining counties; prescribing the rights, powers and duties of the regional service districts; * * *.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1872, entitled:

An Act to further amend the "Administrative Code of 1929" * * *" by authorizing the Governor to appoint and fix the compensation of comptrollers and other related employes in The General State Authority, the State Public School Building Authority and the State Highway and Bridge Authority.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1876. entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905), further regulating the removal of wrecked and abandoned automobiles.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1905, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905), by changing registration fees for certain motor buses and motor omnibuses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1934, entitled:

An Act amending the "Vital Statistics Law of 1953," approved June 29, 1953, making it unlawful for unauthorized persons to copy, duplicate or issue certificates of birth, death or fetal death.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1945, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177) changing requirements in promulgating rules and regulations by the Department of health.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1972, entitled:

An Act amending the act of September 26, 1951 (P. L. 1505) entitled "An act to authorize the revival of judgments entered in favor of the Commonwealth of Pennsylvania by filing a suggestion of nonpayment," authorizing the giving of notice by certified mail return receipt requested.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1976, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), changing the Brandywine Battlefield Park Commission from an independent administrative commission to a departmental administrative commission in the Department of Forests and Waters.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2041, entitled:

An Act relating to the distribution, sale, or transportation of adulterated or misbranded insecticides, fungicides, rodenticides, and other pesticides; regulating traffic therein; providing for registration and examination of such materials; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2072, entitled:

An Act regulating rights and duties of teachers in schools for the teaching and training of the mentally retarded, functioning within the Department of Welfare.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2082, entitled:

An Act amending the "Second Class County Code" of July 28, 1953 (P. L. 723) authorizing employes of departments of health of the Commonwealth of Pennsylvania cities of the second and third class, boroughs, and townships upon application to become members of the county retirement system upon becoming county employes, providing for payments by the employes and former employers into the county retirement fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2087, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929, P. L. 905, further regulating applications for registration; changing annual registration fees for certain commercial motor vehicles, truck tractors, trailers and semi-trailers;***.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 420, entitled:

An Act amending "The Vehicle Code"***" providing additional enforcement procedures on traffic violations in first second and second class A cities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 600, entitled:

An Act to amend "Liquor Code"***" by permitting sales on credit of liquor malt or brewed beverages by railroad or pullman companies in dining club or buffet cars to passengers for consumption while enroute holding authorized credit cards issued by railroad or railroad credit bureaus.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 906, entitled:

An Act amending the Act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein providing for its levy and collection for the issuance of mercantile licenses upon the payment of fees therefor conferring and imposing powers and duties on boards of public education receivers of school taxes and school treasurers in such districts saving certain ordinances of council of certain cities and providing compensation for certain officers and employes and imposing penalties" as amended by changing the penalties on taxes not paid when due.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MIHM asked and obtained permission for the Committee on Cities—Counties—second and Second Class A to meet during the session of the House.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1618.

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" prescribing powers and duties of the Department of Welfare with respect to juveniles.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 4, by striking out all of lines 1 to 5 inclusive as follows:

(d) To reimburse the counties and the Departments of Public Welfare of cities of the first class for part of the net cost of maintenance correction re-education rehabilitation and treatment of juvenile delinquents the proportion to be reimbursed shall be determined annually by the department and shall be uniform for all counties and departments.

Page 4, line 6, by striking out at the beginning of the line following: "(c)" and inserting in lieu thereof the following: "(d)"; line 9 by striking out at the beginning of the line the following: "(f)" and inserting in lieu thereof the following "(e)"; line 17, by striking out at the beginning of the line the following: "(g)" and inserting in lieu thereof the following: "(f)"; page 5, line 11, by striking out at the beginning of the line the following: "(2)" and inserting in lieu thereof the following: "(b)"; page 6, line 1, by striking out after the word "child" the following: "and to the committing court."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—193

Adam,	Frost,	Magee,	Rovansek,
Agnew,	Gaffney,	Markley,	Royer,
Amarando,	Garlock,	Maxwell,	Rubin,
Anderson, M. S.,	Gelfand,	McCann,	Rudisill,
Anderson, S. A.,	George,	McCormack,	Sarraf,
Ashton,	Gibb,	McGee,	Scarcelli,
Auker,	Gibson,	McInroy,	Schuster,
Banker,	Goldstein,	McKeever,	Sherman,
Barnatovich,	Gramlich.	McLaughlin.	Sigman,
Bazin,	Guss,	McWherter,	Smith, C. C.,
Bell,	Guthrie,	Meholchick,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Metz,	Snider,
Boies,	Hass,	Mihm,	Stank,
Bonner,	Haudenshield,	Mikula,	Stebbins,
Boory,	Heavey,	Miller,	Steckel,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Breisch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Toll,
Bullen,	Johnson,	Murray, H. P.,	Tompkins,
Capano,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cioffi,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Cooper,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Ehrgood,	Kooker,	Pashley,	Weidner,
Eilberg,	Kornick,	Paulhamus,	Wescott,
Erb,	Kromer,	Petrosky,	Wheeler,
Eshleman,	Leiby,	Polaski,	Whitenight,
Ewing,	Leisey,	Polen,	Willaredt,
Farabaugh,	Leonard,	Pomeroy,	Williams,
Filo,	Leven,	Price,	Wilt,
Flint,	Light,	Pursley,	Wood,
Floyd,	Limper,	Readinger,	Worley,
Flynn,	Lippincott,	Reibman,	Yetter,
Foster,	Lopresti,	Reidenbach,	Yetzer,
Frank,	Lovett,	Renwick,	Ziegler,
Frascella,	Lutty,	Rigby,	Andrews,
		Rosen,	Speaker

NAYS—0

NOT VOTING—14

Cochran,	Fineman,	Lafore,	Stephens,
Connelly,	Greenwood,	Lawyer,	Thompson,
Down,	Kratz,	Mahan,	Welsh,
		Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2029, entitled:

An Act amending "The Fish Law of one thousand nine hundred and twenty-five approved May 2, 1925 (P. L. 448) excluding from the provisions thereof the operation of and fishing from temporary water tanks in connection with sportsman's shows.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. KORNICK. Mr. Speaker, I move that this bill be recommitted to the Committee on Fisheries.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2075, entitled:

An Act, amending the "Policemen's Relief and Pension Fund Law" approved May 22 1935 (P. L. 233) further regulating the withdrawal of service increment contributions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 317, entitled:

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law and repealing certain inconsistent acts.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and amendment.

The motion was agreed to.

PERMISSION TO ADDRESS HOUSE

The SPEAKER (Mr. Andrews) asked and obtained unanimous consent to address the House.

Mr. Speaker, personally I have always enjoyed such excellent personal relations with the Press that I have always hesitated on the floor of this House to indulge in any general criticisms.

However, I want to say, Mr. Speaker, that if I were the only one concerned in the statement to which I shall later allude, I would not now take the floor. As I have said, I have enjoyed very good personal relations with the Press throughout the years personally, but in every newspaper group there is always one member of the genus "McFightus."

I want to read a part, just one paragraph of a screed penned as a sort of feature. The clipping reads as follows:

> Leaders of House Bankrupt in Both Intelligence and Courage. A bipartisan committee of the House of Representatives at Harrisburg has produced a monstrous tax program.

I do not know the author of that statement, but I will warrant that if I saw the entire staff of that paper parade before me I could pick him out. He would be the one that swung his hips as he walked. I would classify this particular pen-wielder as a perfumed political illiterate, one mentally bankrupt, a person who could have reached his present sad state only as a result of continued intellectual self-abuse. There is a cruder way of saying that. His underclothing is probably laundered twice a day because he is a coward, cowards know fear, and they tell me in the books that fear stains underwear.

A newspaper is privileged to criticise our actions, but no newspaper within the bounds of properiety is justified in announcing to the people of this state that the leaders of this House, the ones vested by you as representing the leadership, comprise a group destitute of both intelligence and courage. I might accept the indictment on intelligence if it were backed by argument, but I do not accept the indictment of lack of courage.

Neither the public nor the Press has understood the logic, the logic of events, which made the bipartisan tax program the only means whereby the political logjam that had been engendered over the months could have been broken.

The Press has wondered why the Governor, who is called a "stubborn young man," did not months and months ago clear the way for a sales tax. What would he have used for votes? Not even the Governor of this Commonwealth months and months ago could have waved a wand, or by summoning Members into his presence could have produced a majority of the votes, 106 on this side of the House for a sales tax, and he did not have them on that side of the House.

Events had to drift to the point where bipartisan action was possible, and the attempt had to be timed. That attempt, when it was sent to the other Chamber, gave that Chamber the tools, the necessary tools, that enabled it to function. It could not have originated any tax legislation, and it found the legislation sent to it unsuited for the purpose of framing a general sales tax.

The bipartisan program as a matter of deliberation and of previous planning contained a choice, sales tax or income tax, and because it was sent to the other Chamber under bipartisan auspices it compelled action and constructive action would have been impossible before. That bipartisan program was not born overnight.

It was born out of the logic of a situation that had developed over the months.

You have a heavy program, a heavy calendar, and I do not care to consume too much time. This House was derided in another place and in the Press because it sent to the other branch of this General Assembly a tax bill that was supposed to be crudely drawn. Within the last few days we have received from the Chamber that criticized us a tax bill which contains more bugs than a thousand flophouse beds. And it is our business, it is our business, without destroying the tenor and texture of the bill, to remove the bugs.

This House of this General Assembly has a right to expect intelligent cooperation upon the part of the Press. I cannot continue along this line this afternoon, although I would like to cite many examples, but you can damn by a headline that in and of itself is innocent. "State Tax Vultures Denounced." "State Tax Vultures Denounced." Who are the vultures, the Members of Pennsylvania's General Assembly? Ah, you say, it is simply a headline over a letter to the editor. But it is the letter that is featured and it is the headline that stands, the headline that registers with the public.

If I had the time I would beseech a more intelligent and sympathetic consideration of the problems we face in taxation, although the newspapers probably are not interested. Why? Because they have no stake in any tax bill we pass. Free, and when they have a secure tax immunity, they are privileged to abuse.

Now we have a tax bill to amend. We have school legislation of impelling import, we have health legislation of great importance to the people of this Commonwealth, and we have before us the very unpopular job of bringing into line salaries in the public service, whether they serve in state institutions as technical help, technical advisers, whether they are professors at state universities, or whether they are cabinet officers or Members of the General Assembly.

We face a critical situation from the point of education in this Commonwealth, not only at the lower level but our universities are no longer able to pay the salaries necessary to maintain the quality in the staff that they should maintain. Many of our educators are leaving us, and that is particularly true at the state universities.

For years we have had a stream of technicians whom we trained in this Commonwealth in our state institutions, and they have drifted into other states because we have not paid them.

We have the General State Authority problems. What additional facilities will this General Assembly make possible by increasing the borrowing power of the General State Authority? To what extent should the borrowing power of the School Authority be increased? Those are all questions you will be asked to decide and are some of the most important issues that have come before us in the closing days, the closing hectic days, of the session.

As far as the Speaker is concerned and insofar as lies within his power, we will take the time necessary to adequately consider legislation that we originate here or legislation that is sent to us from the other Chamber, desires for a sine die adjournment resolution to the contrary notwithstanding.

We are a deliberative body. We are not subject to the whims of a few tired old men who serve in another chamber and who long to go home. We are young and virile and we have the stuff.

I thank the Members of the House for their indulgence. I crave their cooperation. I seek more cordial relations with the Press, more sympathetic relations, not sympathetic as far as we are personally concerned, but sympathetic with the things we are trying to do, the things we should do, and in the doing of which frequently we blunder.

STUDENTS OF MAYTOWN ELEMENTARY SCHOOL WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the Hall of the House a delegation of sixty students from the Maytown Elementary School of Lancaster County under the supervision of their teachers, Miss Mischolich and Mr. Counts. They are the guests of the gentlemen from Lancaster, Mr. Eshleman, Mr. Royer, Mr. Paul Murray and Mr. Wood.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 620, Printer's No. 1042, together with communication from the Governor be taken from the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 620, FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, December 15, 1955.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 620, Printer's No. 1042, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. PETROSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky, vote on the final passage of this bill?

Mr. PETROSKY. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. AMARANDO. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 3 (Section 1002), page 5, line 11, by striking out the bracket.

Amend Section 3 (Section 1002), page 5, line 17, by striking out the bracket.

Amend Section 3 (Section 1002), page 6, line 4, by inserting after "accuracy" if necessary.

Amend Section 3 (Section 1002), page 6, line 5, by inserting a bracket before "after" and after "adjustment."

Amend Section 3 (Section 1002), page 6, lines 9 to 16, by striking out "Under all" in line 9, and all of lines 10 to 16.

Amend Section 4 (Section 1201), page 9, line 17, by striking out "a city including."

Amend Section 4 (Section 1201), page 9, line 17, by striking out "and."

Amend Section 4 (Section 1201), page 9, line 17, by inserting after "second" and third.

Amend the bill, page 13, by inserting between lines 5 and 6:

Section 6. Subsection (a) of section 1206 of the act amended June 29, 1937 (P. L. 2329), is amended to read:

Section 1206. Report of Conviction.—

(a) Every magistrate in this Commonwealth shall keep, for a period of at least two (2) years, a full report of every case in which a person is charged with a violation of any provision of this act, and such records shall be open for inspection by any peace office or department employe. Every magistrate shall make a monthly report to the department, not later than the tenth day of the following month, of the disposition of every case where an information has been filed charging a violation of any provision of this act, a notice charging a violation of the provisions of this act has been sent to a person, or where such person has been arrested on view, or with a warrant, charging a violation of any of the provisions of this act. Every magistrate shall also file with the department prior to the tenth day of each month a report of every undisposed of case with respect to which more than sixty (60) days prior to such report either an information had been filed charging a violation of any provision of this act, a notice charging a violation of the provisions of this act had been sent to a person, or a person had been arrested on veiw or with a warrant charging a violation of any of the provisions of this act. But [this requirement] these requirements shall not be deemed to make such court a court of record. Abstracts and reports required by this section shall be made upon forms prepared by the department, and shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, the amount of the fine or forfeiture, and other information deemed necessary by the department; and every such abstract or report shall be certified by the magistrate as a true abstract or report of the record of the court.

* * *

Amend Section 6, page 13, line 6, by striking out "6" and inserting "7."

Amend title, page 2, line 11 of the title, by inserting after regulating "magistrates' reports."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 730, as follows:

An Act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pullorum testing programs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Agriculture when he determines that there is a need for trained technicians to aid in drawing blood from poultry to be used in pullorum testing programs may license as many trained technicians as he deems necessary to aid the programs

Section 2 Every applicant for licensure as a poultry technician shall furnish evidence that he is at least twenty-one years of age a citizen of the United States or has legally declared his intention to become such is of good moral character has completed at least eight years of education in a public parochial or private school or its equivalent as evaluated by the Department of Public Instruction and has satisfactorily completed a course of training in poultry blood-testing as prescribed by the Department of Agriculture

Section 3 The course of training for a poultry technician shall be conducted by a person who is a graduate of an accredited school of veterinary medicine and shall include the harmless and painless manner of drawing blood from live poultry the proper handling and preservation of blood samples and any other related instruction which the Secretary of Agriculture deems essential to safely conduct such work

Section 4 No application for licensure as a poultry technician shall be considered unless accompanied by a fee of five dollars ($5.00) Such licenses when issued shall be in force unless revoked for cause until January first of each year at which time they may be renewed upon payment of the five dollar ($5.00) fee if renewal application is approved by the Department of Agriculture

Appeals from any action of the secretary of agriculture which results in a refusal to issue or renew or in a suspension or revocation of a license shall be taken in accordance with the provisions of the act of June 4, 1945 (P. L. 1388) known as the "Administrative Agency Law"

Section 5 All persons licensed as poultry technicians may engage for compensation in drawing blood from poultry to be used in pullorum testing without being licensed as a veterinarian The license shall not entitle him to perform any other function for which a veterinarian's license is required

Section 6 The Secretary of Agriculture may (1) adopt and promulgate rules and regulations Governing the activities methods and functions of all technicians licensed under the provisions of this act and (2) suspend or revoke the license of any licensee who is (I) incompetent (II) fails to comply with the provisions of this act or any rule or regulation of the secretary or (III) is intemperate in the use of stimulants narcotics or any other substance which impairs the performance of his duties

Section 7 Any person who violates any provision of this act or any rule or regulation thereunder shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of one hundred dollars ($100.00)

Section 8 A person licensed under the provisions of this act engaged to draw blood samples from poultry to be used in pullorum testing shall not be an employe of the owner of the poultry

Section 9 The act of April 27, 1945 (P. L. 321) known

as "The Veterinary Law" is repealed in so far as it is inconsistent with this act

Section 10 This act shall take effect immediately

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—189

Adam,	Frost,	Lutty,	Rovansek,
Agnew,	Frascella,	Magee,	Royer,
Amarando,	Gaffney,	Markley,	Rubin,
Anderson, M. S.,	Garlock,	Maxwell,	Rudisill,
Anderson, S. A.,	Gelfand,	McCann,	Sarraf,
Ashton,	George,	McCormack,	Scarcelli,
Auker,	Gibb,	McGee,	Schuster,
Banker,	Gibson,	McInroy,	Sherman,
Barnatovich,	Gramlich,	McKeever,	Sigman,
Bazin,	Guss,	McLaughlin,	Smith, C. C.,
Bell,	Guthrie,	McWherter,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Meholchick,	Snider,
Boles,	Hass,	Metz,	Stank,
Bonner,	Haudenshield,	Mihm,	Steckel,
Boory,	Heavey,	Mikula,	Stebbins,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Breisch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Toll,
Bullen,	Johnson,	Murray, H. P.,	Tompkins,
Capano,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cioffi,	Jump,	Musto,	Varner,
Comer,	Kamyk,	Naugle,	Vaughan,
Cooper,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Farabaugh,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Wheeler,
Eilberg,	Kromer,	Petrosky,	Whitenight,
Erb,	Leiby,	Polaski,	Willaredt,
Eshleman,	Leisey,	Polen,	Williams,
Ewing,	Leonard,	Pomeroy,	Wilt,
Filo,	Leven,	Price,	Wood,
Flint,	Limper,	Readinger,	Worley,
Floyd,	Lippincott,	Reibman,	Yetter,
Flynn,	Light,	Reidenbach,	Yetzer,
Foster,	Lopresti,	Renwick,	Ziegler,
Frank,	Lovett,	Rigby,	Andrews,
		Rosen,	Speaker

NAYS—4

Goldstein,	Miller,	Pursley,	Wescott,

NOT VOTING—14

Cochran,	Greenwood,	Mahan,	Thompson,
Connelly,	Kratz,	Pettigrew,	Welsh,
Down,	Lafore,	Stephens,	Young,
Fineman,	Lawyer,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

BILL PASSED OVER

There being no objection

House Bill No. 217, Printer's No. 1514

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 231, as follows:

An Act permitting any person entitled to vote to absent himself from any service or employment in which he is engaged or employed for a period of two hours in certain cases without deduction in salary or wages

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Any person entitled to vote at an election shall on the day of election be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of two hours while the polls of the election are open This section shall not apply to a voter on the day of a primary general municipal or special elections if there are two successive hours while the polls of such election are open in which he is not engaged in any service or employment

Section 2 No deduction shall be made from the usual salary or wages of such voter and no other penalty shall be imposed upon him by his employer by reason of such absence (1) if the voter shall notify his employer before the day of election of such intended absence and (2) if thereupon two successive hours for such absence shall be designated by the employer and such absence shall be during such designated hours or (3) if the employer upon the day of such notice makes no designation and such absence shall be during any two successive hours while the polls are open.

Section 3 This act shall apply to and include employes of all political subdivisions

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, some of the Members may not know that this bill was amended yesterday to provide that only in the event an employee is required to work the entire time the polls are open would he be entitled to ask the employer to designate two hours during his working day during which time he would go to vote and for which he would be paid.

The bill now is in that shape. I see no reason why everybody cannot vote for this bill in good conscience.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—177

Adam,	Frost,	Markley,	Rubin,
Agnew,	Gaffney,	Maxwell,	Sarraf,
Amarando,	Garlock,	McCann,	Scarcelli,
Anderson, M. S.,	Gelfand,	McCormack,	Schuster,
Anderson, S. A.,	George,	McGee,	Sherman,
Ashton,	Gibson,	McInroy,	Sigman,
Auker,	Gramlich,	McKeever,	Smith, C. C.,
Barnatovich,	Guss,	McLaughlin,	Smith, Wm. B.,
Bazin,	Guthrie,	McWherter,	Snider,
Bell,	Hamilton, R. K.,	Meholchick,	Stank,
Boles,	Heavey,	Metz,	Stebbins,
Bonner,	Henzel,	Mihm,	Steckel,
Boory,	Hewitt,	Mikula,	Stone,
Bower,	Hocker,	Mills,	Stoner,
Branca,	Holt,	Monroe,	Strausser,
Breisch,	Horst,	Moody,	Stroup,
Brennan, A. P.,	Houk,	Moran,	Swartz,
Brennan, J. J.,	Isaacs,	Moscrip,	Taylor,
Brenninger,	Jenkins,	Muldowney,	Thomas,
Breth,	Johnson,	Mullen,	Toll,
Brown,	Jones, G. E.,	Munley,	Tompkins,
Bucchin,	Jones, T. H. W.,	Murphy,	Toomey,
Bullen,	Jump,	Murray, H. P.,	Varallo,
Capano,	Kamyk,	Murray, J. J.,	Varner,
Cianfrani,	Kehler,	Murray, P. G.,	Vaughan,
Cioffi,	Keller,	Musto,	Verona,
Comer,	Kent,	Needham,	Wall,
Cooper,	Kline,	Ogilvie,	Wallace,
Curwood,		Olsen,	Walsh,

Davis,	Knecht,	O'Neil,	Wargo,
Donahue,	Kolankiewicz,	Pacchioli,	Waterhouse,
Donaldson,	Kooker,	Parry,	Weidner,
Dougherty,	Kornick,	Pashley,	Wescott,
Ehrgood,	Kromer,	Paulhamus,	Wheeler,
Eilberg,	Leiby,	Petrosky,	Whitenight,
Erb,	Leisey,	Polaski,	Willaredt,
Eshleman,	Leonard,	Polen,	Williams,
Farabaugh,	Leven,	Pomeroy,	Wood,
Filo,	Light,	Readinger,	Worley,
Flint,	Limper,	Reibman,	Yetter,
Floyd,	Lippincott,	Reidenbach,	Yetzer,
Flynn,	Lopresti,	Renwick,	Ziegler,
Foster,	Lovett,	Rigby,	Andrews,
Frank,	Lutty,	Rosen,	Speaker
Frascella,	Magee,	Rovansek,	

NAYS—16

Banker,	Goldstein,	Miller,	Royer,
Blair,	Hass,	Naugle,	Rudisill,
Ewing,	Haudenshield,	Price,	Stevenson,
Gibb,	Helm,	Pursley,	Wilt,

NOT VOTING—14

Cochran,	Greenwood,	Mahan,	Thompson,
Connelly,	Kratz,	Pettigrew,	Welsh,
Down,	Lafore,	Stephens,	Young,
Fineman,	Lawyer,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 885, Printer's No. 1488

was passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1176, as follows:

An Act defining and relating to installment land contracts and providing for and regulating the rights and obligations between parties to such contracts under certain terms and conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Short Title This act shall be known and may be cited as the "Installment Land Contract Law"

Section 2 Findings and Declaration of Policy It is hereby determined and declared as a matter of legislative finding that

(2) Since installment contracts are executory in nature and cover rights and obligations over an extended period of time prior to final settlement it is deemed advisable to clarify and define the nature of the contract and the rights and obligations of both parties

(3) It is the intent of this act to provide for an agreement that will be fair and equitable for both buyer and seller and will protect the buyer from unreasonable provisions pertaining to installment payments Define what constitutes default and remedies for same provide proper provisions for final settlement and delivery of good title to the purchaser

(4) By reason of the fact that the installment sales agreement is executory in nature under its terms and final settlement is not contemplated for an extended period of time The buyer is entitled to have full information and disclosure of the terms of his agreement the status of his account the balance due on the purchase price and a statement of the application of his monthly installments with the proper itemization of what constitutes principal payments and carrying charges during the existence of the agreement

Section 3 Definitions Application of Act (a) As used in this act

(1) "Installment land contract" includes every executory contract for the purchase and sale of a dwelling whereby the purchaser is obligated to make six or more installment payments to the seller after the executor of the contract and before the time appointed for the conveyance of title to the dwelling

(2) "Dwelling" means a building or structure which is wholly or principally used for residential purposes

(b) This act shall apply only to installment land contracts entered into after the effective date of this act and shall apply notwithstanding any provision of a contract inconsistent herewith

Section 4 Notice to Terminate Contract upon Purchaser's Default (a) Whenever default is made in the terms or conditions of any installment land contract by reason of which default the seller has the right to terminate the contract the seller shall as a condition precedent to the exercise of the right serve upon the purchaser a written notice of termination The notice shall be served personally or by registered mail sent to the last known address of the purchaser

(b) The notice shall specify the nature of the default and whenever the default arises out of the purchaser's failure to keep the premises in good repair pursuant to the provisions of the installment land contract the notice shall contain a reasonably specific statement of the items in disrepair

(c) The date of termination specified in the notice shall in no case be less than thirty days after the date upon which service of the notice is made upon the purchaser in the manner hereinbefore provided where default is because of failure to make payments when due Whenever default arises because of purchaser's failure to make repairs the notice shall be no less than sixty days

(d) If the default arises from the failure of the purchaser to pay the complete purchase price within the specified period prescribed in the contract the time specified in the notice shall in no case be less than one hundred twenty days after the date upon which service of the notice is made upon the purchaser in the manner hereinbefore provided

Section 5 Seller's Remedies (a) In the event of any default by the purchaser in the payment of any installment any assessment for public improvements or any sum owed by the purchaser because of repairs made by the seller and payable by the purchaser pursuant to the terms of the contract the remedies of the seller shall be limited to either

(1) Termination of the contract in accordance with the provisions of section 4 of this act or

(2) An action for the recovery of the installment assessment or the expenditure for repairs made by the seller

(b) Any seller who has pursued the remedies set forth in clause (2) above may at any subsequent time unless the purchaser shall have cured any subsequently declared default terminate the contract in accordance with the provisions of section 4 of this act

(c) In any action by a seller pursuant to subsection (a) clause (2) above recovery shall be limited to all installments and assessments for public improvements due prior to the surrender of the premises by the purchaser and whenever the purchaser is responsible for repairs the value of the repairs made by the seller prior to the surrender and the cost of any actual repairs made by the seller subsequent to the surrender of the premises which repairs became necessary by reason of damage done by the buyer or the vandalism of the premises prior to the actual delivery of possession to the seller

(d) The seller upon termination of any installment land contract may maintain an action for damages for breach of the contract as hereinafter provided or an action for the recovery of possession of the property as now provided by law or both

(e) In any action by the seller to recover damages for a breach of any installment land contract the seller shall be entitled to recover damages for all losses resulting from the breach including but not limited to the excess of the contract price over the market price at the time

of breach the unpaid installment payments due prior to the surrender of the dwelling by the purchaser the value of any repairs made by the seller prior to the surrender whenever the purchaser is responsible for the repairs and the cost of any actual repairs made by the seller subsequent to the surrender of the premises which repairs became necessary by reason of damage done by the buyer or the vandalism of the premises prior to the actual delivery of possession to the seller and any assessments for public improvements The unpaid balance of the purchase price shall not be considered an item of recoverable damages

Section 6 Action Maintainable by Defaulting Purchaser (a) Except as provided in Subsection (b) of this Section any purchaser who has voluntarily surrendered possession of the premisese may maintain an action to recover payments of principal made on the contract and assessments for public improvements paid by him without interest on the payments less any damages sustained by the seller Upon the purchaser's default and his termination of the contract by voluntary surrender of possession of the premises

(b) If the purchaser paid on account of principal a sum in excess of twenty per cent of the purchase price he shall be entitled to recover that portion in excess of twenty per cent less any other actual damages as is more specifically set forth in Section 5 Subsection (d) hereof suffered and expenditures made by the seller for which the purchaser has assumed liability That portion of the purchase price retained by the seller hereunder shall be considered as liquidated damages covering possible losses sustained for the breach of contract for use and occupancy and for depreciation and not as a penalty action by the purchaser must be instituted within one year from the date of default and such right of action by the purchaser shall not be deemed a cloud on seller's title nor prevent seller from a clear title because of the pendency of the action

Section 7 Implied covenants of the seller (a) Any seller entering into an installment land contract shall impliedly covenant that

(1) Subject to subsections (f) and (g) hereof his title shall be good and marketable during the entire term of the contract and

(2) Upon the purchaser's written request and upon reasonable intervals he shall (i) Inform the purchaser in writing of the current unpaid balance of the purchase price (ii) Furnish the purchaser with a complete itemization of all components of an installment payment and (iii) Make available to the purchaser for his inspection all tax and insurance receipts for the premises and whenever the purchaser is responsible under the contract for repairs all bills and receipts therefor

(b) When any seller fails to perform any of the covenants set forth in subsection (a) hereof the purchaser may

(1) Terminate the contract or

(2) So long as the seller's default continues remain in possession under the contract and tender to the seller each installment payment provided for by the contract less that portion which is allocable to principal when any seller refuses or neglects to disclose information pursuant to subsection (a) clause (2) hereof the purchaser in making his tender may withhold from each installment payment that portion which he in good faith estimates as allocable to principal and when the seller's default has been remedied the purchaser shall pay to the seller all sums withheld under this clause

(c) A purchaser electing either of the remedies set forth in subsection (b) hereof shall serve a written notice of his election upon the seller personally or by registered mail or other mail service which results in the Post Office Department making a record of delivery and the sender receiving a receipt signed by the addressee or his agent evidencing delivery sent to his last known address and shall with reasonable particularity state the reason for his action and the remedy he has elected the notice shall state that on a specified day not less than sixty days after service of the notice the contract shall terminate or the purchaser shall commence withholding principal payments whichever is the case unless prior thereto the seller shall cure his default and advise the purchaser thereof in writing delivered personally to the purchaser or by registered mail sent to the last known address of the purchaser

(d) Any purchaser not in default who has exercised his right to terminate the contract pursuant to subsections (b) and (c) hereof and who has surrendered possession of the premises may maintain an action to recover payments of principal made on the contract and assessment for public improvements paid by him without interest on any payments and other damages as the purchaser may have suffered

(e) When the purchaser exercises the option set forth in subsection (b) clause (2) hereof and continues to tender each installment payment pursuant thereto this shall be deemed to be full performance under the contract until the time that default is cured unless the default is cured the seller shall have no right to terminate the contract or to maintain an action for the balance of any installment payment

(f) A defect in the title which is specified in the contract other than a complete absence of title shall not constitute justification for termination of the contract by the purchaser A mere contract right in the seller to obtain a conveyance of the property shall be deemed a complete absence of title unless the character of the seller's interest is disclosed in the installment land contract and unless the seller is not in default under the contract from which he derives his interest

(g) For the purpose of this section a title shall be deemed marketable even though there is a lien or encumbrance affecting it which can be extinguished by the payment of a definitely ascertainable sum not in excess of the unpaid balance of the purchase price

Section 8 Seller's Duty to disclose the sale price (a) The seller shall set forth clearly in the installment land contract the total consideration for the sale

(b) When any seller violates subsection (a) hereof and the seller does not comply with subsection (a) hereof within thirty days after written demand therefor by the purchaser the purchaser may at any time thereafter terminate the contract on account of uncertainty and may recover from the seller all installment payments paid less that portion allocable to taxes water and sewer rent and insurance premiums and less the cost of repairs made by the seller if the purchaser is responsible under the contract for repairs

Section 9 Allocation of Monthly Payments In determining what portion of the monthly installments shall be applied against principal on account of the purchase price there shall first be deducted all items authorized under the agreement of sale such as taxes water and sewer rentals interest on the unpaid balance of purchase price cost of all insurance premiums repairs and assessments authorized under the terms of the agreement and the net balance thereof shall be applied to principal

Section 10 Existing Remedies of Purchaser The rights granted by this act to any purchaser under any installment land contract shall be in addition to and not in derogation of any rights of a purchaser under existing law

Section 11 Incorporation into contracts Sections 3 4 5 6 7 8 9 and 10 of this act shall be deemed to be a part of every installment land contract entered into after the effective date of this act and each seller shall incorporate those provisions into every contract

Section 12 Constitutional Construction The provisions of this act shall be severable and if any of the provisions thereof shall be held unconstitutional the decisions shall not affect the validity of any of the remaining provisions of this act is hereby declared as the legislative intent that this act would have been adopted had the unconstitutional provision not been included therein

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—100

Adam,	Flynn,	McLaughlin,	Rovansek,
Amarando,	Frank,	McWherter,	Rudisill,
Anderson, M. S.,	Frascella,	Meholchick,	Sarraf,
Anderson, S. A.,	Gaffney,	Mihm,	Scarcelli,
Barnatovich,	Garlock,	Mikula,	Schuster,
Bazin,	Gelfand,	Mills,	Sherman,
Boles,	Guss,	Monroe,	Smith, Wm. B.,
Bonner,	Hamilton, R. K.,	Moran,	Snider,
Boory,	Hass,	Muldowney,	Stank,
Bower,	Heavey,	Mullen,	Stebbins,
Branca,	Holt,	Munley,	Stone,
Brennan, A. P.,	Jenkins,	Murray, J. J.,	Taylor,
Brennan, J. J.,	Jones, G. E.,	Musto,	Thomas,
Breth,	Kamyk,	Needham,	Varallo,
Bucchin,	Kornick,	Olsen,	Verona,
Capano,	Leiby,	O'Neil,	Wallace,
Cianfrani,	Leonard,	Pacchioli,	Walsh,
Cioffi,	Leven,	Pashley,	Wargo,
Comer,	Limper,	Petrosky,	Wheeler,
Curwood,	Lovett,	Polaski,	Whitenight,
Dougherty,	Lutty,	Polen,	Williams,
Eilberg,	Maxwell,	Readinger,	Worley,
Filo,	McCann,	Reibman,	Yetter,
Flint,	McGee,	Reidenbach,	Yetzer,
Floyd,	McKeever,	Rosen,	Andrews, Speaker

NAYS—86

Agnew,	Goldstein,	Light,	Rigby,
Ashton,	Gramlich,	Lippincott,	Royer,
Auker,	Guthrie,	Lopresti,	Smith, C. C.,
Banker,	Haudenshield,	Magee,	Steckel,
Bell,	Helm,	Markley,	Stevenson,
Brenninger,	Henzel,	McCormack,	Stoner,
Brown,	Hewitt,	McInroy,	Strausser,
Cooper,	Hocker,	Metz,	Stroup,
Davis,	Horst,	Miller,	Swartz,
Donahue,	Houk,	Moody,	Toll,
Donaldson,	Isaacs,	Moscrip,	Tompkins,
Ehrgood,	Johnson,	Murphy,	Toomey,
Erb,	Jones, T. H. W.,	Murray, H. P.,	Varner,
Eshleman,	Jump,	Murray, P. G.,	Vaughan,
Ewing,	Kehler,	Naugle,	Wall,
Farabaugh,	Keller,	Ogilvie,	Waterhouse,
Foster,	Knecht,	Parry,	Weidner,
Frost,	Kolankiewicz,	Paulhamus,	Wescott,
George,	Kooker,	Pomeroy,	Willaredt,
Gibb,	Kromer,	Price,	Wilt,
Gibson	Leisey,	Pursley,	Wood,
		Renwick,	Ziegler,

NOT VOTING—21

Blair,	Down,	Kratz,	Rubin,
Breisch,	Fineman,	Lafore,	Sigman,
Bullen,	Greenwood,	Lawyer,	Stephens,
Cochran,	Kent,	Mahan,	Thompson,
Connelly,	Kline,	Pettigrew,	Welsh,
			Young,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1385, as follows:

An Act amending the act of May 22, 1933 (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" requiring employers to make certain payments to employes when on jury duty in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of May 22, 1933 (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" is amended by adding after section 1 thereof a new section to read

Section 1.1 Every person regularly employed by another when absent from his usual employment because of jury duty shall be paid by his employer if his employer employs fifty or more persons the difference between his usual daily salary or wage and his pay as a juror mileage excluded for a period not to exceed two weeks

On the question,

Shall the bill pass finally?

Mr. READINGER. For the information of the Members of the House, this bill also was amended yesterday. It provides that employers of fifty or more employes shall pay to an employe who is called for jury duty the difference between what the employe was regularly paid and the amount he receives for serving on the jury. It also limits it to a period of two weeks.

The bill as originally drawn, in my opinion, did not properly describe what was to be accomplished. I do not think there ever was any intention to bankrupt any small employers of two, or three, or five, people.

Furthermore, I do not know whether the draftsman had in mind the fact that there are employes, or persons, who are called to Federal jury duty and sometimes remain there as long as three or four months. It was my thought that the bill as drawn could inflict terrific punishment on some innocent employer and, therefore, I offered the amendments.

I think the bill as it stands now is a good bill and I am asking everybody in the House to vote for it.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

A verification of the roll was requested by Messrs. MOSCRIP, EHRGOOD and HOCKER.

The roll was verified and was as follows:

YEAS—108

Adam,	Frank,	McLaughlin,	Renwick,
Amarando,	Frascella,	McWherter,	Rosen,
Anderson, M. S.,	Gaffney,	Meholchick,	Rovansek,
Anderson, S. A.,	Garlock,	Mihm,	Sarraf,
Barnatovich,	Gelfand,	Mikula,	Scarcelli,
Bazin,	Guss,	Mills,	Schuster,
Bell,	Hamilton, R. K.,	Monroe,	Sherman,
Boles,	Heavey,	Moody,	Sigman,
Bonner,	Holt,	Moran,	Smith, Wm. B.
Boory,	Isaacs,	Muldowney,	Snider,
Branca,	Jenkins,	Mullen,	Stank,
Brennan, A. P.,	Jones, G. E.,	Munley,	Stebbins,
Brennan, J. J.,	Kamyk,	Murphy,	Stone,
Breth,	Kubacki,	Murray, J. J.,	Swartz,
Bucchin,	Kolankiewicz,	Musto,	Taylor,
Capano,	Kornick,	Needham,	Thomas,
Cianfrani,	Leiby,	Olsen,	Toll,
Cioffi,	Leonard,	O'Neil,	Varallo,
Comer,	Leven,	Pacchioli,	Verona,
Curwood,	Limper,	Pashley,	Wallace,
Dougherty,	Lovett,	Paulhamus,	Wargo,
Eilberg,	Lutty,	Petrosky,	Wheeler,
Filo,	Maxwell,	Polaski,	Whitenight,
Flint,	McCann,	Polen,	Williams,
Floyd,	McCormack,	Readinger,	Yetzer,
Flynn,	McGee,	Reibman,	Ziegler,
Foster,	McKeever,	Reidenbach,	Andrews, Speaker

NAYS—75

Agnew,	Gramlich	Lippincott,	Smith, C. C.,
Auker,	Guthrie,	Lopresti,	Steckel,
Banker,	Hass,	Magee,	Stevenson,
Brenninger,	Haudenshield,	Markley,	Stoner,
Brown,	Helm,	McInroy,	Strausser,
Cooper,	Henzel,	Metz,	Stroup,
Davis,	Hewitt,	Miller,	Tompkins,
Donahue,	Hocker,	Moscrip,	Toomey,

Donaldson,	Horst,	Murray, H. P.,	Vaughan,
Ehrgood,	Houk,	Murray, P. G.,	Wall,
Erb,	Johnson,	Naugle,	Walsh,
Eshleman,	Jones, T. H. W.,	Ogilvie,	Waterhouse,
Ewing,	Jump,	Parry,	Weidner,
Farabaugh,	Kehler,	Pomeroy,	Wescott,
Frost,	Keller,	Price,	Willaredt,
George,	Kooker,	Pursley,	Wilt,
Gibb,	Kromer,	Rigby,	Wood,
Gibson,	Leisey,	Royer,	Worley,
Goldstein,	Light,	Rudisill,	

NOT VOTING—24

Ashton,	Connelly,	Kratz,	Stephens,
Blair,	Down,	Lafore,	Thompson,
Bower,	Fineman,	Lawyer,	Varner,
Breisch,	Greenwood,	Mahan,	Welsh,
Bullen,	Kent,	Pettigrew,	Yetter,
Cochran,	Kline,	Rubin,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the consideration on final passage of House Bill No. 2008, as follows:

An Act amending the act of May 22, 1933 (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" clarifying the exclusion of cities boroughs townships school districts and poor districts in counties of the second class from provision excluding certain items in valuing real estate

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 201 act of May 22, 1933 (P. L. 853) known as "The General County Assessment Law" amended July 28, 1953 (P. L. 701) and July 29, 1953 (P. L. 984) is amended to read

Section 201 Subjects of Taxation Enumerated The following subjects and property shall as hereinafter provided be valued and assessed and subject to taxation for all county city borough town township school and poor purposes at the annual rate

(a) All real estate to wit Houses house trailers permanently attached to land lands lots of ground and ground rents trailer parks and parking lots mills and manufactories of all kinds furnaces forges bloomeries distilleries sugar houses malt houses breweries tan yards fisheries and ferries wharves and all other real estate not exempt by law from taxation Machinery tools appliances and other equipment contained in any mill mine manufactory or industrial establishment shall not be considered or included as a part of the real estate in determining the value of such mill mine manufactory or industrial establishment Provided [however] That the exclusion of machinery tools appliances and other equipment contained in any mill mine manufactory or industrial establishment shall not apply to [the county] counties of the second class nor to cities other than cities of the second class boroughs townships school districts other than school districts of the first class A or poor districts in counties of the second class Provided further That the exclusion of such machinery tools appliances and other equipment in so determining the value of such mill mine manufactory or industrial establishments shall be postponed and shall not become effective until such real estate is valued and assessed for taxes to be levied for the tax or fiscal years beginning on or after the first day of January one thousand nine hundred fifty-six

(b) All salaries and emoluments of office all offices and posts of profit profession trades and occupations except the occupation of farmer and all persons over the age of twenty-one years who do not follow any occupation or calling as well of unnaturalized foreign-born persons who shall have resided within this Comonwealth for one whole year as citizens of this Commonwealth Provided That whenever a person other than a Federal employe not taxable under the provision of this clause is disfranchised from voting because he cannot be lawfully assessed for a county or State tax it shall be lawful for the county commissioners to assess the occupation of such persons for county taxation purposes in the manner provided by this act for such assessments The provisions of this clause shall not apply to counties of the second and third class or to any other county the county commissioners of which shall by resolution determine not to levy a tax on trades occupations professions and persons who follow no occupation or calling nor shall the provisions of this clause apply to cities of the second and second A class or to school districts

(c) All other things and persons now taxable by the laws of this Commonwealth for county city and school purposes

Section 2 This act shall take effect immediately

On the question,

Shall the bill pass finally?

Mr. WATERHOUSE. Mr. Speaker, I think the Members should realize that this bill is a dangerous piece of legislation. On the face of it it would not appear that way. It says it clarifies, and that is not all that it could or might do.

We have talked many times about machinery bills here in the House and we all realize the threat that it places on industry. We know we just lost one major industry to Ohio as a result of our unfavorable tax structure, and we are just making a little headway since we have the broad base tax firmly established. So why wave the red flag any further at industry and say, "We may take a crack at you on your machinery and call it real estate?"

We have talked all those things over before, so I hope the Members in voting upon this bill will realize they are again asking industry not to come into Pennsylvania. Let us ask them to come here and not tell them we do not want them. A vote on this bill certainly will be an indication of whether or not we do want more work. If we have more industry, we will have more employment. Certainly what is good for business is good for labor in this respect. O I hope all the Members will vote against this measure.

Mr. FILO. Mr. Speaker, I believe the gentleman who just spoke gave you the wrong impression of this bill. This is not new legislation, this is the bill that was passed in the House in the session of 1953.

At that time machinery was tax-exempt in all counties of the state of Pennsylvania with the exception of Allegheny County. At the time this bill was drawn up Allegheny County and its municipalities could collect a machinery tax. The only thing we are doing in this piece of legislation is clarifying in the body of the bill the municipalities within Allegheny County.

This does not change the Act one bit, in fact, U. S. Steel, which is one of the big industries in Allegheny County at the present time, has indicated its willingness to pay this machinery tax. That can be verified by Members from Allegheny County.

The only reason this amendment to the Act is being

written is to make it say what it means and what the intent of the Legislature is. The intent of the Legislature at the time this bill was passed was that every municipal subdivision in Allegheny County could tax machinery. That does not change the law one bit. The industry that is in Allegheny County is willing to go along and pay this machinery tax. That is all we are doing, clarifying the Act.

There is a possibility somebody could say, "Well, the Act is not right." This could be said in the interpretation of many bills we have in the House of Representatives, they have been changed after we passed them and they have become law. We are not changing anything in this bill that is in the Act at the present time. It is just clarifying the Act.

It is going to save a lot of municipalities in Allegheny County litigation that might cost a lot of money to take it into court. I think this is a good piece of legislation and it is not harming anyone. I think Allegheny County can get along with industry. Nobody wants to chase industry away, not even the Members from Allegheny County. So I hope everyone can support this piece of legislation.

Mr. WATERHOUSE. Mr. Speaker, the law clearly states now that Allegheny County can assess machinery as real estate, and they have been practicing that for the last number of years. In the legislation passed in 1953 Allegheny County was specifically exempted from many provisions of that Act, so this certainly is not needed legislation. There is absolutely no question about that.

It could be a vehicle which could carry other very damaging legislation as far as industry is concerned. If it were needed legislation, if it were something that would help Allegheny County, then I would have no objections, but it certainly can do no good and can do harm. So it is really a useless bill.

Mr. FILO. Mr. Speaker, I beg to differ with the gentleman. This does not change the Act one bit. It is clarifying legislation and that is all it is—clarifying legislation. I want the Members to understand that.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

A verification of the roll was requested by Messrs. WATERHOUSE, HOCKER and Mrs. MARKLEY.

The roll was verified and was as follows:

YEAS—107

Adam,	Frascella,	McLaughlin,	Rudisill,
Amarando,	Gaffney,	McWherter,	Sarraf,
Anderson, M. S.,	Garlock,	Meholchick,	Scarcelli,
Anderson, S. A.,	Gelfand,	Mihm,	Schuster,
Barnatovich,	Goldstein,	Mills,	Sherman,
Bazin,	Guss,	Monroe,	Sigman,
Boles,	Hamilton, R. K.,	Moran,	Smith, Wm. B.,
Bonner,	Hass,	Muldowney,	Snider,
Boory,	Heavey,	Mullen,	Stank,
Branca,	Holt,	Munley,	Stebbins,
Brennan, A. P.,	Jenkins,	Murray, J. J.,	Stone,
Brennan, J. J.,	Jones, G. E.,	Musto,	Swartz,
Breth,	Kamyk,	Needham,	Taylor,
Bucchin,	Kolankiewicz,	Olsen,	Thomas,
Capano,	Kornick,	O'Neil,	Toll,
Cianfrani,	Leiby,	Pacchioli,	Varallo,
Cioffi,	Leonard,	Pashley,	Verona,
Comer,	Leven,	Paulhamus,	Wallace,
Curwood,	Limper,	Petrosky,	Walsh,
Dougherty,	Lopresti,	Polaski,	Wargo,
Eilberg,	Lovett,	Polen,	Wheeler,
Farabaugh,	Lutty,	Readinger,	Whitenight,
Filo,	Maxwell,	Reibman,	Williams,
Flint,	McCann,	Reidenbach,	Yetter,
Floyd,	McCormack,	Renwick,	Yetzer,
Flynn,	McGee,	Rosen,	Andrews,
Frank,	McKeever,	Rovansek,	Speaker

NAYS—80

Agnew,	Gramlich,	Light,	Royer,
Auker,	Guthrie,	Lippincott,	Smith, C. C.,
Banker,	Haudenshield,	Magee,	Steckel,
Bell,	Helm,	Markley,	Stevenson,
Blair,	Henzel,	McInroy,	Stoner,
Brenninger,	Hewitt,	Metz,	Strausser,
Brown,	Hocker,	Mikula,	Stroup,
Bullen,	Horst,	Miller,	Tompkins,
Cooper,	Houk,	Moody,	Toomey,
Davis,	Isaacs,	Moscrip,	Varner,
Donahue,	Johnson,	Murphy,	Vaughan,
Donaldson,	Jones, T. H. W.,	Murray, H. P.,	Wall,
Erb,	Jump,	Murray, P. G.,	Waterhouse,
Eshleman,	Kehler,	Naugle,	Weidner,
Ewing,	Keller,	Ogilvie,	Wescott,
Foster,	Kline,	Parry,	Willaredt,
Frost,	Knecht,	Pomeroy,	Wilt,
George,	Kooker,	Price,	Wood,
Gibb,	Kromer,	Pursley,	Worley,
Gibson,	Leisey,	Rigby,	Ziegler,

NOT VOTING—20

Ashton,	Down,	Kratz,	Rubin,
Bower,	Ehrgood,	Lafore,	Stephens,
Breisch,	Fineman,	Lawyer,	Thompson,
Cochran,	Greenwood,	Mahan,	Welsh,
Connelly,	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of House Bill No. 1219, as follows:

An Act amending the act of August 5, 1932 (P. L. 45) entitled "An act empowering cities of the first and second classes to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced" reserving under certain conditions the legality of taxes imposed by any city of the first class notwithstanding the imposition of similar taxes by the State

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of August 5, 1932 (P. L. 45) entitled "An act empowering cities of the first and second classes to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced" is amended by adding at the end thereof a new section to read

Section 5 Notwithstanding any provision of section 1 of the act to which this is an amendment whenever any tax is imposed by the State the State tax shall not vacate affect or impair the levy or collection of any similar tax imposed by any city of the first class pursuant to this act if the act imposing the State tax specifically provides

that the tax imposed by any city shall not be vacated affected or impaired

Section 2 This act shall take effect immediately

On the question recurring,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. MULLEN. Mr. Speaker, I move that this bill be recommitted to the Comimttee on Cities—Counties First Class.

The motion was agreed to.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of House Bill No. 1226, as follows:

An Act requiring the State Treasurer and other state officials to deduct the tax imposed by any first class city upon salaries wages and other compensation paid to officers and employes of the Commonwealth residing within that city and to make a return and remit the tax so deducted to the Revenue Commissioner of the city

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be the duty of the State Treasurer or other appropriate state official to deduct at the itme of payment of the salary wage or other compensation to any officer or employe of the Commonwealth of Pennsylvania with the exception of elected officials residing within any first class city the tax imposed by the city on the salary wage or other compensation due by the Commonwealth to any officer or employe thereof The State Treasurer or other appropriate state official shall on or before the last day of April, July, October and January of each year beginning with October 1955 make a return on a form furnished by or obtainable from the Revenue Commissioner of the city and pay to the Revenue Commissioner the amount of tax so deducted for the three month period ending on the last day of the month preceding

Section 2 This act shall take effect immediately

On the question recurring,

Shall the bill pass finally?

Mr. TOLL. Mr. Speaker, this is a bill that was put on the calendar after having gone through a test vote last week, apparently only for amusement purposes, because there were at least 69 absentees in the House last week. This is a bill of considerable importance to the largest city in the state of Pennsylvania.

I want to call your attention to the fact that many employers all over the state, in fact, all employers, are now obliged to withhold taxes from their employes for the Federal Government. The city of Philadelphia also withholds taxes from 37,000 employes for the benefit of the Federal Government, that includes city employes and people who are employed in our school system.

This bill merely asks permission to have the State Treasurer, or other authorized officer of the state, withhold from those persons employed by the state who live in the city of Philadelphia the city income tax so that instead of having to spend money, spend time and engage in litigation to sue them, to harass them and subject them to various annoyances, they could be spared that trouble and have the same amount deducted and sent to the City Treasurer.

I have here letters from two of the Unions that involve the Public Assistance employes in Philadelphia and those who are employed by the State Liquor Control Board, the liquor store clerks. These two Unions support this bill and ask that this be done to spare them the trouble and the annoyance of making out separate returns.

What we are asking you to do is to give Philadelphia a lift in this particular matter so that we are not subjected to the extra expense of trying to collect the money, and so the taxpayer himself is not subjected to the annoyance of filling out a form or being dunned in case he fails to make the payment.

I ask you sincerely to support this bill.

Mr. BELL. Mr. Speaker, I would like to make a brief statement on this bill.

The gentleman from Philadelphia has just asked us to give Philadelphia a helping hand. I would like to give them another kind of contact.

This Philadelphia wage tax is one of the most unjust, discriminatory taxes—

POINT OF ORDER

Mr. TOLL. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TOLL. Mr. Speaker, is the subject of the gentleman's remarks germane to the issue here? Is this bill being discussed with reference to the deduction features, or is the validity of the Philadelphia income tax going to be discussed?

The SPEAKER pro tempore. The only question before this House is on House Bill 1226, Printer's No. 1353, and the remarks of the gentleman must be confined to that bill.

Mr. BELL. Mr. Speaker, insofar as I must confine my remarks to the subject of this bill, what is more unjust than facilitating the collection of an unjust tax? What is more unjust than facilitating the demand for tribute from the "City of Brotherly Love" for the right of a man to earn his daily bread?

I say, Mr. Speaker, we should not subject our state employes from the counties of the Commonwealth to this added unjust tax. To subject our state employes to such a tax is to levy tribute on their pay checks; to subject our state employes to the levy of this tax is to permit a flat base tax to be collected from their pay checks.

I ask that you vote "no" on this unjust method of collecting a discriminatory, confiscatory tax.

Mr. READINGER. Mr. Speaker, answering some of the remarks of the gentleman from Delaware, Mr. Bell, I am wondering how he feels about the other people in Philadelphia who do pay this tax regularly and have it deducted from their wages by others than the state? I am not interrogating the gentleman, I am just surmising what he might have in mind.

It seems to me we are not considering the wisdom or lack of wisdom of this particular tax nor the justice of it. We are considering solely whether it is proper to give Philadelphia an additional tool by which it can efficiently and equitably collect this tax.

I think this is a good bill and I think we should vote for it.

Mr. GOLDSTEIN. Mr. Speaker, if this bill is good legislation it should be applicable to every community in the state. Why should there be special legislation for the city of Philadelphia? We have other communities that have wage taxes. If the people who are supporting this

bill want to see that the deadbeats on the state payroll pay their taxes, let it apply to everybody in the state.

Therefore, I say it is unsound, discriminatory legislation for the benefit only of the city of Philadelphia, also known as the County of Philadelphia.

Mr. ISAACS. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Toll.

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Toll, permit himself to be interrogated?

Mr. TOLL. I shall, Mr. Speaker.

Mr. ISAACS. Mr. Speaker, I will ask the gentleman if the United States Government collects this tax for the city of Philadelphia?

Mr. TOLL. Mr. Speaker, not yet. There is a bill in the United States Congress and the committee voted on July 22nd, the Federal House Ways and Means Committee, to allow the Federal Government to withhold city income taxes from the pay of Federal employes who work in cities of 75,000 population or larger, but who live out of town. This not only applies to Philadelphia, but applies to ten of the largest cities in America—including Scranton, Brother Needham tells me.

Mr. ISAACS. Mr. Speaker, then the gentleman's answer to my question, I take it, after that long treatise, is "no." Is that correct?

Mr. TOLL. Mr. Speaker, would the gentleman from Delaware, the Chief, Mr. Isaacs, please repeat that question? I had an aside here from one of the Philadelphia delegation.

Mr. ISAACS. Mr. Speaker, I ask the gentleman, after that long treatise, if his answer to my question is "no."

Mr. TOLL. Mr. Speaker, no, I would not say that. The bill is pending and I hope the second session of the United States Congress will pass it.

As a matter of fact, in one of the leading papers of Philadelphia, The Evening Bulletin, John Kaplin in an issue writes that our former commissioner sees the wage tax victory in sight.

We are loking to Congress to help in collecting from United States employes. So the answer is not yet "no," because the session is not over.

Mr. ISAACS. Mr. Speaker, I am not too much impressed by the gentleman from Philadelphia, Mr. Toll, crying due to the fact that some of the people who have this tax to pay will be annoyed by the collection of it. I think it is just another burden we are putting on this Commonwealth.

I will further substantiate the remarks of my colleague, Mr. Bell, also my colleague from Allegheny, Mr Goldstein, and ask the Members on both sides of this House to defeat this bill.

Mr. TOLL. Mr. Speaker, I do not want to prolong the debate, but I feel it is necessary to make one remark in answer to a statement made by the learned gentleman from Allegheny County regarding so called deadbeats on the state payroll.

I know of no deadbeats on the state payroll. They a all honest, fair-minded and sincere men. I would say the only thing we are trying to do is to help them and save them the trouble of filling out forms.

The SPEAKER pro tempore. For what purpose does the gentleman from Delaware, Mr. Bell, rise?

Mr. BELL. To make a few remarks in answer to the gentleman from Philadelphia, Mr. Speaker.

The SPEAKER pro tempore. Has the gentleman from Philadelphia, Mr. Toll, concluded his remarks.

Mr. TOLL. I am finished, Mr. Speaker, and I yield to the learned gentleman from Delaware County, Mr. Bell.

Mr. BELL. Mr. Speaker, the very learned gentleman from Philadelphia has just said there are no deadbeats on the state payroll. Then why does he need to force these people who are so willing, hold them by the throats, to pay this tax?

May I also say for the benefit of the gentleman from Philadelphia, because a bill is before the Congress of the United States does not mean it will become law any more than 3,300 bills before this General Assembly will become law.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

A verification of the roll was requested by Messrs. BELL, ISAACS and MURPHY.

The roll was verified and was as follows:

YEAS—102

Adam,	Frascella,	McWherter,	Sarraf,
Amarando,	Gaffney,	Meholchick,	Scarcelli,
Anderson, M. S.	Garlock,	Mihm,	Schuster,
Anderson, S. A.,	Gelfand,	Mills,	Sherman,
Barnatovich,	Guss,	Monroe,	Sigman,
Bazin,	Hamilton, R. K.,	Moran,	Smith, C. O.,
Boies,	Hass,	Muldowney,	Smith, Wm. B.,
Bonner,	Heavey,	Mullen,	Snider,
Boory,	Holt,	Munley,	Stank,
Branca,	Jones, G. E.,	Murray, J. J.,	Stone,
Brennan, J. J.,	Kamyk,	Needham,	Swartz,
Breth,	Kolankiewicz,	Olsen,	Taylor,
Bucchin,	Kornick,	O'Neil,	Thomas,
Capano,	Leiby,	Pacchioli,	Toll,
Cianfrani,	Leonard,	Pashley,	Varallo,
Cioffi,	Leven,	Paulhamus,	Verona,
Comer,	Limper,	Petrosky,	Wallace,
Curwood,	Lopresti,	Polaski,	Wargo,
Dougherty,	Lovett,	Pomeroy,	Wheeler,
Eilberg,	Lutty,	Readinger,	Whitenight,
Farabaugh,	Maxwell,	Reibman,	Williams,
Filo,	McCann,	Reidenbach,	Yetter,
Flint,	McCormack,	Renwick,	Yetzer,
Floyd,	McGee,	Rosen,	Andrews,
Flynn,	McKeever,	Rovansek,	Speaker
Frank,	McLaughlin,	Rubin,	

NAYS—87

Agnew,	George,	Kooker,	Rigby,
Ashton,	Gibb,	Kromer,	Royer,
Auker,	Gibson,	Leisey,	Rudisill,
Banker,	Goldstein,	Light,	Stebbins,
Bell,	Gramlich	Lippincott,	Steckel,
Blair,	Guthrie,	Magee,	Stevenson,
Bower,	Haudenshield,	Markley,	Stoner,
Breisch,	Helm,	McInroy,	Strausser,
Brennan, A. P.,	Henzel,	Metz,	Stroup,
Brenninger,	Hewitt,	Mikula,	Tompkins,
Brown,	Hocker,	Miller,	Toomey,
Bullen,	Horst,	Moody,	Varner,
Cooper,	Houk,	Moscrip,	Vaughan,
Davis,	Isaacs,	Murphy,	Wall,
Donahue,	Jenkins,	Murray, H. P.,	Weidner,
Donaldson,	Johnson,	Murray, P. G.,	Wescott,
Ehrgood,	Jones, T. H. W.,	Musto,	Willaredt,
Erb,	Jump,	Naugle,	Wilt,
Eshleman,	Kehler,	Ogilvie,	Wood,
Ewing,	Keller,	Parry,	Worley,
Foster,	Kline,	Price,	Ziegler,
Frost,	Knecht,	Pursley,	

NOT VOTING—18

Cochran,	Kent,	Pettigrew,	Walsh,
Connelly,	Kratz,	Polen,	Waterhouse,
Down,	Lafore,	Stephens,	Welsh,
Fineman,	Lawyer,	Thompson,	Young,
Greenwood,	Mahan,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of House Bill No. 1242, as follows:

An Act to amend subsection (b) of Section 1605 and Section 1843 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by removing prohibition against unincorporated associations making political contributions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of Section 1605 and Section 1843 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" as amended by the act approved the third day of June one thousand nine hundred forty-three (P. L. 851) are hereby amended to read as follows

Section 1605 Contributions for Election Expenses to Be Made to Candidates or Treasurers Contributors by Corporations [and Unincorporated Associations] Prohibited

* * *

(b) No corporation [or incorporated association] or officer or agent thereof whether incorporated [or organized] under the laws of this or any other state or any foreign country except those formed primarily for political purposes or a political committee shall pay give or lend or authorize to be paid given or lent either directly or through any other person or in reimbursement of any such payment gift or loan by any other person any money or other valuable thing belonging to such corporation [or unincorporated association] or in its custody or control to any candidate or political committee for the payment of any primary or election expenses or for any political purpose whatever

Section 1843 Contributions by Corporations Any corporation [or unincorporated association] which shall pay give or lend or agree to pay give or lend any money belonging to such corporation [or unincorporated association] or in its custody or control in violation of the provisions of Section 1605 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars nor more than five thousand ($5,000) dollars Any director officer agent or employe of any corporation [or unincorporated association] who shall on behalf of such corporation [or unincorporated association] pay give or lend or authorized to be paid given or lent any money belonging to such corporation [or unincorporated association] or in its custody or control in violation of the provisions of Section 1605 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not less than one (1) month nor more than two (2) years or both in the discretion of the court

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question recurring,

Shall the bill pass finally?

Mr. TOLL. Mr. Speaker, I hope the Members of the House will be more favorable to this bill than they were on the last one in which I participated.

I want to call your attention to the fact, Mr. Speaker, that this is a very important bill to the American Federation of Labor and the Congress of Industrial Organizations.

This is the bill in which a request is made to remove from the Election Code of 1937 the amendment which was inserted in 1943 to include unincorporated associations in the prohibition of contributions for political campaigns. The 1937 Code contained the provisions that corporations shall not contribute to political campaigns. The amendments of 1943 included unincorporated associations. That amendment was deliberately inserted to prohibit Unions from making contributions.

We are now asking you to remove from the Election Code of 1937 the amendment relating to unincorporated associations.

I want to point out that there is quite a difference between a corporation and an unincorporated association. By the very nature of the corporation the payment of a sum of money for political purposes would be against the very purpose for which the corporation was organized. In other words, it would be ultra vires if it was organized for business purposes.

There are corporations which can make political contributions, and the Act so states, if the organization is organized for political purposes, or if it is a political committee it can do so, but the ordinary business corporation cannot do it. However, there is no such restrictions, there were none anyhow, on unincorporated associations. There was no reason in 1943 for the insertion of the prohibition against these organizations.

I now ask you to consider this bill seriously. We are going to ask for a roll call, and you know these roll calls are important and they are remembered. I urge all of you to vote for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

A verification of the roll was requested by Messrs. TOLL, NEEDHAM and Mrs. MUNLEY.

The roll was verified and was as follows:

YEAS—106

Adam,	Frascella,	McWherter,	Rudisill,
Amarando,	Gaffney,	Meholchick,	Sarraf,
Anderson, M. S.,	Garlock,	Mihm,	Scarcelli,
Anderson, S. A.,	Gelfand,	Mills,	Schuster,
Barnatovich,	Guss,	Monroe,	Sherman,
Bazin,	Hamilton, R. K.,	Moody,	Smith, Wm. B.,
Boles,	Hass,	Moran,	Snider,
Bonner,	Heavey,	Muldowney,	Stank,
Boory,	Holt,	Mullen,	Stebbins,
Branca,	Jenkins,	Munley,	Stone
Brennan, A. P.,	Jones, G. E.,	Murray, J. J.,	Swartz,
Brennan, J. J.,	Kamyk,	Musto,	Taylor,
Breth,	Kolankiewicz,	Needham,	Thomas
Bucchin,	Kornick,	Olsen,	Toll,
Capano,	Leiby,	O'Neil,	Varallo,
Cianfrani,	Leonard,	Pacchioli,	Vaughan,

Cioffi,	Leven,	Pashley,	Verona,
Comer,	Limper,	Paulhamus,	Wallace,
Curwood,	Lopresti,	Petrosky,	Walsh,
Dougherty,	Lovett,	Polaski,	Wargo,
Farabaugh,	Lutty,	Polen,	Wheeler,
Filo,	Maxwell,	Readinger,	Whitenight,
Flint,	McCann,	Reibman,	Williams,
Floyd,	McCormack,	Reidenbach,	Yetter,
Flynn,	McGee,	Renwick,	Yetzer,
Frank,	McKeever,	Rosen,	Andrews,
	McLaughlin,	Rovansek,	Speaker

NAYS—76

Agnew,	George,	Kline,	Rigby,
Ashton,	Gibb,	Knecht,	Royer,
Auker,	Gibson,	Kromer,	Smith, C. C.,
Banker,	Goldstein,	Leisey,	Steckel,
Bell,	Gramlich,	Light,	Stevenson,
Bower,	Guthrie,	Lippincott,	Stober
Breisch,	Haudenshield,	Magee,	Strasser
Brenninger,	Helm,	Markley,	Strour
Brown,	Henzel,	McInroy,	Tompkins,
Bullen,	Hewitt,	Mikula,	Toomey,
Davis,	Hocker,	Miller,	Varner,
Donahue,	Horst,	Moscrip,	Wall,
Donaldson,	Houk,	Murray, H. P.,	Weidner,
Ehrgood,	Isaacs,	Murray, P. G.,	Wescott,
Erb,	Johnson,	Ogilvie,	Willaredt,
Eshleman,	Jones, T. H. W.,	Parry,	Wilt,
Ewing,	Jump,	Pomeroy,	Wood,
Foster,	Kehler,	Price,	Worley,
Frost,	Keller,	Pursley,	Ziegler,

NOT VOTING—25

Blair,	Fineman,	Lawyer,	Rubin,
Cochran,	Greenwood,	Mahan,	Sigman,
Connelly,	Kent,	Metz,	Stephens
Cooper,	Kooker,	Murphy,	Thompson,
Down,	Kratz,	Naugle,	Waterhouse,
Eilberg,	Lafore,	Pettigrew,	Welsh,
			Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

— — — — — — — —

(During the verification of the roll and before the result was announced.)

Mr. CHARLES C. SMITH. Mr. Speaker, I am not correcting the affirmative roll at this time, but I particularly listened at the time and there were five gentlemen on this roll who did not answer to their names.

It has been the position of this House that if a man sat in the House and did not answer that he be made to vote. Perhaps my hearing is not good, but I did not hear Mr. Welsh, Mr. Verona, Mr. Sigman, Mr. Hamilton or Mr. Flint answer, and yet they are on the affirmative roll. If those gentlemen desire to vote in the affirmative, I would say they should vote that way, but I do not believe the count should be taken if they do not answer.

The SPEAKER pro tempore. The gentleman is correct. Members should not be recorded who have not voted. The Chair is informed that Mr. Welsh is on leave of absence and is not recorded. The gentleman from Philadelphia, Mr. Sigman, is not recorded.

Does the gentleman from Philadelphia desire to ask about the other Members?

Mr. CHARLES C. SMITH. How did the gentleman from Allegheny, Mr. Verona, vote?

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. Verona. Is the gentleman in the Hall of the House?

Mr. CHARLES C. SMITH. His name was on the affirmative roll.

The SPEAKER pro tempore. Can anyone verify that the gentleman was in the Hall of the House when the roll was called? If not, his name will be stricken from the affirmative roll.

Mr. CHARLES C. SMITH. How did the gentleman from Beaver, Mr. Hamilton, vote?

The SPEAKER pro tempore. The gentleman from Beaver, Mr. Hamilton. I see the gentleman at the microphone.

Mr. ROBERT K. HAMILTON. Mr. Speaker, I was in my seat and voted "aye."

The SPEAKER pro tempore. The gentleman will be so recorded.

Mr. CHARLES C. SMITH. The gentleman from Philadelphia, Mr. Eilberg, is the gentleman in the Hall of the House? Is the gentleman recorded as voting?

The SPEAKER pro tempore. The gentleman is not recorded.

Mr. CHARLES C. SMITH. The gentleman from Potter, Mr. Flint, is the gentleman in the Hall of the House?

Mr. FLINT. I certainly was, Mr. Speaker. I voted in the affirmative.

The SPEAKER pro tempore. The gentleman states he voted "aye" and will be so recorded.

Mr. CHARLES C. SMITH. How did the gentleman, Mr. Whitenight, vote?

The SPEAKER pro tempore. The gentleman from Montour, Mr. Whitenight, states he voted "aye."

Mr. CHARLES C. SMITH. How did the gentleman from Allegheny, Mr. Thomas, vote?

The SPEAKER pro tempore. The gentleman states he voted "aye."

Mr. CHARLES C. SMITH. How did the gentleman from Philadelphia, Mr. Fineman, vote?

The SPEAKER pro tempore. The Clerk informs the Chair that the gentleman is not recorded.

Mr. CHARLES C. SMITH. I thank the Speaker.

Mr. BANKER. Mr. Speaker, how did Mr. Lawyer vote?

The SPEAKER pro tempore. The gentleman from York, Mr. Lawyer, is not recorded.

Mr. BANKER. Mr. Rubin has been ruled out, I believe?

The SPEAKER pro tempore. I can not hear the gentleman.

Mr. BANKER. Mr. Rubin?

The SPEAKER pro tempore. Mr. Rubin is not recorded.

Mr. BANKER. Mr. Stephens?

The SPEAKER pro tempore The Clerk informs the Chair he is not recorded.

Mr. BANKER. Mr. Verona?

The SPEAKER pro tempore. The gentleman from Allegheny is at the microphone.

Mr. VERONA. Pardon me.

The SPEAKER pro tempore. Does the gentleman desire to—

Mr. VERONA. I understand I am not recorded. I voted "aye" and was called to a long distance phone call downstairs.

The SPEAKER pro tempore. Did the gentleman vote "aye" on the first roll call?

Mr. VERONA. I did.

POINT OF ORDER

Mr. AUKER. I rise to a point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. AUKER. Did not the Speaker rule that the name of the gentleman from Allegheny, Mr. Verona, be striken from the roll call?

The SPEAKER pro tempore. The Chair did so rule. The gentleman was not present in the Hall of the House and no one could vouch for him.

Mr. VERONA. Mr. Speaker .....

Mr. AUKER. Mr. Speaker, I have a point of order, I have the floor.

The SPEAKER pro tempore. The gentleman from Blair has the floor.

Mr. AUKER. Mr. Speaker, then after a name has been ordered to be striken from the roll call, can that order be changed?

The SPEAKER pro tempore. If the gentleman was in the Hall of the House during the first calling of the roll and states he voted during the calling of the roll, he is entitled to be recorded. Does the gentleman from Allegheny, Mr. Verona, so state?

Mr. VERONA. I so do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will be recorded on the affirmative roll.

Mr. BANKER. Mr. Welsh?

The SPEAKER pro tempore. Mr. Welsh's name was checked and Mr. Welsh is on leave of absence.

Mr. BANKER. Mr. Pettigrew?

The SPEAKER pro tempore. The gentleman, Mr. Pettigrew, is not recorded.

Mr. BANKER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Any further corrections to the affirmative roll? If not, the affirmative roll stands verified.

— — — — — — — —

PERMISSION TO ADDRESS HOUSE

Mr. VAUGHAN asked and obtained unanimous consent to address the House.

Mr. Speaker, during the discussion on the last bill it was brought out that some of the Members were checking out of the hotel. Does that mean that tomorrow is a consent calendar day, or should we all try to check out and save that extra day?

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, if the Members are starting to leave now to check out of the hotel, they are going to be here until the end of April. If we cannot work today at least until 6:30 o'clock and pass bills, whether or not we have a consent calendar tomorrow, then I assure you we are not going to be in any hurry to get out of here. That means we are going to come back week, after week, after week.

If you think it is going to be less expensive to check out today to save a few dollars and then come back an extra week or two my arithmetic must be awfully bad.

PERMISSION TO ADDRESS HOUSE

Mr. AUKER asked and obtained unanimous consent to address the House.

Since the Majority Leader has sought to raise the question whether or not tomorrow is going to be a consent calendar day, I think it is entirely in order. I believe the Speaker could rule that a roll call be taken right now of those who are going to be here tomorrow, so we will know whether we are going to be here wasting our time while others walk out and go home and tend to their business, or whether we can walk out too.

I think it is time that this is brought to a head. Let us get the matter resolved right now.

Mr. Speaker, I rise to make a few remarks concerning legislation pending on the calendar which is important to all of us. Also for a question of information. Last week we were .....

The SPEAKER pro tempore. Will the gentleman yield?

Mr. AUKER. For what purpose?

Mr. READING. For a point of order, Mr. Speaker.

The SPEAKER pro tempore. For the purpose of getting consent for the gentleman to address the House.

Will the House give its unanimous consent for the gentleman from Blair, Mr. Auker, to address the House?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Readinger.

Mr. READINGER. Mr. Speaker, at this time I must object to the gentleman's request to address the House on the general subject of legislation to be passed, and so forth, but I would have no objection to his making an inquiry.

The SPEAKER pro tempore. The Chair hears objection to the gentleman addressing the House. Does the gentleman desire to ask a question of information?

Mr. AUKER. Mr. Speaker, would a motion be in order at this time for the Speaker to poll the House and the Members to answer "yes" or "no" as to whether they will be here tomorrow for a work session, so that all of us can be guided accordingly?

The SPEAKER pro tempore. The Chair wishes to state that House Rule 14 determines the order of business of this House. We are operating under that rule. This House has a right to change the Rule and the order of business by making a special order of business to take up a particular subject or a roll call. If the House desires to make a special order of business for that purpose, the Chair will entertain a motion.

Mr. READINGER. Mr. Speaker, do I understand the Chair to have ruled that he will entertain a motion to make a special order of business to take up this matter at this time?

The SPEAKER pro tempore. The Chair will entertain that motion and it will be up to the action of the House.

Mr. READINGER. Mr. Speaker, I would request the gentleman to defer making such a motion at this time for the purpose of getting on with today's business. I assure him we will be here for some time and he will be given the opportunity, if he so desires, to make such a motion. If he desires to make it now, I will have to oppose it.

Mr. AUKER. Mr. Speaker, in reply to the gentleman from Berks, the Majority Floor Leader, I would say if we are not going to have a working day tomorrow and

if there will be enough Members say they are going home and will be absent without leave, that will give the rest of us a chance to check out the same as apparently some of their Members have already done, and possibly some of ours.

I think it should be determined right now when we have a full membership here. Last Tuesday night I was informed there was a working calendar on Wednesday. Before that I had been informed it was not a working calendar, it was a consent calendar, I checked out and I had one awful time finding a room for Tuesday night to stay over. To no avail whatsoever on Wednesday, because most of the Member had checked out.

As Mr. Lovett says, let's be fair—

POINT OF ORDER

Mr. READINGER. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. READINGER. Mr. Speaker, I have objected to the gentleman making a statement at this time.

The SPEAKER pro tempore. The point of order is well taken.

Will the gentleman yield and make his motion at a later time in today's session?

Mr. READINGER. Mr. Speaker, may I assist the gentleman somewhat by making the statement that a great deal depends upon what we can accomplish today as to whether it would even be possible to have a consent calendar tomorrow.

There is no plan at the moment to have a consent calendar tomorrow.

Mr. AUKER. Mr. Speaker, further speaking on the subject, I still do not thing it is fair to the rest of us who are willing to stay and work tomorrow in order to dispose of this legislation and get this session over with. A lot of the Members I understand have already checked out. Possibly it would be well, and I think very advisable, at this time to take a check of the Members to find who has checked out and who has not, so we can be guided about what to do tomorrow.

The hotels will not let us check out without paying our bill after 5:00 o'clock, some of them 4:00 o'clock, I guess. I do not think it is fair to the rest of us.

BILLS ON THIRD READING POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of House Bill No. 1731, as follows:

An Act amending the act of May 2, 1929 (P. L. 1518) enittled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" regulating the repairing and renovating of elevators requiring permits and fixing fees permits and inspections

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 11 act of May 2, 1929 (P. L. 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" amended June 21, 1947 (P. L. 791) is amended to read

Section 11 [Approval of] Plans Permits and Inspections (a) Before any elevator shall be erected and installed [or undergo repairs amounting to one-half or more of the original value of the said elevator] detailed plans and specifications of the said apparatus in duplicate shall be submitted to the department for approval The application for the approval of plans of elevators shall be accompanied by the following fees Dumb-waiters seven dollars and fifty cents ($7.50) freight elevators ten dollars ($10) and passenger elevators fifteen dollars ($15) If the said plans are approved a permit for the erection [or repair] and installation of such elevator shall be issued by the department and a final inspection shall be made of the apparatus when installed [or repairs completed] and ready for operation before final approval shall be given by the department The elevator shall not be operated until such final inspection and approval be given unless a temporary permit be granted by the department

(b) No elevator escalator dumb-waiter hoist or other raising or lowering device shall hereafter be repaired renovated or reerected when the changes involve major repairs as established by rules and regulations of the department before a permit is obtained from the department When repairs or changes are extensive the department may require that duplicate plans and specifications be submitted to it before a permit is granted The fee for such permit shall be three dollars ($3) The repaired or renovated elevator or lifting apparatus shall not again be operated until final inspection and approval by a department inspector unless temporary permission to do so is granted by the department The inspection fee shall be five dollars ($5)

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—174

Adam,	Gaffney,	McGee,	Rudisill,
Amarando,	Garlock,	McInroy,	Sarraf,
Anderson, M. S.,	Gelfand,	McKeever,	Scarcelli,
Anderson, S. A.,	Gibson,	McLaughlin,	Schuster,
Auker,	Guss,	McWherter,	Sherman,
Banker,	Hamilton, R. K.,	Meholchick,	Sigman,
Barnatovich,	Hamilton, W. H.,	Mihm,	Smith, C. C.,
Bazin,	Hass,	Mikula,	Smith, W. B.,
Bell,	Haudenshield,	Miller,	Snider,
Blair,	Heavey,	Mills,	Stank,
Boles,	Henzel,	Monroe,	Stebbins,
Bonner,	Hocker,	Moody,	Steckel,
Boory,	Holt,	Moran,	Stevenson,
Bower,	Houk,	Moscrip,	Stone,
Branca,	Isaacs,	Muldowney,	Stoner,
Breisch,	Jenkins,	Mullen,	Strausser,
Brennan, A. P.,	Johnson,	Munley,	Stroup,
Brennan, J. J.,	Jones, G. E.,	Murphy,	Swarts,
Brenninger,	Jones, T. H. W.,	Murray, H. P.,	Taylor,
Breth,	Jump,	Murray, J. J.,	Thomas,
Brown,	Kamyk,	Murray, P. G.,	Toll,
Bucchin,	Keller,	Musto,	Tompkins,
Bullen,	Kline,	Naugle,	Toomey,
Capano,	Knecht,	Needham,	Varallo,
Cianfrani,	Kolankiewicz	Oglivie,	Varner,
Cioffi,	Kooker,	Olsen,	Vaughan,
Comer,	Kornick,	O'Neil,	Verona,
Cooper,	Kromer,	Pacchioli,	Wall,
Curwood,	Kubacki,	Parry,	Wallace,
Davis,	Leiby,	Pashley,	Walsh,
Donahue,	Leisey,	Paulhamus,	Wargo,
Dougherty,	Leonard,	Petrosky,	Waterhouse,
Ehrgood,	Leven,	Polaski,	Weidner,
Eilberg,	Light,	Polen,	Wescott,
Erb,	Limper,	Pomeroy,	Wheeler,

Eshleman,	Lippincott,	Price,	Whitenight,
Farabaugh,	Lopresti,	Pursley,	Willaredt,
Filo,	Lovett,	Readinger,	Williams,
Flint,	Lutty,	Reibman,	Wood,
Floyd,	Magee	Reidenbach,	Worley,
Flynn,	Markley,	Renwick,	Yetter,
Foster,	Maxwell,	Rosen,	Yetzer,
Frank,	McCann,	Rovansek,	Ziegler,
Frascella,	McCormack,	Rubin,	Andrews, Speaker

NAYS—14

Agnew,	George,	Gramlich,	Kehler,
Ewing,	Gibb,	Guthrie,	Metz,
Frost,	Goldstein,	Helm,	Rigby,
		Horst,	Wilt,
Ashton,	Down,	Kratz,	Royer,
Cochran,	Fineman,	Lafore,	Stephens,
Connelly,	Greenwood,	Lawyer,	Thompson,
Donaldson,	Hewitt,	Mahan,	Welsh,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER pro tempore. The Chair requests the Speaker to return to the rostrum.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR.

The SPEAKER. The Chair desires to thank the gentleman from Armstrong, Mr. Helm, for the able manner in which he has presided over a trying session this afternoon. The Chair commends his valiant efforts to maintain order and decorum in the Hall of the House, particularly on the side lines.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on final passage of House Bill No. 1864, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating the use of registration plates warning devices and flags and clarifying the designation of "No Passing Zones"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of section 510 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended January 18, 1952 (P. L. 2163) is amended to read

Section 510 The Expiration of Registration Plates

* * *

(b) No motor vehicle trailer or semi-trailer shall be operated with a registration plate or plates which have expired nor without registration plate or plates [on] as required by this act [the] A claim by the owner or operator that the registration plate or plates for the current year have been applied for but not received shall not be considered as a valid reason for noncompliance with the provisions of this subsection

Section 2 Subsection (b) of section 814 of the act amended May 21, 1943 (P. L. 310) is amended to read

Section 814 Horns and Warning Devices

* * *

(b) Every police fire department and fire patrol vehicle ambulance or the private vehicle of the chief of any fire department assistant chief of any fire department chief of any police department assistant chief of any police department or fire marshal who in accordance with a statement filed with the Pennsylvania State Police prior thereto uses the same for answering fire or emergency calls may be equipped with a bell siren compression or sparkplug whistle of a type approved by the secretary

Section 3 Subsection (c) of section 902 of the act amended July 25, 1953 (P. L. 5544) is amended to read

Section 902 Size of Vehicles and Loads

* * *

(c) No vehicle except motor buses motor omnibuses and fire department equipment shall exceed a total maximum length including any load thereon of four hundred twenty (420) inches and not combination of two (2) vehicles inclusive of load and bumpers coupled together shall exceed a total maximum length of six hundred (600) inches excepting that nothing in this subsection shall prohibit the transportation by a combination of vehicles of articles impossible of dismemberment which do not exceed seventy (70) feet

1 No motor vehicles shall be operated upon a highway drawing or having attached thereto more than one other vehicle Provided That a trailer not exceeding ten (10) feet in length may be attached to one motor vehicle for the purpose of towing another vehicle requiring service to which such trailer is also attached

2 The distance between any two vehicles one of which is towing or drawing the other shall not exceed fifteen (15) feet from one vehicle to the other except when the load on the towed vehicle is coupled directly to and is not more than five (5) feet from the towing vehicle

Whenever [the] any such connection of more than five (5) feet consists of a chain rope bar or cable there shall be displayed upon such connection a flag not less than twelve (12) inches in length and width Every trailer while being drawn upon the highway shall be so attached to the vehicle drawing the same as to prevent the wheels of such trailer from deflecting more than six (6) inches from the path of the drawing vehicle's wheels

Section 4 Section 1112.1 of the act as added by the act of June 29, 1937 (P. L. 2329) is amended to read

Section 1112.1 Secretary of Highways [and local Authorities] Shall Designate "No Passing Zones"

[(a)] The Secretary of Highways of this Commonwealth with reference to State highways is hereby authorized to designate any portion or portions of such highway as "No Passing Zones" by erecting at the entrance thereto official signs bearing the words "No Passing Zone" and by erecting at the end of such "No Passing Zone" an official sign bearing the words "End of No Passing Zone" The letters and numerals in all of such signs shall be of a form and size approved by the Secretary of Highways of this Commonwealth Such "No Passing Zone" shall extend for a distance of not greater than one-eighth (1/8) of a mile between such signs and any extension of such "No Passing Zone" shall be marked by additional signs in like manner

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—125

Adam,	Filo,	McCann,	Rosen,
Agnew,	Flint,	McCormack,	Rovansek,
Amarando,	Floyd,	McGee,	Rubin,
Anderson, M. S.,	Flynn,	McInroy,	Rudisill,
Anderson, S. A.,	Frank,	McKeever,	Sarraf,
Barnatovich,	Frascella,	McLaughlin,	Scarcelli,
Bazin,	Gaffney,	McWherter,	Schuster,
Blair,	Garlock,	Meholchick,	Sherman,
Boles,	Gelfand,	Mihm,	Sigman,
Bonner,	Goldstein,	Mills,	Smith, Wm. B.,
Boory,	Guss,	Monroe,	Snider,
Bower,	Hamilton, R. K.,	Moran,	Stank,
Branca,	Hass,	Muldowney,	Stebbins,
Brennan, A. P.,	Haudenshield,	Mullen,	Stone,
Brennan, J. J.,	Heavey,	Munley,	Swartz,
Brenninger,	Holt,	Murray, J. J.,	Taylor,
Breth,	Houk,	Musto,	Thomas,
Bucchin,	Jenkins,	Needham,	Toll,
Bullen,	Jones, G. E.,	Olsen,	Varallo,
Capano,	Kamyk,	O'Neil,	Vaughan,
Cianfrani,	Knecht,	Pacchioli,	Verona,
Cioffi,	Kolankiewicz,	Pashley,	Wallace,
Comer,	Kornick,	Paulhamus,	Walsh,
Cooper,	Leiby,	Petrosky,	Wargo,
Curwood,	Leonard,	Polaski,	Wheeler,
Donaldson,	Leven,	Polen,	Whitenight,
Dougherty,	Limper,	Pomeroy,	Willaredt,
Eilberg,	Lopresti,	Readinger,	Williams,
Erb,	Lovett,	Reibman,	Yetter,
Ewing,	Lutty,	Reidenbach,	Yetzer,
Farabaugh,	Maxwell,	Renwick,	Andrews,
		Rigby,	Speaker

NAYS—65

Ashton,	Guthrie,	Lippincott,	Smith, C. C.,
Auker,	Helm,	Magee,	Steckel,
Banker,	Hewitt,	Markley,	Stevenson,
Bell,	Hocker,	Metz,	Stoner,
Breisch,	Horst,	Mikula,	Strausser,
Brown,	Isaacs,	Miller,	Stroup,
Davis,	Johnson,	Moody,	Tompkins,
Donahue,	Jones, T. H. W.,	Moscrip,	Toomey,
Ehrgood,	Jump,	Murphy,	Varner,
Eshleman,	Kehler,	Murray, H. P.,	Wall,
Foster,	Keller,	Murray, P. G.,	Waterhouse,
Frost,	Kline,	Naugle,	Weidner,
George,	Kooker,	Ogilvie,	Wescott,
Gibb,	Kromer,	Parry,	Wilt,
Gibson,	Leisey,	Price,	Wood,
Gramlich,	Light,	Pursley,	Worley,
			Ziegler,

NOT VOTING—17

Cochran,	Greenwood,	Lafore,	Royer,
Connelly,	Henzel,	Lawyer,	Stephens,
Down,	Kent,	Mahan,	Thompson,
Fineman,	Kratz,	Pettigrew,	Welsh,
			Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

AUTHORIZING SECRETARY OF HOUSE TO CERTIFY BILL

Mr. READINGER. Mr. Speaker, earlier today the House concurred in Senate amendments to House Bill 1618, and in the absence of the Chief Clerk of the House at the moment I move that the Secretary of the House be authorized and directed to certify that this bill has passed the House.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1865, entitled:

An Act amending the act of August 24, 1951 (P. L. 1304), entitled "An act to improve local health administration throughout the Commonwealth by authorizing the creation, establishment and administration of single-county or joint-county departments of health in all counties except counties of the first class; exempting certain municipalities from the jurisdiction of single-county or joint-county departments of health; permitting the dissolution of departments or boards of health in certain municipalities; authorizing State grants to counties which establish departments of health and to certain municipalities if they meet prescribed requirements; conferring powers and duties upon the State Department of Health in connection with the creation, establishment and adminisration of single-couny or joint-county departments of health and administration of the health laws in parts of certain municipalities not subject to the jurisdiction of single-county or joint-county departments of health, and the administration of State grants; and repealing an act which confers health powers upon counties of the first class," regulating pension and retirement rights of employes of single-county and joint-county departments of health.

On the question,

Will the House agree to the bill on third reading?

Mr. SARRAF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1 (Sec. 26.1), page 2, line 5, by inserting after "health" except in counties of the second class.

Amend Sec. 1 (Sec. 26.1), page 3, line 3, by inserting after "created" except in counties of the second class wherein such employe shall be a member of the county employes' retirement system in the manner authorized by the act of July 28, 1953 (P. L. 723), known as the "Second Class County Code," and its amendments.

Amend Sec. 1 (Sec. 26.1), page 3, line 10, by striking out "political subdivision" and inserting in lieu thereof: "municipality."

Amend Sec. 1 (Sec. 26.1), page 3, line 11, by striking out "political subdivision" and inserting in lieu thereof: "municipality."

Amend Sec. 1 (Sec. 26.1), page 3, line 12, by inserting after "health" except in counties of the second class.

Amend Sec. 1 (Sec. 26.1), page 3, line 13, by striking out "political subdivision" and inserting in lieu thereof: "municipality."

Amend Sec. 1 (Sec. 26.1), page 3, lines 14 to 20, by striking out "The pension or retirement benefits shall be pro-" in line 14, and all of lines 15 to 20, both inclusive.

Amend Sec. 1 (Sec. 26.1), page 4, lines 1 to 3, by striking out all of said lines.

Amend Sec. 1 (Sec. 26.1), page 4, line 8, by inserting after "fund" In counties of the second class, the employe's contribution as paid into the retirement fund shall be made in the manner authorized by the act of July 28, 1953 (P. L. 723), known as the "Second Class County Code," and its amendments.

Amend Title, page 2, last line of Title, by inserting after "health" except in counties of the second class.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection

House Bill No. 1891, Printer's No. 1427

was passed over temporarily at the request of Mr. READINGER.

Mr. AUKER. Mr. Speaker, I would like to ask the Majority Floor Leader what he means by "temporarily?"

Mr. READINGER. I mean we expect to return to it today.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1892, as follows:

An Act amending the Act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" increasing compensation of members of the State Civil Service Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 452 act of April 9, 1929 (P. L. 177) known as "The Administrative Code of 1929" amended June 25, 1947 (P. L. 930) is amended to read

Section 452 State Civil Service Commission The State Civil Service Commission is hereby created and shall consist of three members not more than two of whom shall be of the same political affiliation Of the original members all of whom shall be appointed within thirty days after the effective date of this act one shall be appointed for a term of two years one for a term of four years and one for a term of six years from the date of his appointment and until his successor shall have been appointed and qualified Thereafter each appointment shall be for a term of six years or until a successor is appointed and qualified The members of the commission shall hold no other public position to which a salary is attached shall have qualifications for appointment and shall be removable from office as provided by the law The Governor shall designate one of the members as chairman

Each member of the commission shall receive actual traveling expenses and per diem compensation at the rate of [twenty-five] forty dollars per day for the time actually devoted to the business of the commission but no member shall be paid more than [three thousand] four thousand eight hundred dollars per diem compensation in any one year

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—145

Adam,	Floyd,	Lutty,	Renwick,
Agnew,	Flynn,	Markley,	Rigby,
Amarando,	Frank,	Maxwell,	Rosen,
Anderson, M. S.,	Frascella,	McCann,	Rovansek,
Anderson, S. A.,	Frost,	McCormack,	Sarraf,
Auker,	Gaffney,	McGee,	Scarcelli,
Barnatovich,	Garlock,	McInroy,	Schuster,
Bazin,	Gelfand,	McKeever,	Sherman,
Blair,	Goldstein,	McLaughlin,	Sigman,
Boles,	Gramlich,	McWherter,	Smith, Wm. B.,
Bonner,	Guthrie,	Mihm,	Snider,
Boory,	Hamilton, R. K.,	Mikula,	Stank,
Bower,	Hass,	Monroe,	Stebbins,
Branca,	Haudenshield,	Moody,	Steckel,
Breisch,	Heavey,	Moran,	Stone,
Brennan, A. P.,	Helm,	Muldowney,	Stoner,
Brennan, J. J.,	Hewitt,	Mullen,	Stroup,
Breth,	Holt,	Munley,	Swartz,
Bucchin,	Jenkins,	Murphy,	Taylor,
Bullen,	Johnson,	Murray, J. J.,	Thomas,
Capano,	Jones, G. E.,	Musto,	Toll,
Cianfrani,	Jones, T. H. W.,	Needham,	Varallo,
Cioffi,	Jump,	Ogilvie,	Varner,
Comer,	Kamyk,	Olsen,	Vaughan,
Cooper,	Keller,	O'Neil,	Verona,
Davis,	Kline,	Pacchioli,	Walsh,
Donahue,	Kolankiewicz,	Parry,	Wargo,
Donaldson,	Kooker,	Pashley,	Waterhouse,
Dougherty,	Kornick,	Paulhamus,	Wheeler,
Ehrgood,	Kromer,	Petrosky,	Williams,
Eilberg,	Leiby,	Polaski,	Wood,
Eshleman,	Leonard,	Polen,	Worley,
Ewing,	Leven,	Pomeroy,	Yetter,
Farabaugh,	Limper,	Price,	Yetzer,
Filo,	Lopresti,	Readinger,	Ziegler,
Flint,	Lovett,	Reibman,	Andrews,
		Reidenbach,	Speaker

NAYS—40

Ashton,	Hocker,	Meholchick,	Strausser,
Banker,	Horst,	Metz,	Tompkins,
Bell,	Houk,	Miller,	Toomey,
Brenninger,	Isaacs,	Moscrip,	Wall,
Brown,	Kehler,	Murray, H. P.,	Wallace,
Curwood,	Knecht,	Naugle,	Weidner,
Erb,	Leisey,	Pursley,	Wescott,
Foster,	Light,	Rudisill,	Whitenight,
Gibson,	Lippincott,	Smith, C. C.,	Willaredt,
Guss,	Magee,	Stevenson,	Wilt,

NOT VOTING—22

Cochran,	Gibb,	Lafore,	Royer,
Connelly,	Greenwood,	Lawyer,	Rubin,
Down,	Henzel,	Mahan,	Stephens,
Fineman,	Kent,	Mills,	Thompson,
George.	Kratz,	Murray, P. G.,	Welsh,
		Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 1894, Printer's No. 1232

was passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1899, as follows:

An Act to amend section three hundred eight of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation

of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by changing the duties of public utilities and the powers and duties of Pennsylvania Public Utility Commission as to tariffs which make changes from existing rates changing the time of effectiveness of certain of such tariffs and requiring that existing rates continue in force in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred eight of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1053) known as the "Public Utility Law" is amended to read as follows

Section 308 Voluntary Changes in Rates (a) [Unless the commission otherwise orders no public utility shall make any change in any existing and duly established rate except after sixty days' notice to the commission which notice shall plainly state the changes proposed to be made in the rates then in force and the time when the changed rates will go into effect The public utility shall also give such notice of the proposed changes to other interested persons as the commission in its discretion may direct All proposed changes shall be shown by filing new tariffs or supplements to existing tariffs filed and in force at the time The commission for good cause shown may allow changes in rates without requiring the sixty days' notice under such conditions as it may prescribe

(b) Whenever there is filed with the commission by any public utility any tariff stating a new rate the commission may either upon compalint or upon its own motion upon reasonable notice enter upon a hearing concerning the lawfulness of such rate and pending such hearing and the decision thereon the commission upon filing with such tariff and delivering the public utility affected thereby a statement in writing of its reasons therefor may at any time before it becomes effecitve suspend the operation of such rate for a period not longer than six months from the time such rate would otherwise become effective and an additional period of not more than three months pending such decision The rate in force when the tariff stating the new rate was filed shall continue in force during the period of suspension unless the commission shall establish a temporary rate as authorized in section three hundred ten of this act The commission shall consider the effect of such suspension in finally determining and prescribing the rates to be thereafter charged and collected by such public utility

(c) If after such hearing the commisison finds any such rate to be unjust or unreasonable or in anywise in violation of law the commission shall determine the just and reasonable rate to be charged or applied by the public utility for the service in question and shall fix the same by order to be served upon the public utility and such rate shall thereafter be observed until changed as provided by this act] No public utility shall voluntarily make any change from existing rates except by filing with the commission a new tariff or a new supplement to an existing tariff either of which shall be deemed a tariff for the purposes of this section Such tariff shall state the new rates and wherein they differ from the existing rates Whenever a public utility shall file with the commission a tariff making any change from existing rates the public utility within five days after such filing shall give written or posted notice thereof to every customer affected thereby as the commission may prescribe by rule and written notice thereof to the municipal corporations in which any affected customer is served and if requested to do so by any such municipal corporation or other persons as the commission directs shall make available to it a copy of the tariff and of the data filed with the commission in support thereof

(b) Whenever a public utility shall file with the commisison a tariff which if applied to usage of service for the latest twelve months for which usage data are available would have increased the total operating revenues derived by the public utility from all intra-state customers within this Commonwealth by one per centum or more or would have increased the annual cost of service to five per centum or more of the total number of such customers the commission by order shall institute an investigation of the lawfulness of the rates contained in such tariff except as hereinafter provided the commission shall begin public hearings upon such investigation not less than sixty days and not more than ninety days after the filing of such tariff Such tariff shall not become effective no temporary rates shall be imposed and the existing rates shall continue in force during the first six months after the filing of such tariff or such shorter period as shall be required for investigation as aforesaid and decision thereon Upon a finding made at any time during said first six months that its decision cannot issue prior to the expiration thereof the commission may suspend the effectiveness of such tariff and either continue the existing rates in force or prescribe temporary rates for an additional period of not more than six months pending such decision When the total increase in revenues projected to an annual basis is less than five thousand dollars ($5000) the commission may at its discretion waive the provisions for public hearings and permit such rates to become effective sixty days after filing

(c) Whenever a public utility shall file with the commission a tariff making any change from existing rates other than a tariff subject to the provisions of subsection (b) such tariff shall become effective sixty days after the filing thereof unless the commisison shall otherwise order as hereinafter prescribed The commission by order may permit any such tariff to become effective retroactively or within less than sixty days after its filing if the public utility shall petition therefor and the commission shall find such permission to be in the public interest The commission by order may institute an investigation of the lawfulness of the rates contained in any such

tariff and may by such order suspend the effectiveness of such tariff and either continue the existing rates in force or prescribe temporary rates for the first six months after the filing of such tariff or such shorter period as shall be required for investigation as aforesaid and decision thereon The commission shall begin public hearings upon any such investigation not less than sixty days and not more than ninety days after the filing of such tariff Upon a finding made at any time during said first six months that its decision cannot issue prior to the expiration thereof the commission may further suspend such tariff and either continue the existing rates in force or prescribe temporary rates for an additional period of not more than six months pending such decision

(d) Whenever the effectiveness of a tariff of a public utility shall have been suspended pursuant to the provisions of this section the commission shall consider the effect of such suspension in finally determining and prescribing the rates to be thereafter charged and collected by such public utility

(e) If after an investigation as provided in this section the commission finds any rates contained in a tariff making changes from existing rates to be unlawful the commission shall determine the lawful rates to be charged or applied by the public utility for the service in question and shall fix the same by order to be served upon the public utility and such rates shall thereafter be observed until changed as provided by this act

(f) The commission by rules or otherwise may reduce or waive the requirements of subsections (a) and (b) insofar as they apply to tariffs making changes in rates for the transportation of property either generally or of specified kinds or within specified areas or between specified points if the commission shall find that competition among the carriers of such property is sufficiently strong to discourage unlawful rates the commission may likewise reduce or waive such requirements for tariffs making changes in the intrastate rates or common carriers which transport persons or property in both intrastate and interstate commerce If the commission shall find that such reduction or waiver of requirements is necessary or proper to make the time of effectiveness of the changes in intrastate rates coincide with the time of effectiveness of similar changes in interstate rates

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—109

Adam,	Flynn,	McGee,	Rubin,
Amarando,	Frank,	McKeever,	Rudisill,
Anderson, M. S.,	Frascella,	McLaughlin,	Sarraf,
Anderson, S. A.,	Gaffney,	McWherter,	Scarcelli,
Barnatovich,	Garlock,	Meholchick,	Schuster,
Bazin,	Gelfand,	Mihm,	Sherman,
Boles,	Guss,	Mills,	Sigman,
Bonner,	Hamilton, R. K.,	Monroe,	Smith, Wm. B.,
Boory,	Hass,	Moran,	Snider,
Bower,	Heavey,	Muldowney,	Stank,
Branca,	Holt,	Mullen,	Stebbins,
Breisch,	Jenkins,	Munley,	Steckel,
Brennan, A. P.,	Jones, G. E.,	Murray, J. J.,	Stone,
Brennan, J. J.,	Kamyk,	Needham,	Swartz,
Brenninger,	Kolankiewicz,	Olsen,	Taylor,
Breth,	Kornick,	O'Neil,	Thomas,
Bucchin,	Leiby,	Pacchioli,	Toll,
Capano,	Leonard,	Pashley,	Varallo,
Cianfrani,	Leven,	Paulhamus,	Verona,
Cioffi,	Limper,	Petrosky,	Walsh,
Comer,	Lopresti,	Polaski,	Wargo,
Curwood,	Lovett,	Polen,	Wheeler,
Dougherty,	Lutty,	Readinger,	Whitenight,
Eilberg,	Markley,	Reibman,	Williams,
Farabaugh,	Maxwell,	Reidenbach,	Yetter,
Filo,	McCann,	Renwick,	Yetzer,
Flint,	McCormack,	Rosen,	Andrews,
		Rovansek,	Speaker

NAYS—76

Agnew,	Gibb,	Leisey,	Rigby,
Ashton,	Gibson,	Light,	Royer,
Auker,	Goldstein,	Lippincott,	Stevenson,
Banker,	Guthrie,	Magee,	Stoner,
Bell,	Haudenshield,	McInroy,	Strausser,
Blair,	Helm,	Metz,	Stroup,
Brown,	Henzel,	Mikula,	Tompkins,
Bullen,	Hewitt,	Miller,	Toomey,
Cooper,	Hocker,	Moody,	Varner,
Davis,	Horst,	Moscrip,	Vaughan,
Donahue,	Houk,	Murphy,	Wall,
Donaldson,	Isaacs,	Murray, H. P.,	Waterhouse,
Ehrgood,	Johnson,	Murray, P. G.,	Weidner,
Erb,	Jump,	Naugle,	Wescott,
Eshleman,	Kehler,	Ogilvie,	Willaredt,
Ewing,	Keller,	Parry,	Wilt,
Foster,	Kline,	Pomeroy,	Wood,
Frost,	Kooker,	Price,	Worley,
George,	Kromer,	Pursley,	Ziegler,

NOT VOTING—22

Cochran,	Gramlich,	Kratz,	Smith, C. O.,
Connelly,	Greenwood,	Lafore,	Stephens,
Down,	Jones, T. H. W.,	Lawyer,	Thompson,
Fineman,	Kent,	Mahan,	Wallace,
Floyd,	Knecht,	Musto,	Welsh,
		Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1904 entitled:

An Act amending the Act of September 26, 1951 (P. L. 1536) entitled "An act providing for the licensure and regulation of commercial boarding homes for the aged conferring certain powers and duties upon the Department of Welfare imposing license fees and providing penalties" further providing for refusal to grant refusal to renew and revocation of licenses changing license fees

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

BILLS PASSED OVER

There being no objection,

House Bill No. 1939. Printer's No. 1266 and

House Bill No. 1940 Printer's No. 1267

were passed over at the request of the Speaker.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1957 as follows:

An Act to further amend subsection (a) of section twelve hundred one of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees pre-

scribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" providing for a one year statute of limitations for violation of section six hundred twenty (j)

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section twelve hundred one of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by the act approved the nineteenth day of August one thousand nine hundred fifty-three (P. L. 1084) further amended to read as follows

Section 1201 Limitations of Actions

(a) Informations charging violations of any of the summary provisions of this act shall be brought before the nearest available magistrate within the city borough incorporated town or township in the county where the alleged violation occurred except informations charging any such violations upon any turnpike or highway under the supervision of the Pennsylvania Turnpike Commission which shall be brought before the available magistrate within the county where the alleged violation occurred who is nearest to the first exit from that part of the turnpike or highway where the alleged violation occurred where there is no substantial difference between the respective distances from the place where the alleged violation occurred or the exit from a turnpike to the offices of more than one magistrate any such prosecution may be brought before any one of such magistrates or if there is no person holding the office of magistrate in such city borough incorporated town or township then such information shall be brought before such nearest available magistrate in any adjoining city borough incorporated town or township in the county within fifteen (15) days after the commission of the alleged offense and not thereafter except that where an information is filed against a person prima facie guilty of a summary offense and it subsequently appears that a person other than the person named in the information was the offender an information may be filed against such other person within fifteen (15) days after his or her identity shall have been discovered and excepting further that informations charging violations of the provisions of sections 205 207 210 212 213 406.1 506 (a) 511 610.1 620 (b) (c) [(j)] 813 823.1 and 1025 (d) of this act may be brought within fifteen (15) days after it is discovered that a violation of any of these sections has been committed and excepting further that informations charging violations of the provisions of section 620 (j) of this act may be brought within one (1) year after it is discovered that a violation has been committed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LIPPINCOTT. Mr. Speaker, I desire to interrogate the sponsor of the bill.

The SPEAKER. Will the gentleman from Berks, Mr. Readinger, consent to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. LIPPINCOTT. Mr. Speaker, will the gentleman kindly explain what this bill does?

Mr. READINGER. Mr. Speaker, as I undstand the bill, it increases from fifteen days to one year the statute of limitations for bringing a prospecution for filing fraudulent information with the Department of Revenue relative to motor vehicles.

Mr. LIPPINCOTT. Mr. Speaker, isn't this fifteen day limit the present limit for all summary appeals under the Motor Vehicle Code?

Mr. READINGER. I believe that is correct, Mr. Speaker. I am not sure, but I think the gentleman is right.

Mr. LIPPINCOTT. Mr. Speaker, suppose an application is examined ten years after it is filed and it is discovered that a misstatement has been made in it, is it not true that under this bill the one year period begins to run within one year after the date of discovery?

Mr. READINGER. That is correct, Mr. Speaker.

Mr. LIPPINCOTT. Can the gentleman tell me what the statute of limitations is in Pennsylvania for such crimes as treason, arson, sodomy, and all the other major criminal offenses?

Mr. READINGER. I am a little hazy in my law since I have not been practicing for the last year and a half, but I think it is two years, two years from the time the crime was committed, not from the time it is discovered.

Mr. LIPPINCOTT. That is correct. I think, Mr. Speaker, in all fairness it should be stated that in a number of these major crimes the statute of limitations is six years from the time the crime is committed. Suppose an application is examined ten years after filing, would it not be true that within eleven years from the date the crime is committed a prosecution could be started under this bill?

Mr. READINGER. I suppose it could. I doubt if they could find the papers by that time.

Mr. LIPPINCOTT. I thank the gentleman.

Mr. Speaker, I ask all the Members to vote against this bill. It would establish a new time limit in Pennsylvania within which a prosecution could be brought. It would, in effect, make filing a false application for a motor vehicle driver's license as serious a crime as every other crime in Pennsylvania except murder. In other words, you could bring an action within one year from the date the crime was discovered, rather than within one year from the time the crime was committed, which would mean, as Mr. Readinger frankly admitted, you could bring an action under this bill within eleven years

after a false statement was made if it was discovered ten years later.

It seems to me it is a very dangerous bill from the viewpoint of possible political reprisal in searching old records to find out whether perhaps any minor false statements were made in applications.

For that reason I think it is a dangerous bill and I ask the Members to vote against it.

Mr. READINGER. Mr. Speaker, with all respect to my astute legal friend who has just spoken and without wanting to waste any more time on this bill, I would say if you are in favor of protecting somebody who makes a fraudulent or a false statement, vote against the bill. If you want the person to be punished, even though it takes a whole year to catch up with him, then vote for the bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—98

Adam,	Frank,	McKeever,	Sarraf,
Amarando,	Frascella,	McLaughlin,	Scarcelli,
Anderson, M. S.,	Gaffney,	Meholchick,	Schuster,
Anderson, S. A.,	Garlock,	Mihm,	Sherman,
Barnatovich,	Gelfand,	Mills,	Smith, Wm. B.
Bazin,	Guss,	Monroe,	Snider,
Boles,	Hamilton, R. K.,	Moran,	Stank,
Bonner,	Hass,	Muldowney,	Stebbins,
Boory,	Heavey,	Mullen,	Stone,
Brennan, A. P.,	Holt,	Munley,	Swartz,
Brennan, J. J.,	Jenkins,	Murray, J. J.,	Taylor,
Breth,	Jones, G. E.,	Musto,	Thomas,
Bucchin,	Kamyk,	Needham,	Toll,
Capano,	Kolankiewicz	Olsen,	Varallo,
Cianfrani,	Kornick,	O'Neil,	Verona,
Cioffi,	Leiby,	Pacchioli,	Wallace,
Comer,	Leonard,	Pashley,	Walsh,
Curwood,	Leven,	Paulhamus,	Wargo,
Dougherty,	Limper,	Petrosky,	Wheeler,
Eilberg,	Lovett,	Polaski,	Whitenight,
Filo,	Lutty,	Polen,	Williams,
Flint,	McCann,	Readinger,	Yetter,
Floyd,	McCormack,	Reibman,	Yetzer,
Flynn,	McGee,	Reidenbach,	Andrews,
		Renwick,	Speaker

NAYS—86

Agnew,	George,	Kromer,	Rigby,
Ashton,	Gibb,	Leisey,	Rovansek,
Auker,	Gibson,	Light,	Royer,
Banker,	Goldstein,	Lippincott,	Rudisill,
Bell,	Gramlich,	Lopresti,	Steckel,
Blair,	Guthrie,	Magee,	Stevenson,
Breisch,	Haudenshield,	Markley,	Stoner,
Brenninger,	Helm,	Maxwell,	Strausser,
Brown,	Henzel,	McInroy,	Stroup,
Bullen,	Hewitt,	McWherter,	Tompkins,
Cooper,	Hocker,	Metz,	Toomey,
Davis,	Horst,	Mikula,	Varner,
Donahue,	Houk,	Miller,	Vaughan,
Donaldson,	Isaacs,	Moscrip,	Wall,
Ehrgood,	Johnson,	Murphy,	Waterhouse,
Erb,	Jones, T. H. W.	Murray, H. P.,	Weidner,
Eshleman,	Jump,	Murray, P. G.,	Wescott,
Ewing,	Kehler,	Ogilvie,	Willaredt,
Farabaugh,	Keller,	Parry,	Wilt,
Foster,	Kline,	Pomeroy,	Wood,
Frost,	Kooker,	Price,	Worley,
		Pursley,	Ziegler,

NOT VOTING—23

Bower,	Greenwood,	Mahan,	Sigman,
Branca,	Kent,	Moody,	Smith, C. O.
Cochran,	Knecht,	Naugle,	Stephens,
Connelly,	Krats,	Pettigrew,	Thompson,
Down,	Lafore,	Rosen,	Welsh,
Fineman,	Lawyer,	Rubin,	Young,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1971 as follows:

An Act relative to Commonwealth printing establishing conditions upon which contracts will be awarded and prescribing remedies and penalties for non-compliance with such conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All contracts for printing for the Commonwealth or any department board commission or agency thereof and all contracts for printing to be paid for wholly or in part with Commonwealth funds shall contain the following provisions as conditions

(a) The person to whom the contract is awarded shall agree as a condition thereof to

(1) pay every employe engaged in the performance of said contract the prevailing wage rate and provide working conditions prevalent in the locality in which the contract is being performed or execute an affidavit that

(2) a collective bargaining agreement is in effect between an employer and employe who are represented by a responsible organization which is in no way influenced or controlled by management the provisions of which shall be considered as conditions prevalent in said locality and

(b) An agreement as a provision of the contract to maintain the conditions described in the sworm statement in the performance of such contract

Section 2 In any case where a contract for printing shall be entered into with any person who shall have failed to file a sworn statement as required by this act or having filed the sworn statement and the same shall contain any representation of fact which is untrue in any material respect or who or which shall thereafter fail neglect or refuse to pay his their or its employes the prevailing wage rates or provide or assure his their or its employes the working conditions prevalent in the locality in which the work is performed the agency of the Commonwealth of Pennsylvania entering into such contract shall cancel the same and shall have the right to enter into other contracts for the completion of the original contract charging any additional cost to the original contractor Any sums of money due to the Commonwealth of Pennsylvania by reason of the cancellation of contract aforesaid may be withheld from any amounts due on any such contracts and may be recovered in suits brought in the name of the Commonwealth of Pennsylvania by the Attorney General thereof Furthermore no contracts for printing shall be awarded to any person holding any contract for printing which has been subject to cancellation or has been cancelled for the reasons set forth herein or to any person in which such persons shall have an interest for a period of two years from the date upon which it shall have been determined by the Secretary of Labor and Industry that the provisions of this act have been violated

Section 3 The provisions of this act shall not apply to State-owned and State-aided printing establishments

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—129

Adam,	Frank,	McKeever,	Sarraf,
Amarando,	Frascella,	McWherter,	Scarcelli,
Anderson, M. S.,	Gaffney,	Meholchick,	Schuster,
Anderson, S. A.,	Garlock,	Mihm,	Sherman,
Auker,	Gelfand,	Mikula,	Sigman,
Barnatovich,	Guss,	Mills,	Smith, C. O.,
Bazin,	Guthrie,	Monroe,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Moody,	Snider,
Boles,	Hass,	Moran,	Stank,
Bonner,	Haudenshield,	Muldowney,	Stebbins,
Boory,	Heavey,	Mullen,	Stone,
Branca,	Helm,	Munley,	Strausser,
Brennan, A. P.,	Hocker,	Murphy,	Swartz,
Brennan, J. J.,	Holt,	Murray, J. J.,	Taylor,
Breth,	Johnson,	Musto,	Thomas,
Bucchin,	Jones, G. E.,	Needham,	Toll,
Bullen,	Jump,	Ogilvie,	Varallo,
Capano,	Kamyk,	Olsen,	Varner,
Cianfrani,	Kolankiewicz,	O'Neil,	Vaughan,
Cioffi,	Kornick,	Pacchioli,	Verona,
Comer,	Leiby,	Parry,	Wallace,
Cooper,	Leonard,	Pashley,	Walsh,
Curwood,	Leven,	Paulhamus,	Wargo,
Dougherty,	Limper,	Petrosky,	Waterhouse,
Eilberg,	Lopresti,	Polaski,	Wheeler,
Ewing,	Lovett,	Polen,	Whitenight,
Farabaugh,	Lutty,	Price,	Williams,
Filo,	Markley,	Readinger,	Worley,
Flint,	Maxwell,	Reibman,	Yetter,
Floyd,	McCann,	Reidenbach,	Yetzer,
Flynn,	McCormack,	Renwick,	Ziegler,
Foster,	McGee,	Rovansek,	Andrews,
		Rudisill,	Speaker

NAYS—55

Agnew,	George,	Kooker,	Royer,
Ashton,	Gibb,	Kromer,	Steckel,
Banker,	Gibson,	Leisey,	Stevenson,
Bell,	Goldstein,	Light,	Stoner,
Breisch,	Gramlich,	Lippincott,	Stroup,
Brenninger,	Henzel,	Magee,	Tompkins,
Brown,	Hewitt,	McInroy,	Toomey,
Davis,	Horst,	Miller,	Wall,
Donahue,	Houk,	Moscrip,	Weidner,
Donaldson,	Isaacs,	Murray, H. P.,	Wescott,
Ehrgood,	Jones, T. H. W.,	Murray, P. G.,	Willaredt,
Erb,	Kehler,	Pomeroy,	Wilt,
Eshleman,	Keller,	Pursley,	Wood,
Frost,	Kline,	Rigby,	

NOT VOTING—23

Bower,	Jenkins,	Mahan,	Rubin,
Cochran,	Kent,	McLaughlin,	Stephens,
Connelly,	Knecht,	Metz,	Thompson,
Down,	Kratz,	Naugle,	Welsh,
Fineman,	Lafore,	Pettigrew,	Young,
Greenwood,	Lawyer,	Rosen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1974 entitled:

An Act making an appropriation to the Department of Public Instruction for the proper conduct of the work of the Pennsylvania State Board of Censors

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1977 entitled:

An Act regulating the sale and distribution of mixed fertilizers and fertilizer materials imposing powers and duties on the Secretary of Agriculture and prescribing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. MOSCRIP. I would like to interrogate the sponsor of the bill, Mr. Yetter.

The SPEAKER. Is the gentleman in the hall of the House? The Chair does not see him in his seat. Does the gentleman desire to interrogate any of the other sponsors, or the Majority Leader, who knows all things?

Mr. READINGER. Mr. Speaker, I request that we pass this bill over for the moment until the gentleman can be found.

The SPEAKER. Are there any objections to this bill being passed over until Mr. Yetter returns?

Mr. MOSCRIP. Mr. Speaker, if the Majority Leader wishes to proceed with the business of the House, I will not insist on Mr. Yetter. Is Mr. Stebbins, the gentleman for York, available? Or the Majority Leader, may be he can answer my questions?

Mr. READINGER. I am not familiar with this bill, Mr. Speaker, so I suggest we pass it over temporarily and proceed with the next bill and then return to it.

BILL PASSED OVER

There being no objection

House Bill No. 1977, Printer's No. 1416

was passed over at the request of Mr. READINGER.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 1978 as follows:

An Act relating to and defining food providing for the protection of the public health the prevention of fraud and deception by prohibiting the manufacture offering for sale exposing for sale or having in possession with intent to sell adulterated misbranded or deleterious foods conferring powers and imposing duties upon State and county officials and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Short Title and Definitions

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Food Law."

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning.

"Advertisement" All representations disseminated in any manner or by any means other than by labeling for the purpose of inducing or which are likely to induce directly or indirectly the purchase of food

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned or conducted by one or more persons.

"Contaminated with filth" Applies to any food not securely protected from dust dirt and as far as may be necessary by all reasonable means from all foreign or injurious contaminations.

"Corporation" Any corporation or joint-stock association organized under the laws of this Commonwealth

the United States or any other state territory or foreign country or dependency.

"Department" The Department of Agriculture of this Commonwealth

"Food" (1) Articles used for food or drink for man or other animals (2) chewing gum and (3) articles used for components of any such article

"Immediate container" Does not include package liners.

"Label" A display of written printed or graphic matter upon the immediate container of any article and a requirement made by or under authority of this act that any word statement or other information appearing on the label shall not be considered to be complied with unless such word statement or other information also appears on the outside container or wrapper if any there be of the retail package of such article or is easily legible through the outside container or wrapper

"Labeling" All labels and other written printed or graphic matter (1) upon an article or any of its containers or wrappers or (2) accompanying such article

If an article is alleged to be misbranded because the labeling is misleading or if an advertisement is alleged to be false because it is misleading then in determining whether the labeling or advertisement is misleading there shall be taken into account (among other things) not only representations made or suggested by statement word design device sound or in any combination thereof but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or materials with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

"Person" Every natural person association or corporation Whenever used in any clause presenting and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Secretary" The Secretary of Agriculture or his duly authorized deputy or representative

Section 3 Application of Act The provisions of this act regarding the selling of food shall be considered to include the manufacture production processing packing exposure offer possession and holding of any such article for sale and the sale dispensing and giving of any such article and the supplying or applying of any such articles in the conduct of any food establishment

Section 4 Prohibited Acts The following acts and the causing thereof within the Commonwealth of Pennsylvania are hereby prohibited

(a) The manufacture sale or delivery holding or offering for sale of any food that is adulterated or misbranded

(b) The adulteration or misbranding of any food

(c) The receipt in commerce of any food that is adulterated or misbranded and the delivery or proffered delivery thereof for pay or otherwise

(d) The sale delivery for sale holding for sale or offering for sale of any article in violation of section twelve

(e) The dissemination of any false advertisement

(f) The refusal to permit entry or inspection or to permit the taking of a sample as authorized by section sixteen

(g) The giving of a guaranty or undertaking which guaranty or undertaking is false except by a person who relied on a guaranty or undertaking to the same effect signed by and containing the name and address of the person residing in the Commonwealth of Pennsylvania from whom he received the food in good faith

(h) The removal or disposal of a detained or embargoed article in violation of section seven

(i) The alteration mutilation destruction obliteration or removal of the whole or any part of the labeling of or the doing of any other act with respect to a food if such act is done while such article is held for sale and results in such article being adulterated or misbranded

(j) Forging counterfeiting simulating or falsely representing or without proper authority using any mark stamp tag label or other identification device authorized or required by regulations promulgated under the provisions of this act

Section 5 Injunction Proceedings In addition to the remedies hereinafter provided the Attorney General at the request of the Secretary may institute equity proceedings in the Court of Common Pleas of Dauphin County and such court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction restraining any person from violating any provision of this act or any rule regulation definition or standard made pursuant to this act

Section 6 Penalties Guaranty (a) Any person who violates any of the provisions of this act or any rule regulation standard or order made pursuant to this act shall for the first offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00) and in default of payment of such fine and costs of prosecution shall be subject to imprisonment for not less than sixty (60) days nor more than one hundred twenty (120) days and for a second or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment for not less than one (1) year nor more than two (2) years or both in the discretion of the court

(b) No person shall be subject to the penalties of subsection (a) of this section for having violated section four (a) or (c) if he establishes a guaranty or undertaking signed by and containing the name and address of the person residing in the Commonwealth of Pennsylvania from whom he received in good faith the article to the effect that such article is not adulterated or misbranded within the meaning of this act designating this act

No such guaranty shall operate as a defense to prosecution for a violation of the provisions of this act if the retailer holding such guaranty shall continue to sell the same article of food after written or printed notice from the Secretary that such article is adulterated or misbranded within the meaning of this act

But if said person shall violate the provisions of section ten of this act by having held stored transported exposed or kept said article in said paragraph mentioned in a way or manner to render it diseased contaminated or unwholesome said person shall be proceeded against for a violation of the provision of this act notwithstanding any guarantee or undertaking and it shall not be necessary for conviction that any article sample or portion thereof shall be obtained by the Secretary as a condition precedent to prosecution

(c) No publisher television or radio broadcast licensee or agency or medium for the dissemination of an advertisement except the manufacturer packer distributor or seller of the article to which a false advertisement relates shall be liable under this section by reason of the dissemination by him of such false advertisement unless he has refused on the request of the Secretary to furnish the Secretary the name and post office address of the manufacturer packer distributor seller or advertising agency residing in the Commonwealth of Pennsylvania who causes him to disseminate such advertisement

Section 7 Seizure (a) Whenever the Secretary finds or has probable cause to believe that any food is adulterated or so misbranded as to be dangerous or fraudulent within the meaning of this act he shall affix to such article a tag or other appropriate marking giving notice that such article is or is suspected of being adulterated or misbranded and that it has been detained or embargoed warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission

(b) When an article detained or embargoed under sub-

section (a) has been found by the Secretary to be dulterated or misbranded he shall petition the court in whose jurisdiction the article is detained or embargoed for condemnation of such article When the Secretary has found that an article so detained or embargoed is not adulterated or misbranded he shall remove the tag or other marking

(c) If the court finds that a detained or embargoed article is adulterated or misbranded such article shall after entry of the decree be destroyed at the expense of the claimant thereof under the supervision of the Secretary and all court costs and fees and storage and other proper expenses shall be taxed against the claimant of such article or his agent Provided That when the adulteration or misbranding can be corrected by proper labeling or processing of the article the court after entry of the decree and after such costs fees and expenses have been paid and a good and sufficient bond conditioned that such article shall be so labeled or processed has been executed may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of the Secretary The expense of such supervision shall be paid by the claimant Such bond shall be returned to be claimant of the article on representation to the court by the Secretary that the article is no longer in violation of this act and that the expenses of such supervision have been paid

(d) Whenever the Secretary shall find in any room building vehicle of transportation or other structure any meat sea food poultry vegetable fruit or other perishable articles which are unsound or contain any filthy decomposed or putrid substance or that may be poisonous or deleterious to health or otherwise unsafe the same being hereby declared to be a nuisance the Secretary shall forthwith condemn or destroy the same or in any other manner render the same unsalable as human food

Sections 8 Duty of District Attorney It shall be the duty of every district attorney to whom the Secretary reports any violation of this act or any rule regulation definition or standard made pursuant to this act to cause appropriate proceedings to be instituted in the proper courts without delay and to prosecute the violation in the manner required by law

Section 9 Definition and Standard for Food Whenever in the judgment of the Secretary such action will promote honesty and fair dealing in the interest of consumers the Secretary shall promulgate regulations fixing and establishing for any food or class of food a reasonable definition and standard of identity and/or reasonable standard of quality and/or fill of container In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted the Scretary shall for the purpose of promoting honesty and fair dealing in the interest of consumers designate the optional ingredients which shall be named on the label

When a definition and standard of identity has been promulgated the food or class of food shall contain only those ingredients or optional ingredients mentioned therein in the quantities named if such there be

Section 10 Adulterated Foods A food shall be deemed to be adulterated

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health or (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of section thirteen or (3) if it consists in whole or in part of a diseased contaminated filthy putrid or decomposed substance or if it is otherwise unfit for food or (4) if it has been produced prepared packed or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered diseased unwholesome or injurious to health or (5) if it is the product of a diseased animal or an animal which has died otherwise than by slaughter or that has been fed upon uncooked offal or uncooked garbage or (6) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health

(b) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or (2) if any substance has been substituted wholly or in part therefor or (3) if damage or inferiority has been concealed in any manner or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is

(c) If it is confectionery and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring Harmless flavoring harmless resinous glaze not in excess of four-tenths of one per centum harmless natural wax not in excess of four-tenths of one per centum harmless natural gum and pectin Provided That this paragraph shall not apply to any confectionery by reason of its containing less than one-half of one per centum by volume of alcohol derived solely from the use of flavoring extracts or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances

(d) If it bears or contains when permitted by section nine or ten a coal-tar color other than one from a batch which has been certified by the Secretary

(e) If it be mixed colored or changed in color coated polished powdered stained or bleached whereby damage or inferiority is concealed or so as to deceive or mislead the purchaser or if by any means it is made to appear better or of greater value than it is

(f) If it contains sodium benzoate or its equivalent in benzoic acid in excess of one-tenth of one per centum sulphur dioxide in excess of twenty-five hundred parts per million in dried fruits or molasses sulphur dioxide in excess sof three hundred parts per million in other foods after the Secretary has found that the use of such is necessary and in accord with sections nine eleven and thirteen or any other preservative antioxidant stabilizer or any material of similar action until after the Secretary has found its use to be safe and necessary as provided in section thirteen its use is permitted under section nine if applicable and its use does not conflict with the other requirements of this section

Section 11 Misbranded Foods A food shall be deemed to be misbranded

(a) If its labeling is false or misleading in any particular

(b) If it is offered for sale under the name of another food

(c) If it is an imitation of another food unless its label bears in type of uniform size and prominence the word "imitation" and immediately thereunder the name of the food imitated The exemption as regards labeling in this section shall not apply when by other act or by any rule regulation definition or standard promulgated by the Secretary imitation products are not permitted

(d) If its container is so made formed or filled as to be misleading.

(e) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer packer or distributor (2) an accurate statement of the quality of the contents in terms of weight measure or numerical count When the package or container shall not bear the name and address of the manufacturer or packer of the contents thereof preceded by the words "manufactured by" or "packed by" or followed by the word "manufacturer" or "packer" as the case may be unless such package or container shall bear a code marking identifying to the wholesale dealer or distributor the name and address of the manufacturer or packer of the contents thereof Such information shall be kept as part of the records of the wholesale dealer or distributor for a period of five (5) years from the date of the sale of said articles of food by said wholesale dealer or distributor and such records shall be open at all reasonable times to inspection by the Secretary Provided That under clause (2) of this paragraph reasonable variations shall

be permitted and exemptions as to small packages shall be established by regulations prescribed by the Secretary

(f) If any word statement or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words statements designs or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section nine unless (1) it conforms to such definition and standard and (2) its label bears the name of the food specified in the definition and standard and in so far as may be required by such regulations the common names of optional ingredients (other than spices flavoring and coloring) present in such food

(h) If it purports to be or is represented as (1) a food for which a standard of quality has been prescribed by regulations as provided by section nine and its quality falls below such standard unless its label bears in such manner and form as such regulations specify a statement that it falls below such standard or (2) a food for which a standard or standards of fill of container have been prescribed by regulation as provided by section nine and it falls below the standard of fill of container applicable thereto unless its label bears in such manner and form as such regulations specify a statement that it falls below such standard

(i) If it is not subject to the provisions of paragraph (g) of this section unless it bears labeling clearly giving (1) the common or usual name of the food if any there be and (2) in case it is fabricated from two or more ingredients the common or usual name of each such ingredient except that spices flavoring and where the requirements of section ten are met colorings other than those sold as such may be designated as spices flavorings and colorings without naming each Provided That to th extent that compliance with the requirements of clause (2) of this paragraph is impractical or results in deception or unfair competition exemptions eshall be established by regulations promulgated by the Secretary

(j) If it purports to be or is represented for special dietary uses unless it is labeled in such manner and bears such information concerning its vitamin mineral and arti ficial sweeting and dietary properties as the Secretary determines to be and by regulations prescribes as necessary in order to fully inform purchasers as to its value for such uses

(k) If it bears or contains any artificial flavoring artificial coloring or chemical preservative unless it bears labeling stating that fact Provided That to the extent that compliance with the requirements of this paragraph is impracticable exemptions shall be established by regulations promulgated by the Secretary

(1) If it is a product intended as an ingredient of another food and when used according to the directions of the purveyor will result in the final food product being adulterated or misbranded

Section 12 Permits (a) Whenever the Secretary finds after investigation that the distribution in Pennsylvania of any class of food may by reason of contamination with microorganisms during manufacture processing or packing thereof in any locality be injurious to health and that such injurious nature cannot be adequately determined after such articles have entered commerce he then and in such case only shall promulgate regulations providing for the issuance to manufacturers processors or packers of such class of food in such locality of permits to which shall be attached such conditions governing the manufacture processing or packing of such class of food for such temporary period of time as may be necessary to protect the public health and after the effective date of such regulations and during such temporary period no person shall introduce or deliver for introduction into commerce any such food manufactured processed or packed by any such manufacturer processor or packer unless such manufacturer processor or packer holds a permit issued by the Secretary as provided by such regulations

(b) The Secretary is authorized to suspend immediately upon notice any permit issued under authority of this section if it is found that any of the conditions of the permit have been violated The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit and the Secretary shall immediately after prompt hearing and an inspection of the establishment reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit as originally issued or as amended

(c) Any deputy or representative duly designated by the Secretary shall have access to any factory or establishment the operator of which holds a permit from the Secretary for the purpose of ascertaining whether or not the conditions of the permit are being complied with and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator

Section 13 Tolerances for Added Poisonous Ingredients in Food Any poisonous or deleterious substance added to any food except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice shall be deemed to be unsafe for purposes of the application of clause (2) of section ten (a) but when such substance is so required or cannot be avoided the Secretary shall promulgate regulations limiting the quantity therein or thereon to such extent as the Secretary finds necessary for the protection of public health and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of section ten (a) While such a regulation is in effect limiting the quantity of any such substance in the case of any food such food shall not by reason of bearing or containing any added amount of such substance be considered to be adulterated within the meaning of clause (1) of section ten (a) In determining the quantity of such added substance to be tolerated in or on different articles of food the Secretary shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances

Section 14 False Advertisement of Food An advertisement of a food shall be deemed to be false if it is false or misleading in any particular

Section 15 Enforcement and Regulations The Secretary of Agriculture shall administer and enforce the provisions of this act The Secretary is hereby authorized and empowered to prescribe adopt promulgate rescind amend and enforce rules regulations definitions and standards relating to any matter or thing pertaining to the administratoin and enforcement of the provisions of this act Such rules regulations defintions and standards shall have the full force and effect of law as if they had been specifically enacted by the Legislature

Section 16 Inspections and Examination The Secretary shall have free access at all reasonable hours to any factory warehouse or establishment in which foods are manufactured processed packed or held for introduction into commerce or to enter any vehicle being used to transport or hold such foods in commerce for the purpose

(1) of inspecting such factory warehouse establishment or vehicle to determine if any of the provisions of this act are being violated and

(2) to secure samples or specimens of any food after paying or offering to pay for such sample It shall be the duty of the Secretary to make or cause to be made examinations of samples secured under the provisions of this section to determine whether or not any provision of this act is being violated

Section 17 Disposition of Fines and Penalties All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid into

the State Treasury through the Department of Revenue and credited to the General Fund

Section 18 Publicity (a) The Secretary may cause to be published from time to time reports summarizing all judgments decrees and court orders which have been rendered under this act including the nature of the charge and the disposition thereof

(b) The Secretary may also cause to be disseminated such information regarding food as the Secretary deems necessary in the interest of public health and the protection of the consumer against fraud Nothing in this section shall be construed to prohibit the Secretary from collecting reporting and illustrating the results of the investigations of the Secretary

Article II

Excluded Provisions

Section 201 Excluded Provisions This act does not include any provisions of and shall not be construed to repeal

The Act of May 21, 1885 P. L. 22 entitled "An act for the protection of the public health and to prevent adulteration of dairy products and fraud in the sale thereof"

The Act of June 10, 1897 P. L. 142 entitled "An act to prohibit the adulteration or coloring of milk or cream by the addition of so called preservatives or coloring matter and to provide for the enforcement of the same"

The Act of July 10, 1901 P. L. 643 entitled "An act defining boiled or process butter designating the name by which it shall be known providing for the licensing of manufacturers and dealers therein and regulating the sale and labelling of the same so as to prevent fraud and deception in its sale providing punishment for violations of this act the methods of procedure for its enforcement and certain matters of evidence in such procedure"

The Act of March 28, 1905 P. L. 64 entitled "An act to prohibit the selling shipping consigning offering for sale exposing for sale or having in possession with intent to sell as fresh any meat poultry game fish or shell fish which contains any substance or article possessing a preservative or coloring character or action making the same a misdemeanor and to prescribe penalties and punishment for violations and the means and the methods of procedure of the enforcement thereof"

The Act of June 6, 1907 P. L. 422 entitled "An act making it lawful to expose for sale and to sell in all markets public or private in this Commonwealth the domesticated rabbit otherwise known as the Belgian hare"

The Act of March 11, 1909 P. L. 13 entitled "An act for the protection of the public health by prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell of eggs unfit for food as therein defined and prohibiting the use of such eggs in the preparation of food products providing for penalties for the violation thereof and providing for the enforcement thereof"

The Act of March 11, 1909 P. L. 15 entitled "An act relating to non-alcoholic drinks defining the same and prohibiting the manufacture sale offering for sale exposing for sale or having in possession with intent to sell of any adulterated or misbranded non-alcoholic drinks and providing penalties for the violation thereof and providing for the enforcement thereof"

The Act of May 3, 1909 P. L. 395 entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trade-mark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuff sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat-rye-corn and buckwheat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" or any revision reenactment or codification thereof

The Act of April 6, 1911 P. L. 51 entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof"

The Act of June 8, 1911 P. L. 712 entitled "An act relating to milk providing for the protection of the public health and the prevention of fraud and deception by regulating the sale of milk skimmed milk and cream providing penalties for the violation thereof and providing for the enforcement thereof"

The Act of May 28, 1915 P. L. 587 entitled as amended "An act to protect the public health by regulating and licensing the manufacture preparation handling storage sale transportation and possession of meat meat-food products and poultry and prescribing the powers and duties of the Department of Agriculture incidental thereto"

The Act of May 24, 1917 P. L. 266 entitled "An act regulating the packing of apples providing penalties for violations and imposing certain duties upon the Department of Agriculture"

The Act of July 10, 1919 P. L. 900 entitled "An act relating to eggs prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell eggs for and as fresh that are not fresh eggs or of branding or of labeling or making eggs as being fresh eggs that are not fresh eggs prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof"

The Act of April 13, 1921 P. L. 129 entitled "An act providing for the protection of the public health and the prevention and deception by prohibiting the manufacture the sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious butter defining butter and prescribing the penalty for the violation thereof"

The Act of March 21, 1923, P. L. 28 entitled "An act for the prevention of fraud and the protection of the public health relating to milk cream or skimmed milk whether or not condensed evaporated concentrated dried powdered or dessicated prohibiting the introduction of foreign fats into them regulating the sale of and defining condensed concentrated and evaporated milk stipulating penalties for the infraction thereof and providing for the enforcement thereof"

The Act of June 29, 1923 P. L. 929 entitled "A supplement to an act approved the twenty-first day of March one thousand nine hundred twenty-three entitled 'An act for the prevention of fraud and the protection of the public health relating to milk cream or skimmed milk whether or not condensed evaporated concentrated dried powdered or dessicated prohibiting the introduction of foreign fats into them regulating the sale of and defining condensed concentrated and evaporated milk stipulating penalties for the infraction thereof and providing for the enforcement thereof" defining condensed concentrated and evaporated skimmed milk and compounds thereof regulating the manufacture sale and exchange thereof and providing penalties"

The Act of March 17, 1925 P. L. 34 entitled "An act regulating the sale of oysters at retail"

The Act of March 26, 1925 P. L. 83 entitled "An act for the protection of public health by regulating the serving of milk for drinking purposes to patrons of hotels restaurants lunch rooms fountains and dining cars and providing penalties"

The Act of May 14, 1925 P. L. 730 entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the

manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties"

The Act of May 4, 1927 P. L. 720 entitled "An act prohibiting the shipping transporting or conveying and the sale for shipment transportation or conveyance of live pigeons for market less than six weeks of age"

The Act of March 28, 1929 P. L. 86 entitled as amended "An act relating to the grading and sale of grapes potatoes apples and peaches in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture"

The Act of April 30, 1929 P. L. 899 entitled "An act regulating the slaughtering handling and preparing of diseased and suspected animals for human food and other purposes and providing penalties"

The Act of May 22, 1933 P. L. 912 entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Agriculture and providing penalties"

The Act of July 2, 1935 P. L. 589 entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulating of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties"

The Act of May 21, 1937 P. L. 788 entitled "An act for the protection of the public health and the prevention of fraud and deception, requiring clean sanitary establishments for the manufacture preparation or bottling of nonalcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and the use of containers prescribing penalties and providing for injunctions in certain cases"

The Act of June 1 1937 P. L. 1125 entitled "An act prohibiting certain persons from selling taking orders for delivering or being interested in the manufacture or sale of machinery equipment materials feed supplies or other things used by milk producers and prescribing penalties"

The Act of June 30, 1947 P. L. 1154 entitled as amended "An act to regulate the manufacture sale transportation possession use and advertising of oleomargarine butterine and other similar products and to prohibit the sale possession or use thereof in certain cases to provide for license fees to be paid by manufacturers wholesale and retail dealers and by proprietors of hotels restaurants dining-rooms and boardinghouses to prevent and punish fraud and deception in such manufacture sale use and advertising to prescribe penalties and punishment for violation of this act and the means and method of procedure for its enforcement to regulate certain matters of evidence in such procedure and to prescribe certain powers and duties of the Department of Agriculture"

The Act of May 20, 1949 P. L. 1511 entitled "An act defining cold storage requiring licenses to operate cold storage warehouses and locker plants requiring records reports marking wrapping protecting limiting time of storage disposition sale return or transfer of foods in cold storage conferring powers on the Department of Agriculture including adoption of rules and regulations special permits for storage of feeding stuffs for animal use and providing penalties for violation of this act"

The Act of May 20, 1949 P. L. 1594 entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and possessing with intent to sell of adulterated or deleterious ice cream french ice cream french custard frozen custard frozen ice confections frozen sherbert confections sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream custard including sherbet frozen ice confections frozen sherbet confections frozen dairy confections ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing for licensing conferring powers and imposing duties upon the Department of Agriculture prescribing penalties and providing for the enforcement thereof"

Article III

Repeals

Section 301 Specific Repeals The following acts and parts of acts and all amendments thereof are hereby repealed to the extent herein after specified

The Act of March 9, 1771 1 Smith Laws 313 entitled "An act to prevent the destruction of rock-fish and oysters" absolutely

The Act of May 4, 1871 P. L. 250 entitled "An act to regulate the sale of clams and oysters" absolutely

The Act of June 10, 1881 P. L. 116 entitled "An act to protect the manufacturers of butter and cheese" absolutely

The Act of May 24, 1883 (P. L. 43) entitled "An act for the protection of dairymen and to prevent deception in sales of butter and cheese" absolutely

The Act of May 23, 1887 (P. L. 157) entitled "An act to prevent the adulteration of candy or confectionary" absolutely

The Act of June 11, 1891 (P. L. 297) entitled "An act to prevent the adulteration of cider vinegar regulating the sale of vinegar made wholly from apples grapes and other fruits prohibiting the manufacture and sale of vinegar from certain ingredients injurious to health and providing penalties therefor" absolutely

The Act of May 25, 1907 (P. L. 233) entitled "An act to require the thorough cleansing of the inside of cans and other vessels used in the shipment of milk or cream on railroads" absolutely

The Act of March 11, 1909 (P. L. 17) entitled "An act to protect the public health and prevent fraud and deception in the manufacture or sale of lard lard substitutes imitation lard and lard compounds providing penalties for the violation thereof and providing for the enforcement thereof" absolutely

The Act of May 13, 1909 (P. L. 520) entitled "An act relating to food defining food providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated misbranded or deleterious foods prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" absolutely

The Act of May 5, 1915 (P. L. 247) entitled "An act regulating the sale of chicory mixed with coffee and providing a penalty" absolutely

The Act of March 3, 1925 (P. L. 10) entitled "An act relating to fruit syrups and prohibiting the manufacture sale offering for sale exposing for sale or having in possession with intent to sell of any adulterated or misbranded fruit syrups and providing penalties for the violation thereof and providing for the enforcement thereof" absolutely

The Act of May 15, 1945 (P. L. 557) entitled "An act providing a uniform method for taking samples of food or processed food for the purpose of analysis or examination by duly authorized representatives of any city county township incorporated town or borough" absolutely

Article IV

Effective Date and Violations Committed

Prior to Effective Date of Act

Section 401 Effective Date The provisions of this act shall become effective the first day of March one thousand nine hundred fifty-six

Section 402 Violations Committed Prior to Effective Date of Act The provisions of this act shall not apply to violations committed before the effective date hereof but such violations shall be prosecuted and the prosecutions

concluded under the provisions of law in force at the time the violation was committed nor shall this act affect any act done or liability incurred or affect any suit or prosecution pending or to be instituted or enforce any penalty or punish any offense or violation under the authority of any act repealed by this act For such purposes the laws repealed by this act shall be deemed to remain in full force and effect

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LIGHT. Mr. Speaker, I rise to oppose the passage of this bill. In my opinion this is the most important bill presented to this session so far as affecting the general public and agriculture is concerned.

House Bill 1978, Printer's No. 1377, aims to rewrite the Pure Food Laws of Pennsylvania. This bill has moved very rapidly. It was introduced on January 18th and passed on quite quickly and is now on third reading calendar.

A word should be said about the enforcement of the Pure Food Laws. I would like to say that the Pennsylvania Department of Agriculture in the enforcement of the Pure Food Laws through its Bureau of Foods and Chemistry has had at the head of the Bureau of Foods and Chemistry many competent men over the years.

Under the supervision of these men the consuming public and agriculture have been protected against food fakers through its enforcement power. It has stopped the adulteration of many foods with chemicals and coal tar; it has driven from the market filled milk, which contained coconut oil; it has stopped the sale of sausage containing only sixty per cent meat; it has stopped the sale of fish painted with coal tar to look like salmon; it has stopped the use of formaldehyde and embalming fluid by food dopers. Through its enforcement powers the Pennsylvania Pure Food Laws and the Department of Agriculture have the wholesome respect of manufacturers everywhere.

Manufacturers are careful today about the food products they ship into this state, and the Federal agents of the government's Pure Food and Drug Act have a high regard for the Pennsylvania Department of Agriculture and its food laws.

Just a word about the Pure Food Laws as it stands on the books.

The first law was passed in 1878 and it is the forerunner of all the pure food laws. In 1883 the Secretary of Agriculture was given the power to enforce the Pure Food Laws under the administration of Governor Pattison.

Many amendments and additions have been made to the law since that day and these things have been added:

The cold storage plants, butter, eggs, sanitary bottling, ice cream, filled milk, fruit syrup, carbonated beverages, milk testing and regulation of bakery and bakery products are all under supervision and inspection.

Oleomargarine has long been under control of the Department of Agriculture.

The session of 1951, just four years ago, amended the law so that colored oleo could be sold under certain restrictions.

Now we come to the time when we have a thirty-five page bill which would in the first place repeal absolutely the laws of 1771, 1881, 1871, 1883, 1887, 1891, 1907, 1909, 1915, 1925 and 1945. These Acts I do not care to describe fully, but they are the heart of the Pure Food Laws of Pennsylvania.

I think it is the general opinion of many people who have business with the Department of Agriculture with respect to food laws that this bill should not pass at this session and that ample opportunity should be given to provide a full and comprehensive consideration by the agencies who will be affected in the operation of the food laws.

I just want to quote from one letter that we have in support of the opinion, I shall quote but one organization, the Pennsylvania Bakers Association.

On February 17, 1956, the Pennsylvania Bakers Association addressed a letter to His Excellency, the Governor, George M. Leader, a copy of which letter was mailed to the membership of this House, and I quote in part from this letter as follows:

> "Legislation of this type is considered by our industry and others, as of major importance. We realize that the food processing industry, farmers and all levels of distribution must at all times bear in mind that the protection of consumers should be the first consideration in a basic food law. We have always recognized that the success of bakery operators depends entirely on the confidence consumers have in their products.
>
> For these reasons we are of the opinion that changes contemplated in the present law must be considered very carefully by all groups affected and interested. Up until now there have been only casual and occasional discussions or conferences on points in which our present General Food Law could be iproved. We have a high regard for the experience and knowledge of such prominent persons and authorities as Dr. R. Adams Dutcher, Dr. Joseph W. E. Harrison, Dr. William J. Schiller, the Pennsylvania Department of Agriculture, the Pennsylvania State University and the Public Health Law Research Department of the University of Pittsburgh, who have made cooperative studies in drafting this bill.
>
> "We are confident, though, that conferences with the various parties interested in this legislation would be most productive and result in a revision which would make the General Food Laws of Pennsylvania the best in the country, pattern for other states to follow.
>
> "House Bill 1978 is presently on the third reading calendar. We feel that this is rather undue haste on major legislation of this kind and that—

The SPEAKER pro tempore. Will the gentleman from Lebanon, Mr. Light, yield momentarily to the gentleman from Blair, Mr. Auker?

Mr. LIGHT. I will, Mr. Speaker.

Mr. AUKER. Mr. Speaker, I request the Speaker to have less noise in the House. This is a very informative address by a man who knows about what he is talking, and it vitally affects everybody in this Commonwealth. He is entitled to be heard and heard attentively.

If you want to postpone it, we will postpone it. If you want to make noise, we will keep you here until midnight—we can if we want to.

The SPEAKER pro tempore. The gentleman from Blair is so right. The gentleman from Lebanon is entitled to be heard.

Mr. LIGHT. I am still quoting from the Baker's letter:

"We feel that this is rather undue haste on major legislation of this kind and that much more consideration should be given to this bill before it is enacted. Only a very few legislators can be familiar with all the issues involved.

"May we submit to you, therefore, that further action on this bill be postponed until either the Legislature or the Department of Agriculture has had ample opportunity to confer with all interested parties. We are sure this would greatly promote the aims cited in your message."

Signed: Pennsylvania Bakers Association, By Theo Staab.

That is the end of the quotation. The Members of this House will agree that as we enter the closing days of this session it is well nigh impossible to give careful thought and consideration to this voluminous thirty-five page bill to change the Pennsylvania Food Laws. These laws are well established and have public acceptance, so that any change, amendment or substitution should be given most careful study.

I would, therefore, ask the Members on both sides of the aisle to vote "no" on this bill so that sufficient time can be given for the necessary conferences of all parties affected by the operation of the Pennsylvania Pure Food Laws.

MR. TOMPKINS IN THE CHAIR

Mr. FLINT. Mr. Speaker, the listeners on both sides of the aisle agree in large part with the remarks of the gentleman regarding this measure, particularly in quoting from the letter of the Pennsylvania Bakers Association. The letter was in part a kind of catalog of the organizations which were in favor of this measure.

I would suggest that the Pennsylvania Bakers Association counseling caution for further study is perhaps exceptional in its recommendations. It is true that Pennsylvania's Pure Food Laws have for many years represented a high level of concern for the public welfare.

At the same time it must be apparent that consideration should be given to the advances of nutritional science, toxicology and many other scientific advances which would indicate a revision of our statutes regarding food.

It is further my understanding that the statutes to be repealed by this bill would not remove any of the present safeguards which those statutes represent, but in fact this bill is in large part a collation, a codification, of many of the statutes of previous years.

The bill has had the approval and the study of the Council of State Governments; it has had study by the University of Pittsburgh; it has had study by very many of the trade associations. It does not represent any desire of any political faction. It has the endorsement of our state Department of Agriculture. It is closely modeled on the Federal Act.

It is submitted that it is a measure which deserves support on both sides of the aisle.

Mr. AGNEW. Mr. Speaker, I wish also to oppose this bill, not as the expert the gentleman from Lebanon is, but because of some information I have concerning the bill.

I understand this bill was drafted after consultation with all parties concerned, except the food processing industry, the industry in Pennsylvania that must live with the statutes we pass in that field day in and day out, the industry which is vitally concerned with legislation such as this. Everybody was consulted about this bill, including all these various professors and college bodies, except the food processing industry.

I understand this bill would make a radical departure from the basic and well-understood Pure Food Laws of the Commonwealth of Pennsylvania.

In talking to some members of the food processing industry, I understand they have no objection to some changes in the present law. They would have no objection at all to the passage of a uniform code such as approximately a dozen states have passed and which is modeled or patterned entirely after the Federal Pure Food and Drug Act.

If there are to be any other changes in the basic food law in Pennsylvania, the food processing industry wants a hearing. They were not given a hearing on this bill. They have not been given any consideration on this bill. I think for that reason, unless we adopt a uniform code patterned after the Federal Pure Food and Drug Act, before we pass any laws in this field we ought to call the food processing industry in and get their ideas on what the law should be.

For that reason, I ask the Members on both sides of this House to vote against this hasty, ill-advised legislation.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

Mr. LIGHT. Mr. Speaker, as I said in the opening of the remarks I made, I am convinced that this is the most important piece of legislation that has appeared in this House when you view it from the effect it has on the general public, agriculture, food processors and everybody concerned.

I think if this bill had been introduced in this House a year ago, there would have been a chance to iron it out and satisfy the people who do not know what it is about. I will venture to say there are not ten men in this House who know anything about this bill. It is a thirty-five page bill. It was sprung upon us on January 18th in this House, and we have not had a chance to study it.

In fact, it is a complicated, difficult problem and all that we plead for is the defeat of this bill. We are only nine months away from the 1957 session of the Legislature, and I think the sensible thing to do is to defeat this measure and start a movement to study the Pure Food Laws of Pennsylvania. If it is found necessary to make additions, I think the people on this side of the House will be perfectly satisfied and will cooperate to get something better than we have if we need it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—89

Adam,	Filo,	McCann,	Reibman,
Amarando,	Floyd,	McCormack,	Reidenbach,
Anderson, M. S.,	Frascella,	McGee,	Rovansek,
Anderson, S. A.,	Frost,	McKeever,	Sarraf,
Barnatovich,	Gaffney,	McLaughlin,	Scarcelli,
Bazin,	Gelfand,	McWherter,	Schuster,
Boles,	Guss,	Meholchick,	Sherman,
Bonner,	Hamilton, R. K.,	Mihm,	Smith, Wm. B.,
Boory,	Heavey,	Mills,	Snider,
Branca,	Jenkins,	Monroe,	Stank,
Brennan, A. P.,	Jones, G. E.,	Moran,	Stebbins,
Brennan, J. J.,	Kamyk,	Muldowney,	Swartz,
Breth,	Kolankiewicz,	Mullen,	Taylor,

Bucchin,	Kornick,	Munley,	Thomas,
Capano,	Leiby,	Musto,	Toll,
Cianfrani,	Leonard,	Needham,	Varallo,
Cioffi,	Leven,	Olsen,	Verona,
Comer,	Limper,	O'Neil,	Wallace,
Curwood,	Lopresti,	Pacchioli,	Wheeler,
Dougherty,	Lovett,	Pashley,	Williams,
Eilberg,	Lutty,	Paulhamus,	Yetzer,
Farabaugh,	Maxwell,	Polaski,	Andrews,
		Readinger,	Speaker

NAYS—89

Agnew,	Gibb,	Leisey,	Rudisill,
Ashton,	Gibson,	Light,	Smith, C. C.,
Auker,	Goldstein,	Lippincott,	Steckel,
Banker,	Gramlich,	Magee,	Stevenson,
Bell,	Guthrie,	Markley,	Stone,
Blair,	Hass,	McInroy,	Stoner,
Bower,	Haudenshield,	Metz,	Strausser,
Breisch,	Helm,	Mikula,	Stroup,
Brenninger,	Henzel,	Miller,	Tompkins,
Bullen,	Hewitt,	Moody,	Toomey,
Cooper,	Hocker,	Moscrip,	Varner,
Davis,	Horst,	Murphy,	Vaughan,
Donahue,	Houk,	Murray, H. P.,	Wall,
Donaldson,	Isaacs,	Ogilvie,	Walsh,
Ehrgood,	Johnson,	Parry,	Wargo,
Erb,	Jones, T. H. W.,	Petrosky,	Waterhouse,
Ewing,	Jump,	Pomeroy,	Weidner,
Flint,	Kehler,	Price,	Wescott,
Flynn,	Keller,	Pursley,	Whitenight,
Foster,	Kline,	Renwick,	Willaredt,
Garlock,	Kooker,	Rigby,	Wilt,
George,	Kromer,	Royer,	Wood,
			Worley,

NOT VOTING—29

Brown,	Greenwood,	Mahan,	Rubin,
Cochran,	Holt,	Murray, J. J.,	Sigman,
Connelly,	Kent,	Murray, P. G.,	Stephens,
Down,	Knecht,	Naugle,	Thompson,
Eshleman,	Kratz,	Pettigrew,	Welsh,
Fineman,	Lafore,	Polen,	Yetter,
Frank,	Lawyer,	Rosen,	Young,
			Ziegler,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

The SPEAKER. The Chair requests the gentleman from Cambria, Mr. Lopresti, to preside temporarily.

MR. LOPRESTI IN THE CHAIR

SENATE MESSAGE

SENATE ADOPTS REPORT OF CONFERENCE ON SENATE BILL No. 215

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subjct of the differences existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 215.

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 215, entitled: "An act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation"

Respectfully submit the following bill as our report:

PAUL L. WAGNER,
EDWARD J. KESSLER,
JO HAYS,

(Committee on the Part of the Senate)

STEPHEN McCANN,
ALBERT E. STRAUSSER,
J. DEAN POLEN,

(Committee on the Part of the House of Representatives)

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 215

Mr. McCANN. Mr. Speaker, I call up the report of the Committee of Conference on Senate Bill No. 215.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 215, entitled: "An act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation"

Respectfully submit the following bill as our report:

PAUL L. WAGNER,
EDWARD J. KESSLER,
JO HAYS,

(Committee on the Part of the Senate)

STEPHEN McCANN,
ALBERT E. STRAUSSER,
J. DEAN POLEN,

(Committee on the Part of the House of Representatives)

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The last paragraph of section 790 added August 26, 1953 (P. L. 1471) and section 2511.1 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" and its amendments are repealed

Section 2 Article XXV of the act is amended by adding at the end a new subdivision to read

(f) School Building Rentals and Sinking Fund Charges

Section 2571 Standard Reimbursement Fraction for School Building Rentals and sinking fund charges (a) For the purpose of reimbursement on account of all public

school building rentals and sinking fund charges a school district's standard reimbursement fraction shall be computed

For projects heretofore or hereafter constructed by subtracting from four thousand five hundred dollars ($4500) an amount determined by multiplying the school district's valuation per district teaching unit by four-one thousandths (.004) and dividing the difference so obtained by four thousand five hundred dollars ($4500)

(b) The school district's valuation is the valuation placed upon its taxable real property by the State Tax Equalization Board The Department of Public Instruction shall compute the standard reimbursement fraction of each school district entitled to payments on account of public school buildings annually in the month of December

Section 2572 State Public School Building Authority Leases Heretofore Approved (a) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings or providing educational equipment under the provisions of the State Public School Building Authority Act for every lease or contract entered into or approved by the Superintendent of Public Instruction prior to August 26, 1953 an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredth (50/100) and by the annual rental charge as fixed by the State Public School Building Authority or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion of the annual rental charge fixed by the State Public School Building Authority

(b) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the State Public School Building Authority Act for every lease approved by the Department of Public Instruction on or after August 26, 1953 but prior to the effective date of this amendment act an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50/100) and by that portion of the annual rental charge sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings the cost of acquiring the land upon which the school buildings and situate and the interest on such cost or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion of the annual rental charge stated above

Section 2573 Municipality Authority and Nonprofit Corporation Leases Heretofore Approved (a) The Commonwealth shall also pay annually to each school district which shall have entered into a lease approved by the Department of Public Instruction prior to August 26, 1953 with a municipality authority or with a nonprofit corporation for the rental of a school building or buildings or providing education equipment an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one-hundredths (50/100) and by the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation

(b) The Commonwealth shall also pay annually to each school district which shall have entered into a lease approved by the Department of Public Instruction on or after August 26, 1953 but prior to the effective date of this amending act with a municipality authority or with a nonprofit corporation for the rental of a school building or buildings an amount to be determined (1) by multiplying the school district's standard reimbursement fraction for school building rentals by fifty one hundredths (50/100) and by that portion of the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings the cost of acquiring land upon which the school buildings are situate and the interest on such costs or (2) if the district's standard reimbursement fraction for school building rentals is greater than five thousand nine hundred ninety-nine ten-thousandths (.5999) by multiplying the standard reimbursement fraction for school building rentals by itself and by the portion stated above of the annual rental or share thereof provided for under its lease with such municipality authority or nonprofit corporation

Section 2574 Approved Reimbursable Rental for leases hereafter approved and approved reimbursable sinking fund charges on indebtedness (a) For school building projects for which the general construction contract is awarded subsequent to the effective date of this amending act and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Public Instruction prior to the effective date of this amending act the Department of Public Instruction shall calculate an approved reimbursable rental or approved reimbursable sinking fund charges Approved reimbursable rental or sinking fund charge shall consist of that part of the annual rental or sinking fund charge attributable to

(1) The cost of acquiring the land upon which the school buildings are situate to the extent that the cost is deemed reasonable by the Department of Public Instruction and the interest on such cost of acquisition and

(2) The approved building construction cost and the interest on such construction cost

(b) For new school buildings the approved building construction cost shall be the lesser of

(1) The cost of constructing the school buildings including the cost of essential fixtures and equipment but excluding architect's fees in excess of six per cent (6%) of the contract price or

(2) The product of the rated pupil capacity as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars ($1100) in the case of elementary schools (ii) one thousand seven hundred dollars ($1700) in the case of secondary schools (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by one thousand one hundred dollars ($1100) and the rated secondary pupil capacity by one thousand seven hundred dollars ($1700) and dividing the sum by the total rated pupil capacity

(c) For additions or alterations to existing buildings approved building construction cost shall be the lesser of

(1) The cost of constructing the additions or alterations including the cost of essential fixtures and equipment but excluding architect's fees in excess of six per cent (6%) of the contract price or

(2) The difference obtained by subtracting the appraisal value of the existing building from the product of rated pupil capacity of the altered or expanded building as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars ($1100) in the case of elementary schools (ii) one thousand seven hundred dollars ($1700) in the case of secondary schools (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity of the altered or expanded building by one thousand one hundred dollars ($1100) and the rated secondary pupil capacity of the altered or expanded building by one thousand seven hundred dollars ($1700) and dividing the sum by the total rated pupil capacity of the altered or expanded building

Appraisal value shall be the valuation made immediately before the additions or alterations are begun

by three competent appraisers one appointed by the school authorities one by the Superintendent of Public Instruction and the third by the other two

(d) For purposes of calculating the amount of rental reimbursement the approved reimbursable rental for a school project constructed for two or more school districts shall annually be apportioned among the participating districts on the basis of the proportion which the valuation of each district as certified by the state tax equalization board during the preceding school year bears to the total valuation of all participating districts

Section 2575 Payments on Account of leases hereafter approved and on account of sinking fund charges on indebtedness for school buildings hereafter constructed The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the Public School Building Authority Act the Municipality Authority Act or section 758 of the Public School Code of 1949 on account of buildings for which the lease is approved subsequent to the effective date of the amending act or through the incurring of indebtedness by the issuance of general obligation bonds on account of buildings for which the general construction contract is awarded subsequent to the effective date of this amending act an amount to be determined

(1) By multiplying the district's standard reimbursement fraction by itself and by fifty one hundredths (50/100) and adding the product to the districts standard reimbursement fraction multiplied by twenty-five one hundredths (25/100) and multiplying the sum by the approved reimbursable rental or approved reimbursable sinking fund charge or

(2) If the district's standard reimbursement fraction is greater than four thousand nine hundred ninety-nine ten-thousandths (.4999) by multiplying the district's standard reimbursement fraction by itself and by the approved reimbursable rental or approved reimbursable sinking fund charge Standard reimbursement fraction referred to herein is that provided by section 2571 for the purpose of reimbursement on account of public school building rentals and sinking fund charges

Section 2576 Approval of Department of Public Instruction (a) No payment shall be made to any school district on account of any lease entered into with the State Public School Building Authority or any municipality authority or nonprofit corporation or on account of sinking fund charges on indebtedness for school buildings unless such lease or sinking fund charge is approved by the Department of Public Instruction Except as hereinafter provided the Department of Public Instruction may give its approval to any lease heretofore or hereafter entered into and to any payments on account of sinking fund charges on indebtedness for school buildings if it shall find that the leased project or the project for which the indebtedness is incurred in conformance with county-wide plans prepared by the county board of school directors and approved by the State Council of Education for the orderly development of improved attendance areas and administrative units and for the improved housing of public schools in the Commonwealth that the school building will conform with standards and regulations prescribed by the department with respect to educational and architectural design building materials fixtures and equipment location usefulness for community activities safety comfort and convenience and that the school district or school districts which incur the indebtedness or to which the project is to be leased will have the ability to meet from current revenues the rental or sinking fund charge or their respective shares of rental or sinking fund charge and to defray the cost of their respective shares of the cost of operation and maintenance of the project

(b) The department shall have the right to disapprove or approve with reservation a lease because of any failure or the part of the authority or school district to comply with the provisions of the laws of the Commonwealth relating to such authority or school district only to such extent as will prevent the school district from paying a greater sum as rental because of such noncompliance with law For that purpose the department may require a modification of the lease if not at that time executed or may approve the lease with the reservation that the department will pay the reimbursement on that amount only which would have been determined by reason of the lower rental

(c) The Department of Public Instruction shall not approve any project for which Commonwealth reimbursement is sought unless an inspection has been made by the department of the location and adequacy of existing school facilities and the determination made that existing facilities are inadequate in terms of prevailing educational standards

Section 2577 Limitations on approval of projects for reimbursement purposes (a) The superintendent of Public Instruction shall not give his approval for reimbursement purposes to any phase of any project or any project to be undertaken by the state public school building authority or by any municipality authority or nonprofit corporation or by any school district that would cause the approved reimbursable costs of projects to exceed six hundred and twenty-five million dollars ($625,000,000) during the school year 1955-1956 seven hundred and twenty-five million dollars ($725,000,000) during the school year 1956-1957 eight hundred and twenty-five million dollars ($825,000,000) during the school year 1957-1958 and nine hundred and twenty-five million dollars ($925,000,000) during the school year 1958-1959 in the aggregate for all the authorities nonprofit corporations and sinking fund charges combined for projects already undertaken and to be undertaken

(b) The Department of Public Instruction shall determine reimbursement eligibility of all projects including projects submitted for approval prior to the effectvie date of this act in the order of date of filing of applications for project approval with the department if a delay in departmental processing of any application on file is occasioned by the applying school district the department shall proceed to determine reimbursement eligibility of projects next in order

(c) Unless the general construction contract for any project is awarded within ten months subsequent to the date of approval by the department approval shall be withdrawn except that when a district shows to the satisfaction of the department that the contract has not been let for reasons beyond its control or that withdrawal of approval would work undue hardship the department may grant extensions beyond the ten-months period for two periods of sixty days each before approval is withdrawn a project for which approval is withdrawn may be resubmitted to the Department as a new project

Section 2578 Payments (a) Payments to a school district shall be determined and approved by the Department of Public Instruction The amonnt so approved shall be included in and be payable from any future appropriations made to the Department of Public Instruction

(b) All payments due school districts by the Commonwealth on account of obligations to the State Public School Building Authority sinking fund charges or rentals under leases with municipality authorities for building or educational equipment for area technical schools shall be paid to the county board of school directors operating the school School districts not originally parties to an agreement with the State Public School Building Authority or a lease with a municipality authority for buildings or educational equipment for an area technical school but later electing to participate in the operation of the school and agreeing to pay a part of the annual payments due under the agreement or lease shall be entitled to payments by the Commonwealth to the same extent as though they had originally been parties to the agreement or lease The amount thereof shall be paid to the county board of school directors No payments shall be made on account of obligations or rentals for buildings or educational equipment for area technical schools unless the schools conform to county-wide plans prepared by the county board of school directors and approved by the state board for vocational education

Section 2579 Inspection of Projects by Department of Public Instruction The Department of Public Instruction shall inspect during construction the work performed by or under contract with a municipality authority nonprofit

corporation or school district on all projects for the rental or sinking fund charge of which the Commonwealth will make reimbursement and shall compel compliance with approved plans

Section 2580 Changes in the amount of lease rentals reimbursements to school districts on account of rental payments in excess of the amount specified in the lease between the school districts and the state public school building authority or any municipality authority or nonprofit corporation or in the case of refinancing on account of rental payments provided by a renegotiated lease shall be calculated in the same manner as the specified lease rental

Section 3 The sum of four hundred five thousand dollars ($405,000) or as much thereof as is necessary is appropriated to the Department of Public Instruction for the two fiscal years ending May 31, 1957 to carry out the provisions of this act

Section 4 This act shall take effect immediately

On the question,

Will the House adopt the report of the Committee of Conference?

POINT OF ORDER

Mr. LIPPINCOTT. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LIPPINCOTT. Is this Conference Report in print and on our desks.

Mr. McCANN. Mr. Speaker, the Conference Committee Report has been in the Members' files for more than a week under Printer's No. 559.

Mr. LIPPINCOTT. I believe the Senate History does not indicate that printer's number as being the latest printer's number, and that is the reason for my request. I know some of the Members were looking for this Conference Report. If that is correct, I will abide by that decision.

Mr. AUKER. I would like to interrogate the gentleman from Greene, Mr. McCann, just briefly.

The SPEAKER pro tempore. Will the gentleman from Greene, Mr. McCann, permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. AUKER. I find hyself in the same position as the gentleman from Delaware, I did not know the report was in the book, not having the right Printer's No. I would like to know if these changes which have been made since this bill left the House change the basic way in which the rental reimbursements, and so forth, are set up or whether the changes which were made are just technical changes, or what.

We would like to have some information before we vote on it. This is a pretty important bill from the standpoint of finances of the state.

Mr. McCANN. Mr. Speaker. The bill that went to the Senate with the amendments which were placed in the bill in the House is identically the same in every respect, except for one line in which we used the wrong words, and two technical corrections, the crossing out of two words. The bill otherwise is identically the same as passed in this House by unanimous vote.

Mr. AUKER. I thank the gentleman, Mr. Speaker. I am satisfied.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—193

Adam,	Gaffney,	Markley,	Royer,
Agnew,	Garlock,	Maxwell,	Rubin,
Amarando,	Geifand,	McCann,	Rudisill,
Anderson, M. S.,	George,	McCormack,	Sarraf,
Anderson, S. A.,	Gibb,	McGee,	Scarcelli,
Ashton,	Gibson,	McInroy,	Schuster,
Auker,	Goldstein,	McKeever,	Sherman,
Banker,	Gramlich,	McLaughlin,	Sigman,
Barnatovich,	Guss,	McWherter,	Smith, C. C.,
Bazin,	Guthrie,	Meholchick,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	Metz,	Snider,
Blair,	Hass,	Mihm,	Stank,
Boles,	Haudenshield,	Mikula,	Stebbins,
Bonner,	Heavey,	Miller,	Steckel,
Boory,	Helm,	Mills,	Stevenson,
Bower,	Henzel,	Monroe,	Stone,
Branca,	Hewitt,	Moody,	Stoner,
Breisch,	Hocker,	Moran,	Strausser,
Brennan, A. P.,	Holt,	Moscrip,	Stroup,
Brennan, J. J.,	Horst,	Muldowney,	Swartz,
Brenninger,	Houk,	Mullen,	Taylor,
Breth,	Isaacs,	Munley,	Thomas,
Brown,	Jenkins,	Murphy,	Toll,
Bucchin,	Johnson,	Murray, H. P.,	Tompkins,
Bullen,	Jones, G. E.,	Murray, J. J.,	Toomey,
Capano,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Cianfrani,	Jump,	Musto,	Varner,
Cioffi,	Kamyk,	Naugle,	Vaughan,
Comer,	Kehler,	Needham,	Verona,
Cooper,	Keller,	Ogilvie,	Wall,
Curwood,	Kent,	Olsen,	Wallace,
Davis,	Kline,	O'Neil,	Walsh,
Donahue,	Knecht,	Pacchioli,	Wargo,
Donaldson,	Kolankiewicz	Parry,	Waterhouse,
Dougherty,	Kooker,	Pashley,	Weidner,
Ehrgood,	Kornick,	Paulhamus,	Wescott,
Eilberg,	Kromer,	Petrosky,	Wheeler,
Erb,	Leiby,	Polaski,	Whitenight,
Eshleman,	Leisey,	Polen,	Willaredt,
Ewing,	Leonard,	Pomeroy,	Williams,
Farabaugh,	Leven,	Price,	Wilt,
Filo,	Light,	Pursley,	Wood,
Flint,	Limper,	Readinger,	Worley,
Floyd,	Lippincott,	Reibman,	Yetter,
Flynn,	Lopresti,	Reidenbach,	Yetzer,
Foster,	Lovett,	Renwick,	Ziegler,
Frank,	Lutty,	Rigby,	Andrews,
Frascella,	Magee,	Rosen,	Speaker
Frost,		Rovansek,	

NAYS—0

NOT VOTING—14

Cochran,	Fineman,	Lafore,	Stephens,
Connelly,	Greenwood,	Lawyer,	Thompson,
Down,	Kratz,	Mahan,	Welsh,
		Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered. That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1641.

An Act to further amend the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by further regulating education and training for handicapped children.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 3, by striking out after the word "including" the word "certion" and inserting in lieu thereof the word "certain."

Amend Section 2, page 3, lines 17 to 19 inclusive by striking out after the second word "Section" the following: "nine hundred twenty-five of said act as last amended by the acts approved the twenty-seventh day of July one thousand nine hundred fifty-three (P. L. 619) and the nine—"; page 4, lines 1 and part of line 2, by striking out the following: "teenth day of August one thousand nine hundred fifty-three (P. L. 1136) is hereby further amended to read as follows" and inserting in lieu thereof the following: "925 of the Act amended April 20, 1949 (P. L. 622) September 28, 1951 (P. L. 1546) July 27, 1953 (P. L. 619) and August 10, 1953 (P. L. 1136) is amended to read"; line 8, by inserting after the word "superintendent" the following: "whose directors are eligible to vote at the election of members of the county board";

Section 6, page 18, line 7, by striking out after the word "or" the word "school" and inserting in lieu thereof the word "schools"; line 10, by striking out after the word "such" the word "districts" and inserting in lieu thereof the word "district."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—193

Adam,	Frost,	Magee,	Rovansek,
Agnew,	Gaffney,	Markley,	Royer,
Amarando,	Garlock,	Maxwell,	Rubin,
Anderson, M. S.,	Gelfand,	McCann,	Rudisill,
Anderson, S. A.,	George,	McCormack,	Sarraf,
Ashton,	Gibb,	McGee,	Scarcelli,
Auker,	Gibson,	McInroy,	Schuster,
Banker,	Goldstein,	McKeever,	Sherman,
Barnatovich,	Gramlich,	McLaughlin,	Sigman,
Bazin,	Guss,	McWherter,	Smith, C. C.,
Bell,	Guthrie,	Meholchick,	Smith, W. B.,
Blair,	Hamilton, R. K.,	Metz,	Snider,
Boles,	Hass,	Mihm,	Stank,
Bonner,	Haudenshield,	Mikula,	Stebbins,
Boory,	Heavey,	Miller,	Steckel,
Bower,	Helm,	Mills,	Stevenson,
Branca,	Henzel,	Monroe,	Stone,
Breisch,	Hewitt,	Moody,	Stoner,
Brennan, A. P.,	Hocker,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Horst,	Muldowney,	Swartz,
Breth,	Houk,	Mullen,	Taylor,
Brown,	Isaacs,	Munley,	Thomas,
Bucchin,	Jenkins,	Murphy,	Toll,
Bullen,	Johnson,	Murray, H. P.,	Tompkins,
Capano,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Vaughan,
Cioffi,	Jump,	Musto,	Varallo,
Comer,	Kamyk,	Naugle,	Varner,
Cooper,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Oglivie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz	Parry,	Waterhouse,
Ehrgood,	Kooker,	Pashley,	Weidner,
Eilberg,	Kornick,	Paulhamus,	Wescott,
Erb,	Kromer,	Petrosky,	Wheeler,
Eshleman,	Leiby,	Polaski,	Whitenight,
Ewing,	Leisey,	Polen,	Willaredt,
Farabaugh,	Leonard,	Pomeroy,	Williams,
Filo,	Leven,	Price,	Wilt,
Flint,	Light,	Pursley,	Wood,
Floyd,	Limper,	Readinger,	Worley,
Flynn,	Lippincott,	Reibman,	Yetter,
Foster,	Lopresti,	Reidenbach,	Yetzer,
Frank,	Lovett,	Renwick,	Ziegler,
Frascella,	Lutty,	Rigby,	Andrews,
		Rosen,	Speaker

NAYS—0

NOT VOTING—14

Cochran,	Fineman,	Lafore,	Stephens,
Connelly,	Greenwood,	Lawyer,	Thompson,
Down,	Kratz,	Mahan,	Welsh,
		Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON THIRD READING POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on third reading of House Bill No. 1782 as follows:

An Act relating to apprenticeship creating a State Apprenticeship Council in the Department of Labor and Industry to formulate an apprenticeship policy and program and defining its powers and duties and providing for administration.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Declaration of Policy It is declared to be the policy of this act (1) to encourage the development of an apprenticeship system through the voluntary cooperation of management and labor and interested State agencies and in cooperation with other states and the Federal government (2) to provide for the establishment and furtherance of standards of apprenticeship to safeguard the welfare of apprentices and (3) to aid in the maintenance of an adequate skilled labor force

Section 2 State Apprenticeship Council There is hereby created a State Apprenticeship Council as a departmental agency in the Department of Labor and Industry to be composed of six members who shall be appointed by the Governor Three members shall be representatives of employes and three members shall be representatives of employers Members of the council other than the ex-offico members shall be appointed for a term of three years and until their successors are appointed except that two of the original members shall be appointed for a term of one year two for a term of two years and two for a term of three years Members of the council shall be elegible for reappointment In case of a vacancy the Governor shall make an appointment for the unexpired term A Deputy Secretary of the Department of Labor and Industry the Director of the State Employment Service of the Bureau of Employment Security of the Department of Labor and Industry and the Chief of the Division of Trade and Industrial Education of the Department of Public Instruction shall be ex-officio members of the council but shall not be entitled to vote The council shall organize immediately upon its appointment and annually thereafter by the election of one of its members as chairman and another as vice-chairman one of whom shall be a representative of employes and the other a representative of employers Each member of the State Apprenticeship Council except ex-officio members shall receive actual traveling expenses and per diem compensation at the rate of fifteen dollars ($15) per day for the time actually devoted to the business of the council

Section 3 Powers and Duties The council shall (1) establish standards for apprenticeship in conformity with

the provisions of this act (2) adopt such rules and regulations as may be necessary to carry out the intent and purpose of this act (3) compile such data as may be deemed necessary to determine trends of employment opportunity in various trades (4) terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements and (5) perform such other duties as may be necessary to give full effect to the provisions of this act

Once each year the council shall make a report to the Secretary of the Department of Labor and Industry of its activities and findings

Section 4 Meetings Meetings of the council shall be held monthly and as often as is necessary in the opinion of the majority of the council The chairman shall designate the time and place of the meetings and the secretary shall notify all council members at least one week in advance of each meeting A majority of the membership of the council shall constitute a quorum if at least one representative from both the employe and employer groups is present

Section 5 Administration The Secretary of the Department of Labor and Industry shall appoint a Director of Apprenticeship who shall be in charge of apprentice training in the Department of Labor and Industry The Secretary of the Department of Labor and Industry is authorized to appoint clerical technical and professional services necessary to effectuate the provisions of this act

Section 6 Director Duties The Director of Apprenticeship shall carry out the purposes of this act His duties shall include but shall not be limited to (1) encouragement and promotion of the standards established in accordance with this act and with the basic standards of the Federal Committee on Apprenticeship (2) bringing about the settlement of differences arising out of apprenticeship agreements when the differences cannot be adjusted locally or in accordance with established trade procedure (3) supervision of the execution of agreements and maintenance of standards (4) registration of aprenticeship agreements as the council shall authorize as conforming to the established standards and (5) keeping a record of apprenticeship agreements and upon performance thereof issuing certificates of completion of apprenticeship

Section 7 Appropriation The sum of one hundred fifty thousand dollars ($150,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the State Apprenticeship Council for the two fiscal years beginning June 1 1955 for the payment of compensation and expenses of the members officers and employes of the council and for the payment of general expenses supplies printing and equipment necessary for the conduct of the work of the council

Section 8 Limitation The provisions of this act shall apply only to persons copartnerships associations corporations political subdivisions employer associations or organizations of employes who voluntarily elect to conform with its provisions

Section 9 General Repeal All acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the bill on third reading?

On the question recurring.

Will the House agree to the bill on third reading?

It was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, I ask the Members to bear with us for another ten minutes or so, and then a decision can be made by the House on Mr. Auker's motion, if he makes it, concerning a working session tomorrow.

We have made enough progress today to warrant having a consent session tomorrow, if the membership of the House so decides. We have made good progress today on many of these bills, and there are several more we want to return to which we have passed over, and if the gentleman wants to make his motion to determine the will of the House at that time, it is quite all right with me. As far as the leadership on this side is concerned, we will have no objection to having a consent calendar tomorrow because we have processed a lot of bills today.

Mr. AUKER. Mr. Speaker, am I in order at this time to make a motion, if I desire to make one, or is there a bill before the House at the present time?

The SPEAKER pro tempore. There is a bill before the House, but the Chair would like to carry out the wishes of the Majority Leader and the Minority Leader if they want an expression of the House regarding tomorrow's session.

Mr. READINGER. Mr. Speaker, I think we should proceed with this bill and return to several others, and then the motion should be made, but not at this time.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—121

Adam,	Foster,	McInroy,	Sarraf,
Amarando,	Frank,	McKeever,	Scarcelli,
Anderson, M. S.,	Frascella,	McLaughlin,	Schuster,
Anderson, S. A.,	Gaffney,	McWherter,	Sherman,
Auker,	Garlock,	Meholchick,	Smith, C. C.,
Barnatovich,	Gelfand,	Mihm,	Smith, Wm. B.,
Bazin,	Guss,	Mikula,	Snider,
Bell,	Hamilton, R. K.,	Mills,	Stank,
Boles,	Hass,	Monroe,	Stebbins,
Bonner,	Heavey,	Moody,	Stone,
Boory,	Helm,	Moran,	Strausser,
Bower,	Holt,	Muldowney,	Swartz,
Branca,	Houk,	Mullen,	Taylor,
Brennan, A. P.,	Isaacs,	Munley,	Thomas,
Brennan, J. J.,	Jenkins,	Murphy,	Toll,
Breth,	Jones, G. E.,	Musto,	Varallo,
Bucchin,	Kamyk,	Needham,	Varner,
Capano,	Kolankiewicz,	Olsen,	Vaughan,
Cianfrani,	Kornick,	O'Neil,	Verona,
Cioffi,	Leiby,	Pacchioli,	Wall,
Comer,	Leonard,	Pashley,	Wallace,
Cooper,	Leven,	Paulhamus,	Walsh,
Curwood,	Limper,	Petrosky,	Wargo,
Donahue,	Lopresti,	Polaski,	Wheeler,
Dougherty,	Lovett,	Polen,	Whitenight,
Ellberg,	Lutty,	Readinger,	Williams,
Farabaugh,	Maxwell,	Reibman,	Worley,
Filo,	McCann,	Reidenbach,	Yetter,
Flint,	McCormack,	Renwick,	Yetzer,
Flynn,	McGee,	Rovansek,	Andrews,
		Rudisill,	Speaker

NAYS—49

Agnew,	Gramlich,	Kooker,	Parry,
Ashton,	Guthrie,	Kromer,	Price,
Banker,	Haudenshield,	Leisey,	Pursley,
Bullen,	Henzel,	Light,	Rigby,
Davis,	Hewitt,	Lippincott,	Stevenson,
Donaldson,	Hocker,	Magee,	Stoner,
Ehrgood,	Horst,	Markley,	Stroup,
Erb,	Johnson,	Metz,	Tompkins,
Frost,	Jump,	Miller,	Toomey,
George,	Kehler,	Moscrip,	Weidner,
Gibb,	Keller,	Murray, H. P.,	Willaredt,
Gibson,	Kline,	Ogilvie,	Wilt,
			Wood,

NOT VOTING—37

Blair,	Fineman,	Lawyer,	Rubin,
Breisch,	Floyd,	Mahan,	Sigman,

Brenninger,	Goldstein,	Murray, J. J.,	Steckel,
Brown,	Greenwood,	Murray, P. G.,	Stephens,
Cochran,	Jones, T. H. W.,	Naugle,	Thompson,
Connelly,	Kent,	Petrarew,	Waterhouse,
Down,	Knecht,	Pomeroy,	Welsh,
Eshleman,	Kratz,	Rosen,	Wescott,
Ewing,	Lafore,	Royer,	Young,
			Ziegler,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. READINGER. Mr. Speaker, I call up on page 2 of today's calendar, House Bill No. 885, bills on final passage.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 885, as follows:

An Act relating to plumbing providing for certification registration and regulation of persons engaged in plumbing creating a State Public Health Plumbing Board in the Department of Health prescribing its powers and duties and those of local governments with respect thereto and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Public Health Plumbing Law"

Section 2 Legislative Findings and Purposes It is hereby declared to be the intent of the General Assembly of this Commonwealth to recognize preserve and protect the primary responsibility of the municipal subdivisions of the Commonwealth to regulate plumbing within their territories by granting them under proper supervision the right to examine applicants for certification as plumbers and to establish and enforce plumbing requirements subject to supervision by the State Public Health Plumbing Board

Section 3 Definitions As used in this act

(1) "Plumbing" means the practice materials and fixtures used in the installation maintenance extension and alteration of all piping fixtures appliances and appurtenances in connection with any of the following sanitary drainage or storm drainage facilities the venting system and public or private water-supply systems including the water and discharge connections to any fixture appliance or vessel within or adjacent to any building structure or conveyance also the practice and materials used in the installation maintenance extension of or alteration of the storm-water liquid waste or sewerage and water-supply systems of any premises to their connection with any point of public disposal or terminal installations acceptable by the Board provided that the term "plumbing" shall not be construed to include the laying of main sewers and water mains by the Commonwealth of Pennsylvania or any of its political subdivisions or authorities thereof either directly or by its duly authorized contractors or agents or constructed under the supervision of the said Commonwealth or its political subdivisions or authorities thereof

(2) "Plumbing Work" means the carrying on of the necessary duties involved in the practice of plumbing

(3) "Apprentice Plumber" means a person who is registered by a registered master plumber with the local authority as being apprenticed to a registered master plumber in the course of learning the practice of plumbing

(4) "Journeyman Plumber" means a person who has served his apprenticeship and who upon passing a satisfactory examination has been properly registered with the board and who carries the certificate of the board as a journeyman plumber

(5) "Master Plumber" means a person who has served as a journeyman plumber for a period of at least two years and who upon passage of a satisfactory examination carries a certificates of the board as a master plumber

(6) "Local Authority" means an examining authority established by a municipality or township and designated by the board as qualified to examine applicants for journeyman and master plumber certificates or in those cases where the municipality or township fails or refuses to establish an authority then a local authority shall be established or designated by the board for operation within that municipality or township

(7) "Board" means the State Public Health Plumbing Board created by this act

Section 4 State Public Health Plumbing Board (a) There is created as a departmental administrative board within the Department of Health the State Public Health Plumbing Board The board shall consist of the Secretary of Health ex officio or his duly authorized representative who shall serve as chairman and four persons who shall be appointed by the Governor for a term of six years two members shall be registered professional sanitary engineers one of whom is employed by the Commonwealth of Pennsylvania and both of whom have been in the active practice of their profession for at least ten years one shall be a master plumber who shall have been in active practice as a master plumber in Pennsylvania for at least ten years and one who shall be a journeyman plumber who has been in active practice as a journeyman plumber in Pennsylvania for at least ten years Three members shall constitute a quorum The board shall elect a secretary who need not be a member of the board Each member of the board except those in the employ of the Commonwealth shall receive twenty-five dollars ($25) per diem and travelling expenses when actually attending to the work of the board and the secretary if not in the employ of the Commonwealth shall be compensated in an amount to be determined by the board

(b) The board shall appoint three persons under the merit system to act as coordinators each of whom shall have jurisdiction over approximately one-third of the State and who shall be under the direct supervision of the registered professional sanitary engineer member of the Board who is employed by the Commonwealth Their duty shall be to assist the various political subdivisions not having technical standards for installation to conform to the provisions of this act with respect to certification and inspection where the officials of the boroughs or townships fail within ninety days to agree on the details of administration of a local authority within the political subdivision the coordinator shall place the responsibility for establishing an adequate administration in conformity with the provisions of this act upon the county commissioners for the county or counties involved They shall make reports and keep such records as may be prescribed and deemed necessary by the board The board shall exercise only the supervisory powers over the coordinators necessary to effectuate the purposes of this act Where a local authority is meeting the minimum standards for certification and inspection and has satisfactory minimum provision for technical requirements of installation there shall be no intervention other than to require the necessary records and information regarding the persons to whom certificates are issued The board shall make provision for the preparation of certificates and their distribution to the local municipal authorities A minimum charge therefor necessary to cover the cost of printing and handling shall be made by the board and paid by the local authority

Section 5 Local Authorities Each governing body of every county municipality and township either singly or jointly with one or more county municipality or township shall establish within a reasonable time after the effective date of this act a local authority for the purpose of carrying out the provisions of this act in addition to all their other powers and duties local authorities shall (1) prescribe minimum technical requirements for plumbing installation which shall not be less stringent than

standards established by the Board and provide for their enforcement (2) establish adequate facilities for inspection of plumbing and (3) promulgate and enforce rules and regulations with respect to certification of plumbers and registration of apprentices

Section 6 Qualifications A person to qualify as

(1) An "apprentice plumber" shall enter into an apprenticeship agreement in writing with a registered master plumber who in turn shall register the apprentice with the local authority in the municipality in which he has his principal place of business The apprentice must be registered and serve for a minimum of four years or its equivalent as determined by the board and his training must include all general phases of plumbing and drainage work

(2) A "journeyman plumber" shall have served his apprenticeship shall made application for registration to the local authority serving the municipal subdivision in which he resides and shall pass a satisfactory examination after which a certificate to work as a journeyman plumber shall be issued to him by the local authority

(3) A "master plumber" shall first have served both his apprenticeship and journeymanship shall apply for registration to the local authority serving the municipal subdivision in which he intends to have his principal place of business and shall pass a satisfactory examination after which a certificate of the board to work as a master plumber shall be issued to him by the local authority

Section 7 Persons Authorized to do Plumbing Work Except as provided in section 11 no person may do plumbing work unless he is certified as a master or journeyman plumber and registered in accordance with this act This act shall not apply to farms or summer homes except summer homes used for commercial purposes provided there is no connection with possible contamination of public drinking water systems nor any connection with any public sewerage system

Section 8 Certification (a) Every person desiring to work as a master or journeyman plumber after the effective date of this act shall make an application for a certificate to the duly authorized local authority where his principal place of business in the case of the master plumber or the place of residence in the case of the journeyman plumber is located

(b) Every person who furnishes satisfactory evidence by affidavit that he was regularly engaged as a master plumber in the full-time business of plumbing and house and building drainage six months prior to the effective date of this act shall be granted a master plumber certificate of the board without examination Every person furnishing satisfactory evidence that he has had four or more years experience working as a journeyman in the trade of plumbing and house and building drainage shall be granted a journeyman plumber certificate of the board without examination Satisfactory evidence in the case of the journeyman plumber shall include proper certification of his four years or more service by affidavit or affidavits as the case may require

(c) Every registered master plumber must prominently display his certificate number on every vehicle used in the operation of his business

(d) Every other applicant for a certificate shall be examined by the local authority Where the local authority conducts the examination it shall certify to the board whether or not the applicant has attained a successful grade in the examination Every applicant who attains a successful grade in the examination and otherwise meets the requirements of the board shall be granted a certificate of the board by the local authority

(e) Every person granted a master or journeyman plumber's certificate of the board shall be permitted to work without further examination in any political subdivision of this Commonwealth if he complies with the registration requirements of subsection (a) of section 10 of this act

(f) An examination and certificate fee and a renewal certificate fee shall be charged by the local authority where certification is conducted Where an examination has been conducted by a local authority or application for renewal certificate is made the examination and certificate fee and renewal certificate fee shall be paid only to and retained by the issuing municipality Existing fees for examination and certification or renewal certification heretofore established by local authorities shall continue in effect

(g) The master and journeyman plumber's certificate shall expire at the end of the calendar year in which it is issued Every certified master or journeyman plumber desiring to continue to do plumbing work shall make an application for a renewal certificate to the local authority between the first and thirty-first day of December of each calendar year A renewal certificate shall not be granted by the local authority without an examination in the case of any master or journeyman plumber who fails to make an application for the renewal of certificate within the time specified in this act

(h) A certified master or journeyman plumber may have his certificate suspended or revoked by the local authority where the violation occurs or by the local board granting the certificate for failure to comply with this act or with any rule or regulation of the board or of a local authority Whenever any certified master plumber or journeyman plumber has been found guilty of violating the provisions of this act on the first offense the certificate may be suspended by the authority for not more than ten days On the second affense the certificate shall be suspended for a period of ten days and on the third offense the certificate shall be revoked

(i) Notices of suspension or revocation of certificate shall be submitted immediately to the board which in turn shall notify every local authority of that fact

(j) Any person who is denied a master or journeyman plumber's certificate or who has his certificate suspended or revoked shall have the right to a hearing and to an appeal to the Court of Common Pleas of Dauphin County in accordance with the procedures established by the act of June 4, 1945 (P. L. 1388) known as the "Administrative Agency Law" and its amendments

Section 9 Persons Corporations or Partnerships Engaged in the Business of Plumbing No person may engage in the business of plumbing unless he holds a master plumber's certificate No corporation or partnership may engage in the business of plumbing unless at least one member of the corporation or partnership holds a master plumber's certificate

Section 10 Registration of Certified Master and Journeyman Plumbers and of Persons Partnerships or Corporations Engaged in the Business of Plumbing (a) Every certified master and journeyman plumber shall register with every local authority serving the political subdivision in which he desires to work as a plumber In the event there is no local authority serving the particular political subdivision the certified master or journeyman plumber shall register with the board

(b) Every person corporation or partnership engaged in the business of plumbing shall register with each authority serving the political subdivision in which he or it desires to engage in the business of plumbing In the event there is no local authority serving the particular political subdivision the person corporation or partnership shall register with the board

Section 11 Apprentice Plumbers Every person corporation or partnership engaged in the business of plumbing may employ apprentice plumbers working under direction of a registered master plumber and only when in company of a master plumber or a journeyman plumber to perform plumbing work as may be prescribed by the rules and regulations of the board Every apprentice plumber shall be registered by his employer with the board and with any local authority with which the employer is required to register in accordance with subsections (a) and (b) of section 8 of this act

Section 12 Plumbing Inspection (a) Every local authority shall singly or jointly with one or more other municipalities employ one or more qualified plumbing inspectors with a minimum of ten years practical experience in the plumbing industry and who is not engaged as a jobbing or contracting plumber to approve plans and grant permits for plumbing construction to inspect and approve plumbing work and to perform any other duties

required by the regulations of the board or of the local authority local authorities shall establish a schedule of fees to cover reasonable expenses incident to carrying out the provisions of this subsection

(b) When the board determines that any local authority is not carrying out an adequate program of plumbing inspection it may appoint agents to perform the duties prescribed for local plumbing inspectors in subsection (a) of this section in the political subdivisons served by that authority until it determines that the local authority is able to and will carry out a satisfactory program of plumbing inspection

(c) The board shall establish a schedule of fees to cover reasonable expenses incident to the administration of a local plumbing inspection program under subsection (b) of this section which are incurred by the board These fees shall be paid to the State

Section 13 Rules and Regulations (a) The board shall have the power and its duty shall be to make rules and regulations respecting

(1) The records and other information that shall accompany the application for a certificate of master or journeyman plumbers certified at the time of the passage of the act

(2) The time at which examinations for master or journeyman plumbers' certificates shall be given and all other matters relating to examinations

(3) The eligibility requirements of persons desiring to be certified as master or journeyman plumbers

(4) The amount of the examination fee and certificate renewal fee to be charged by a local authority established by the board

(5) The registration of certified master and journeyman plumbers with the board and with local authorities

(6) The employment and registration of apprentice plumbers

(7) The qualifications of plumbing inspectors employed by the local authorities

(8) The filing of plans and specifications and the issuance of permits for plumbing work Where local law is applicable plans and specifications shall be filed in accordance with that law

(9) Technical requirements of plumbing installations as a minimum standard where a municipality has a code in effect which is equal to or better than this minimum standard the local code shall apply

(10) Any other rules and regulations necessary to carry out the purpose of this act

(b) Local authorities shall make and enforce reasonable rules and regulations which are not inconsistent with or less stringent than the regulations of the board

(c) To defray the costs to the Commonwealth in administering this act the local authority shall collect from all applicants for master plumber's license an annual fee of ten dollars ($10) for and on behalf of the Commonwealth this sum shall be in addition to the fee schedule or other charges or both established for local administrative purposes and shall be remitted by the local authority to the Commonwealth

Section 14 Penalties and Prosecutions (a) Any person who shall fail to comply with any of the provisions of this act shall be liable upon conviction for the first offense to a fine of not less than ten dollars ($10) nor more than fifty dollars ($50) for each and every day he shall engage in or work at that business without first having obtained a certificate or if operating with a certificate but in violation of this act and for a second offense in a like manner to a fine of not less than twenty dollars ($20) nor more than one hundred dollars ($100) for each and every day and for a third offense to a like fine as for a second offense or to undergo imprisonment for a period not exceeding thirty days or both together with costs of prosecution in each case

(b) All prosecutions for violations of this act shall be summary proceedings brought in the name and for the use of the municipality or the Commonwealth as the case may be within or against which the alleged offense is committed before any magistrate alderman police magistrate or justice of the peace in the county wherein the offense is alleged to have been committed All fines and penalties shall be paid to the treasurer of the municipality to apply to the general fund or to the Commonwealth as the case may be In default of the payment of any fine or penalty imposed under the provisions of this act the person shall be committed to prison for a period not exceeding thirty days In the case of a third offense a period not exceeding thirty days may be added to the sentence of imprisonment

Section 15 Appropriations The sum of eighty thousand dollars ($80,000) or as much thereof as is necessary is appropriated to the Department of Health for the use of the State Public Health Plumbing Board for the two fiscal years beginning June 1 1955 for the payment of the expenses and compensation of the coordinators clerks stenographers and other employes of the board for the purchase of suplies material and equipment for printing postage telephone telegraph and miscellaneous expenses and generally for the purposes of effectuating the provisions of this act

Section 16 Repeal All acts or parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act provided that with respect to technical requirements of plumbing installations and minimum standards of inspection where a municipality or political subdivision has a code in effect which is equal to or better than the minimum standard the local code relating to plumbing installations and inspection shall prevail

Section 17 Construction The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of those laws and not as new enactments The provisions of this act shall not affect any act done liability incurred or right accrued or vested or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any repealed laws All rules and regulations made pursuant to any act of Assembly repealed by this act shall continue with the same force and effect as if that act had not been repealed Any person holding office under any act of Assembly repealed by this act shall continue to hold that office until the expiration of the term thereof subject to the conditions attached to that office prior to the passage of this act

Secion 18 Effective Date This act shall take effect in three months

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—61

Amarando,	Flint,	Lopresti,	Polen,
Anderson, S. A.,	Floyd,	McCann,	Pomeroy,
Auker,	Foster,	McCormack,	Price,
Bell,	Frank,	McKeever,	Reidenbach,
Boles,	Frascella,	Mihm,	Renwick,
Boory,	Gaffney,	Monroe,	Scarcelli,
Branca,	Goldstein,	Moscrip,	Sherman,
Brennan, A. P.,	Hamilton, R. K.,	Muldowney,	Smith, Wm. B.,
Brennan, J. J.,	Heavey,	Mullen,	Stank,
Breth,	Holt,	Needham,	Taylor,
Bucchin,	Isaacs,	Ogilvie,	Toll,
Bullen,	Jump,	O'Neil,	Varallo,
Cioffi,	Kornick,	Pacchioli,	Wargo,
Comer,	Leven,	Pashley,	Williams,
Ellberg,	Limper,	Petrosky,	Andrews,
		Polaski,	Speaker

NAYS—104

Adam,	Gramlich,	Lutty,	Sarraf,
Agnew,	Guss,	Magee,	Schuster,
Anderson, M. S.,	Guthrie,	Markley,	Smith, C. C.,
Ashton,	Hass,	Maxwell,	Snider,
Banker,	Haudenshield,	McGee,	Stevenson,
Barnatovich,	Helm,	McInroy,	Stone,
Bazin,	Henzel,	McLaughlin,	Strausser,
Bonner,	Hewitt,	McWherter,	Stroup,
Bower,	Hocker,	Meholchick,	Swartz,
Breisch,	Horst,	Metz,	Thomas,
Capano,	Houk,	Mikula,	Tompkins,

Cooper,	Jenkins,	Miller,	Toomey,
Curwood,	Johnson,	Mills,	Varner,
Davis,	Jones, G. E.,	Moody,	Vaughan,
Donahue,	Kamyk,	Moran,	Verona,
Donaldson,	Kehler,	Munley,	Wallace,
Dougherty,	Keller,	Murphy,	Walsh,
Ehrgood,	Kolankiewicz,	Murray, H. P.,	Wescott,
Erb,	Kooker,	Musto,	Weidner,
Farabaugh,	Kromer,	Olsen,	Wheeler,
Filo,	Leiby,	Parry,	Whitenight,
Flynn,	Leisey,	Paulhamus,	Willaredt,
Frost,	Leonard,	Pursley,	Wilt,
George,	Light,	Readinger,	Wood,
Gibb,	Lippincott,	Rigby,	Worley,
Gibson,	Lovett,	Rovansek,	Yetzer,

NOT VOTING—42

Blair,	Garlock,	Mahan,	Stebbins,
Brenninger,	Gelfand,	Murray, J. J.,	Steckel,
Brown,	Greenwood,	Murray, P. G.,	Stephens,
Cianfrani,	Jones, T. H. W.,	Naugle,	Stoner,
Cochran,	Kent,	Pettigrew,	Thompson,
Connelly,	Kline,	Reibman,	Wall,
Down,	Knecht,	Rosen,	Waterhouse,
Eshleman,	Kratz,	Royer,	Welsh,
Ewing,	Lafore,	Rubin,	Yetter,
Fineman,	Lawyer,	Rudisill,	Young,
		Sigman,	Ziegler,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON THIRD READING

Mr. READINGER asked and obtained unanimous consent to call up out of order Senate Bill No. 802 on page 11 of today's calendar, Bills on Third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 802, entitled:

An Act to provide for an additional law judge of the orphan's court in the fifth judicial district

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

SPECIAL ORDER OF BUSINESS

Mr. AUKER. Mr. Speaker, under Rule 14 of the House I respectfully move that there be made a special order of business the subject of whether or not Wednesday, March 14th, shall be a full working day for the consideration of the calendar. I ask that a slow roll call be taken so that the Members can decide.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair lays before the House the special order of business which is the motion of the gentleman from Blair, Mr. Auker, "that Wednesday, March 14, 1956, be made a full working day for the consideration of the calendar.

A roll call having been asked for on the motion of the gentleman from Blair, the roll will be called.

Mr. READINGER. Mr. Speaker, first I would like to thank the Members for being as patient as they have been in staying here today.

I now would like to interrogate the gentleman from Blair, Mr. Auker.

The SPEAKER pro tempore. Will the gentleman from Blair, Mr. Auker, permit himself to be interrogated?

Mr. AUKER. I shall, Mr. Speaker.

Mr. READINGER. Mr. Speaker, I desire to ask the gentleman, if this motion carries and it becomes the will of the House that we have a working day tomorrow, whether he is prepared to move to bring in any absent Members to vote on the bills on the calendar if we do not have a quorum tomorrow.

Mr. AUKER. Mr. Speaker, I am not. I do not feel it is within my prerogative to do so. I will have no part of that. The Members know they are supposed to be here. It is their duty to be here. They were notified that this week would be a full three-day week, as they were notified last week and the week before.

Mr. READINGER. I thank the gentleman.

Mr. AUKER. I feel that is the prerogative of the leadership on both sides of the House whether we should take the drastic action of sending the State Police after Members who are absent without leave.

Mr. READINGER. Mr. Speaker, I thank the gentleman.

Mr. Speaker. I am somewhat at a loss as to what course to pursue in connection with this motion made by the gentleman from Blair.

When the letter was sent to the Members last week there were a great many bills on the calendar which had to be processed. There are still a great many bills on the calendar, but working as long and as vigorously as we have today many of the controversial measures now have been disposed of one way or another. There are perhaps twelve or thirteen controversial bills still remaining, there are many other bills which will be processed tomorrow whether we have a so-called working day or not.

I think every Member should vote his own conscience about this. The fact that the letter stated the Members should be prepared to be here three days should not be binding, because when you look a week ahead and try to estimate how many days will be required to pass a given number of bills it is almost impossible to tell.

I have been trying for a long time to get the Members to stay here three full working days, but we certainly have not been very successful. Whether we should make the move now or next week to bring Members in by force, if necessary, is a matter which will have to be decided when the absenteeism arises.

Personally I do not care which way the Members vote on this motion. I greatly fear that tomorrow we shall not have 106 votes on this side, we know we have five or six sick persons. How many will appear on the minority side I have no idea. If we have enough people here to work, to bring up bills that are controversial and process them, I will be very happy to do so.

Mr. GOLDSTEIN. Mr. Speaker, I want to say first of all that had not Mr. Auker made this motion, I would have done so.

As one of my colleagues behind me stated, ad infinitum we have had a letter from the Secretary of the House stating that Monday, Tuesday and Wednesday would be working days. Many of us have made sacrifices throughout the entire fourteen months in order to comply with our oath of office and to comply with our duties and ob-

ligations. Those of us who have not tried to escape these obligations should not be weighted down by the acts of a few individuals.

I believe we should have a working day tomorrow and I believe we should have had working days on prior Wednesdays. I know that the calendar today has pages 8, 9, 10 and 11 not acted upon in full.

The Speaker early in today's session said that we are a young and vigorous body and the mere fact that we work intermittently from 2:00 o'clock to 7:00 o'clock has not sapped our strength. We ought to be here to work and I say, let's vote on this motion and vote "aye" because the eyes of the people of Pennsylvania are upon us to find out whether we want to do our duty. I say we ought to do our duty and work three full days when we are called upon to do so.

Mr. AUKER. Mr. Speaker, just a few remarks in furtherance of the motion.

Possibly there may be some Members who will vote for the motion and then go home any way. I believe there should be a motion, and possibly will be a motion, made tomorrow to poll the House. So if you are going to vote favorably on this motion, you had better be here tomorrow.

Mr. MOSCRIP. Mr. Speaker, I would like to say a few words in favor of this motion.

First, from a selfish angle, to those of us who come from far away and rail transportation is not readily available a consent calendar on Wednesday, after a notice to come down here for three full working days, is a double loss. We worked hard today. We are all hungry, we are tired and it is not wise for a man to start out on the road to drive 150 to 200 miles to get home. That means that tomorrow, as far as our businesses, our families and the rest of our pursuits are concerned, is a loss anyway.

Secondly, I do not think this House should put itself in the position this afternoon of voting to put itself on a consent calendar tomorrow. We all know it is open season on legislators. There are a lot of these boys who believe in the unicameral system, or who are working to abolish our two-party system, who are having a field day. People are impatient. They say what is the matter with you politicians? Why don't you get to work?

It does not make any difference whether you are Democrat or Republican. We are the House of Representatives, the body that is closest to the people because we are all up for reelection every two years.. I think it would be very ill-advised if the Press was to carry to the people of Pennsylvania that we decided to go on a consent calendar tomorrow after they have read the headlines that we have increased our retirement and want to be paid $7,500 a year.

Mr. McCORMACK. Mr. Speaker, I, too, have come prepared to stay three days. I, too, have a bill on the calendar in which I am very much interested. I am interested in debating it before the full House.

Since the motion by Mr. Auker did not include anything with respect to calling the Members back who might be absent tomorrow, I think it would serve no useful purpose and I, therefore, move to lay it on the table.

The SPEAKER pro tempore. Does the gentleman insist upon his motion? Does the gentleman wish to have his motion placed before the House before we hear from other members?

Mr. McCORMACK. Mr. Speaker, I withdraw the motion.

QUESTION OF INFORMATION

Mr. BANKER. Mr. Speaker, a question of information.

The SPEAKER. The gentleman will state it.

Mr. BANKER. Am I to understand from the Majority Leader's remarks that unless the majority has sufficient Members to pass or reject all bills, it does not matter how many we have on this side of the House and we must wait until they can do that?

Mr. READINGER. Mr. Speaker, I hope my remarks did not convey the thought that no bills would be acted on just because they were controversial if we do not have 106 here. I believe the gentleman will recognize the fact that if we had a bill we considered of prime importance, we would certainly vote to put it on a postponed calendar and not give it a certain death because we do not have enough votes to pass it.

In other words, we will process everything we can with the Members we have.

Mr. BANKER. The proposition as set forth does not seem to be that way to me. We will take our chances on getting any bills through. All day the bills have gone right down the center aisle. It did not matter what the bill was if we showed any indication to start with an "yea," it was all "yea;" if we went "nay," it was all "nay." I do not think we are doing anything here except passing a lot of bad legislation following political lines.

Mr. READINGER. Mr. Speaker, I might say, unless both sides have agreed to a consent calendar, there cannot be a consent calendar. If the minority Members ever catch us here with less Members than they have, I would not blame them if they killed every bill they could lay their hands on if they did not like it. We hope that day will not come when you have more Members here than we have, but I think it is fitting and proper that we vote on this to determine whether the membership wants to have a working day. I say I will be very happy if you decide to do so. But that is a matter which has to be decided by this motion.

PARLIAMENTARY INQUIRY

Mr. ROVANSEK. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROVANSEK. Mr. Speaker, is an amendment pertaining to the motion in order at this time?

The SPEAKER pro tempore. Will the gentleman state the nature of the amendment?

Mr. ROVANSEK. I would like to make an amendment to the original motion of the gentleman from Blair to add two additional days to his motion.

The SPEAKER pro tempore. The Chair would have to rule the motion out of order.

Mr. ROVANSEK. Mr. Speaker, I do not believe it is fair to the Members who have been coming to the sessions here every day when they are called. I do not believe the Members who have been absent should abuse the Members who are sitting here at the present time.

I certainly will vote "aye" with regard to the motion

that is before the House. I think it is about time we cut out this fooling around and get down to business. I believe we can adjourn this session by the end of this month if we do business the way we should do it.

Mr. GRANVILLE E. JONES. Mr. Speaker, I too came prepared to work four working days if necessary. If you will look at my past record, I have sat here cometimes when we have had a skeleton House. It is unfair to those of us who spend our time and make sacrifices when we have important legislation here to sit here and try to put it over. I was much in accord with our Majority Leader when he asked the gentleman from Blair if he was willing to have tomorrow a working day and to send for those who missing. I will sit here until they come, but I want to know it now if that is not going to be done.

He also stated we had accomplished quite a good bit today and that tomorrow could be considered as a consent calendar day. We don't have 106 in here now. I can almost guarantee you that tomorrow you will not have them. So why should we sit here if it is going to be a working day and not bring back the rest of the Members? We make sacrifices like others do. Last week was the first time I have been absent from a session since I have been here.

I think it is about time we get down to doing something and work for the interests of the people who sent us here. I will work tomorrow providing they are going to send for the rest of them. Look around at the empty seats now. You will have double that amount tomorrow. So if we are going to vote on this motion, I would like to include to send for those to be here tomorrow to work with us. Otherwise I am voting "no."

Mr. AUKER. Mr. Speaker, in answer to the gentleman from Philadelphia, Mr. Jones, I might say that he has a perfect perogative as a Member of this House to make a motion that these men be sent for and not to try to shift that move on somebody else. Let him make the motion, if he is sincere about it.

Mr. GRANVILLE E. JONES. Mr. Speaker, the gentleman from Blair made the motion and I think he should be gentleman enough to finish it out and see that they are all here. I will not make the motion, it is his duty to do it.

Mr. ISAACS. Mr. Speaker, I can sympathize with the gentleman from Bradford, Mr. Moscrip, and the other Members who come long distances to be here. It is true we were notified by the Chief Clerk of the House there are going to be three working days. We were notified that last week, too.

Some of us are in a position where we can get home However, as late as this afternoon we were here and it was not until it was too late to check out of our hotel that there was an innuendo that tomorrow might be a consen calendar day.

As to the people who sponsor bills that are on calendar, after they are told we are going to have three working days, I say to the Members of this House if they are not interested enough in them to be here and support them, let's roll this calendar. Let's stay here tomorrow and let's work. If the people are here who sponsor these bills and those who are in favor of them do not have enough interest to be here, let's defeat them. Let's clear them off the calendar and get out of here.

Mr. MAXWELL. Mr. Speaker, I would like to make a very brief statement. Just for the record, I would like to report that Westmoreland County is here 100 per cent and is willing to stay tomorrow.

The SPEAKER pro tempore. The Chair congratulates Westmoreland County.

Mr. LIPPINCOTT. I desire to interrogate the Majority Leader.

The SPEAKER pro tempore. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. LIPPINCOTT. Mr. Speaker, if the concensus of the House is that we should have a working session tomorrow, will the leadership make an effort tonight to have attendance here tomorrow of the absentee Members?

Mr. READINGER. We would do that without any request from the membership of the House.

Mr. LIPPINCOTT. By making an effort, I mean will the leadership put in telephone calls and send telegrams tonight to the absentee Members and advise them that a suggestion of the absence of a quorum may be made tomorrow?

Mr. READINGER. Mr. Speaker, I believe all but three of our Members are here who are not sick, and I am sure they have been listening very attentively. We will call the other three.

Mrs. MARKLEY. Mr. Speaker, again I would like to place on the record that the women Members of this House are in attendance and we expect to be here tomorrow.

Mr. BRETH. Mr. Speaker, I have listened quite attentively to every word that has been said. I am not going to brag about my record, it is there if you want to look at it.

However, Mr. Speaker, in the Legislative Journal these remarks, perhaps cast no undue reflection upon the House in general, but I believe the fact should be brought out in the same section of the Legislative Journal that this House has really worked diligently, long and seriously. We have passed a considerable number, hundreds of bills. We have worked, both sides, under our leadership. There may have been times and days when the complete membership was voted, but I want to say, Mr. Speaker, that when it was actually needed we usually had full attendance of the House to take care of the most pressing business at hand.

I would not want this day to close with all of us standing under the words that have been said in relation to attendance today. Our record is clear. We have passed hundreds of bills. We have passed an appropriation program and a tax program. If it so devolves upon the membership that they want to resort to extreme measures to bring back every Member to his seat, then I think the action should be carefully considered to when that move would be advisable.

The SPEAKER pro tempore. The Chair feels that the Members have heard sufficient debate in order to vote intelligently upon the question before the House. If we continue, we will probably be here until tomorrow and it will not be necessary to call anybody back.

Mr. BAZIN. May I ask what time we are to go into session tomorrow?

The SPEAKER pro tempore. The Chair does not know that. The adjournment motion will set the time for reconvening tomorrow.

Does the gentleman desire to interrogate the Majority Leader, who can perhaps answer that question?

Mr. BAZIN. Yes, please.

The SPEAKER pro tempore. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker. I would say that our present plans are to call the session for 11:00 o'clock in the morning if it is a working day and 1:00 o'clock if it is not a working day.

The reason for fixing 11:00 o'clock is to give committees an opporunity to meet.

Mr. BAZIN. If it is going to be a working day, Mr. Speaker, and I am going to be here, I do not like to be here unless I am going to do something and I will have to amend that motion that the Members not attending be sent for.

The SPEAKER pro tempore. The amendment is not in order at this time. That would have to be done under a separate proceeding if it is desired.

Mr. BAZIN. I desire to be recognized immediately after the vote is taken on this present motion.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The roll was called.

Mr. STRAUSSER. The gentlemen from Schuylkill requested me to let them know whether tomorrow will be a working calander. The gentlemen from Schuylkill are Messrs. Kline, Breisch, Knecht and Kehler.

I will let them know they are wanted, just for the record.

PARLIAMENTARY INQUIRY

Mr. HASS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASS. Mr. Speaker, due to the extended illness of my colleague, Mr. Lawyer, who has been confined in a hospital, we neglected from itme to time to ask for leave of absence for him. Would it be in order at this time to ask for leave of absence for Mr. Lawyer.

The SPEAKER pro tempore. After the result has been announced, the Chair will recognize the gentleman for that purpose.

Mr. HOLT. Mr. Speaker, I did not hear my name called on the affirmative roll, so I would like to be recorded as voting "aye" on the affirmative roll.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. McGee.

Mr. McGEE. Mr. Speaker, I would advise the Chair that the gentleman from Philadelphia, Mr. Dougherty, was called away shortly before the roll call. He is in town and he is remaining until tomorrow.

Mr. READINGER. Mr. Speaker, I would like the record to show that Mrs. Reibman from Northampton County was here all day until a few minutes ago when she went home ill. Tomorrow I will be asking for a leave of absence for her due to illness.

The SPEAKER pro tempore. The Chair makes note of the fact that many of the Members who have not answered to this particular roll call were present in the House during the day and perhaps many of them are still in Harrisburg and some of them possibly in the Capitol.

We do not believe there should be any reflection cast upon Members who did not answer to the last roll call. for the purposes of the record, that fact should be noted.

Mr. AMARANDO. Mr. Speaker, the Members of this House wore out four Speakers today. If you want us to continue to wear Speakers out, give us ten minutes for a sandwich.

The SPEAKER pro tempore. The present Speaker has been on the floor of the House all of the time and is still able to go.

YEAS—157

Adam,	**Gaffney,**	Magee,	Rovansek,
Agnew,	**Garlock,**	Markley,	Sarraf,
Amarando,	Gelfand,	Maxwell,	Scarcelli,
Anderson, M. S.,	George,	McCann,	Schuster,
Anderson, S. A.,	**Gibb,**	McCormack,	Sherman,
Ashton,	Goldstein,	McGee,	Smith, C. C.,
Auker,	**Gramlich,**	McInroy,	**Smith, Wm. B.,**
Banker,	Guss,	McKeever,	Snider,
Barnatovich,	Guthrie,	McLaughlin,	Stank,
Bazin,	**Hamilton, R. K.,**	McWherter,	**Stebbins,**
Bell,	**Hass,**	**Meholchick,**	**Stevenson,**
Boies,	**Haudenshield,**	Miller,	Stone,
Bonner,	**Heavey,**	Mills,	Strausser,
Boory,	**Helm,**	Monroe,	Stroup,
Bower,	Hewitt,	Moody,	**Swartz,**
Branca,	Hocker,	Moran,	Taylor,
Brennan, A. P.,	Holt.	Moscrip,	Thomas,
Brennan, J. J.,	**Horst,**	Muldowney,	Toll,
Breth,	**Houk,**	Munley,	**Tompkins,**
Bucchin,	**Isaacs,**	Murphy,	Toomey,
Bullen,	Johnson,	**Murray, H. P.,**	**Varallo,**
Capano,	Jones, G. E.,	Musto,	Varner,
Cianfrani,	**Jump,**	Needham,	Vaughan,
Cioffi,	Kamyk,	Ogilvie,	Verona,
Comer,	Keller,	Olsen,	Wallace,
Curwood,	Kolankiewicz,	O'Neil,	Walsh,
Davis,	Kooker,	Pacchioli,	Wargo,
Donahue,	**Kornick,**	Parry,	Weidner,
Donaldson,	Kromer,	Pashley,	Wescott,
Ehrgood,	Leiby,	Paulhamus,	Wheeler,
Eilberg,	Leisey,	Petrosky,	**Whitenight,**
Erb,	Leonard,	Polaski,	**Willaredt,**
Farabaugh,	Leven,	**Polen,**	Williams,
Filo,	Light,	Pomeroy,	**Wilt,**
Flint,	Limper,	Price,	Wood,
Flynn,	**Lippincott,**	**Pursley,**	Worley,
Frank.	Lopresti,	**Readinger,**	Yetter,
Frascella,	Lovett,	**Reidenbach,**	**Yetzer,**
Frost,	**Lutty,**	**Renwick,**	Andrews,
		Rigby,	Speaker

NAYS—0

NOT VOTING—50

Blair,	**Floyd,**	**Lafore,**	**Royer,**
Breisch,	**Foster,**	Lawyer,	**Rubin,**
Brenninger,	Gibson,	Mahan,	**Rudisill,**
Brown,	**Greenwood,**	Metz,	Sigman,
Cochran,	Henzel.	**Mihm,**	**Steckel,**
Connelly,	**Jenkins,**	**Mikula,**	**Stephens,**
Cooper,	Jones, T. H. W.,	Mullen,	Stoner,
Dougherty,	Kehler,	Murray, J. J.,	**Thompson,**
Down,	**Kent,**	Murray, P. G.,	**Wall,**
Eshleman,	**Kline,**	**Naugle,**	Waterhouse,
Ewing,	Knecht,	Pettigrew,	**Welsh,**
Fineman,	**Kratz,**	Reibman,	Young,
		Rosen,	Ziegler,

So the question was determined in the affirmative and the motion was agreed to.

The SPEAKER pro tempore. The Majority Leader has requested the Chair to announce that the remainder of today's session will be purely routine matters, just clearing the desk and preparing for adjournment.

The Chair would ask the indulgence of the Members for just a few minutes to hear the Majority Leader.

Mr. READINGER. Mr. Speaker, before the Members leave and we take up routine matters, the Majority Leader would like to express his heartfelt appreciation of this beautiful expression of intention to work. May it continue until we adjourn sine die.

The SPEAKER pro tempore. For the information of the Members, the time of meeting tomorrow will be 10:00 o'clock a. m.

BILLS PASSED OVER

The SPEAKER pro tempore. Without objection, all other bills on the calendar not acted upon will go over in order. The Chair hears none.

RESOLUTION INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following resolution:

By Messrs. GIBSON, DAVIS, GRAMLICH, JOHNSON, and VARNER. (Concurrent)

RESOLUTION No. 163.

In the House of Representatives, March 13, 1956.

The Upper Allegheny River Valley last week suffered the most disastrous flood since 1865. The Borough of Warren alone has been damaged, reckoned in money, far in excess of a million dollars. Most other up-river communities have suffered in proportion.

In contrast, Pittsburgh and the Lower Allegheny Valley have incurred but little damage. The reason, clearly, is that sizable heads of water were held back by the system of flood control dams in operation for the benefit of the lower river.

This system was authorized twenty years ago by the seventy-fourth Congress of the United States. However, the flood control dams for the upper river still remain in the preliminary planning stage—notably the great dam to be built athwart the Allegheny above Warren, reportedly near Kinzua.

Continued inaction in proceeding with the construction of the upper river flood control system, connecting with the main dam above Warren, means a heavy handicap to the northwestern Pennsylvania area—an ever-to-be-reckoned-with threat to life and property, and an active and deadening threat to the economic development of the region; therefore be it

Resolved (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to expedite to the utmost the appropriations and any additionally need enabling legislation to bring into being the main upper Allegheny Dam and other uncompleted units of the Allegheny Valley flood control system without further delay; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States, and to each Senator and Representative from Pennsylvania in the Congress of the United States.

Referred to the Committee on Rules.

REPORTS FROM COMMITTEES

Mr. POLEN from the Committee on Appropriations, reported as amended, House Bill No. 2024, entitled:

An Act making an appropriation to the Department of Forests and Waters for the development of Erie Harbor and land adjacent thereto.

Mr. TOMPKINS from the Committee on Judiciary, reported as committed, House Bill No. 1946, entitled:

An Act amending the act of May 5, 1921 (P. L. 374), entitled "An act providing for the licensing and regulation of corporations, co-partnerships, associations, and individuals, engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment ***," authorizing deposit of bonds of authorities created by the State or political subdivisions as security for licensure.

Mr. AUKER from the Committee on Judiciary, reported as committed, House Bill No. 1970, entitled:

An Act amending the "Local Tax Enabling Law," approved June 25, 1947, (P. L. 1145), authorizing the use of certified mail when tax ordinances and statements are filed.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 654, entitled:

An Act making an appropriation to The Boys' Industrial Home of Western Pennsylvania located at Oakdale, Allegheny County for new buildings and repairs to existing buildings.

Mr. POLEN from the Committee on Appropriations, reported as committed House Bill No. 695, entitled:

An Act making an appropriation to the Trustees of the George Jr. Republic Association, Grove City, Pennsylvania for construction of new buildings and repairs ***.

Mr. POLEN from the Committee on Appropriations, re-reported as committed, House Bill No. 789, entitled:

An Act authorizing the Pennsylvania Aeronautics Commission to expend State funds for civil air patrol aviation education training aids and maintenance of civil air patrol aircraft and making an appropriation.

Mr. POLEN from the Committee on Appropriations, re-reported as amended, House Bill No. 1387, entitled:

An Act amending the "Child Labor Law ***" regulating the employment of minors on farms.

Mr. POLEN from the Committee on Appropriations, re-reported as amended, House Bill No. 1965, entitled:

An Act authorizing the Department of Property and Supplies with approval of the Governor to acquire sixty-three acres more or less of land in Washington Township Erie County for use of Edinboro State Teachers' College and making an appropriation.

Mr. POLEN from the Committee on Appropriations, re-reported as committed, House Bill No. 2012, entitled:

An Act making an appropriation to the Department of Mines for expenses of supervising and administering the Anthracite Mine Drainage Program.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 2048, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of costs incurred in administering the Special School Milk Program, in cooperation with the Federal Government.

Mr. POLEN from the Committee on Appropriations, re-reported as amended, Senate Bill No. 249, entitled:

An Act amending the "Public Assistance Law" of June 24, 1937 (P. L. 2051) ***," increasing monthly pension allowance and maximum income allowance crediting encumbrances in realty valuation and abolishing the sum of income and pension as a ceiling for pension receivable.

Mr. POLEN from the Committee on Appropriations, re-reported as committed, Senate Bill No. 414, entitled:

An Act amending the "Administrative Code" of 1929 (P. L. 177) ***," requiring the Department of Labor and Industry to annually inspect emergency lighting systems sprinkler systems and fire alarm systems in all buildings owned or operated by the Commonwealth.

Mr. POLEN from the Committee on Appropriations, re-reported as committed, Senate Bill No. 587, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire five tracts of land in the Borough of West Chester Chester County for use of West Chester State Teachers' College and making an appropriation.

Mr. POLEN from the Committee on Appropriations, reported as committed, Senate Bill No. 657, entitled:

An Act amending the act of August 22, 1953 (Appropriation Acts 101) entitled "An act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school" increasing the per capita annual maintenance rate of wards of the Commonwealth.

Mr. POLEN from the Committee on Appropriations, re-reported as committed, Senate Bill No. 772, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon providing for and imposing powers and duties upon a Capitol Park Extension Commission conferring powers and duties upon the Department of Property and Supplies and making an appropriation" by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street and making an appropriation

Mr. POLEN from the Committee on Appropriations, re-reported as committed, Senate Bill No. 916, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to make a study of appropriate ways and methods for developing and promoting the historical interest of Philadelphia and vicinity and specifically for developing a "colonial compound" in Germantown.

Mr. POLEN from the Committee on Appropriations, reported as committed, Senate Bill No. 957, entitled:

An Act amending the act of June 4, 1937 (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties" providing for reinstatement of county employes and officers returning to county employment.

Mr. POLEN from the Committee on Appropriations, reported as committed, Senate Bill No. 967, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in or near White Haven Foster Township Luzerne County for the use of the Department of Welfare in the treatment of mentally retarded children and making an appropriation.

Mr. POLEN from the Committee on Appropriations, re-reported as amended, House Bill No. 1675, entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1946, entitled:

An Act amending the act of May 5, 1921 (P. L. 374), entitled "An act providing for the licensing and regulation of corporations, co-partnerships, associations, and individuals, engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment, ***" authorizing deposit of bonds of authorities created by the State or political subdivisions as security for licensure.

And said bill having been read at length the first time, Ordered, To be transcribed for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1970, entitled:

An Act amending the "Local Tax Enabling Law," approved June 25, 1947, (P. L. 1145), authorizing the use of certified mail when tax ordinances and statements are filed.

And said bill having been read at length the first time, Ordered, To be transcribed for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 654, entitled:

An Act making an appropriation to The Boys' Industrial Home of Western Pennsylvania located at Oakdale, Allegheny County for new buildings and repairs to existing buildings.

And said bill having been read at length the first time, Ordered, To be transcribed for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 695, entitled:

An Act making an appropriation to the Trustees of the George Jr. Republic Association, Grove City, Pennsylvania for construction of new buildings and repairs ***.

And said bill having been read at length the first time, Ordered, To be transcribed for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2048, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of costs incurred in administering the Special School Milk Program, in cooperation with the Federal Government.

And said bill having been read at length the first time, Ordered, To be transcribed for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 587, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire five tracts of land in the Borough of West Chester Chester County for use of West Chester State Teachers' College and making an appropriation.

And said bill having been read at length the first time, Ordered, To be transcribed for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 657, entitled:

An Act amending the act of August 22, 1953 (Appropriation Acts 101) entitled "An act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropration will be available to the school" increasing the per capita annual maintenance rate of wards of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be transcribed for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 957, entitled:

An Act amending the act of June 4, 1937 (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties" providing for reinstatement of county employes and officers returning to county employment.

And said bill having been read at length the first time, Ordered, To be transcribed for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 967, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in or near White Haven Foster Township Luzerne County for the use of the Department of Welfare in the treatment of mentally retarded children and making an appropriation.

And said bill having been read at length the first time, Ordered, To be transcribed for second reading.

BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker has signed the following bills:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 608.

An Act amending the act of May 2, 1925 (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing the use of long bows and arrows for capturing or killing carp

HOUSE BILL No. 1618.

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" prescribing powers and duties of the Department of Welfare with respect to juveniles

HOUSE BILL No. 1641.

An Act to further amend the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by further regulating education and training for handicapped children

Whereupon,

The SPEAKER, in tthe presence of the House, signed the same.

COMMITTEE MEETING

APPROPRIATIONS, Mr. Polen, Chairman, Rooms 245-246, Wednesday, March 14, at 11:00 a. m.

ADJOURNMENT

Mr. KAMYK. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 14, 1956 at 10:00 a. m.

The motion was agreed to, and (at 8:01 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., WEDNESDAY, MARCH 14, 1956. No. 153.

SENATE

WEDNESDAY, March 14, 1956.

The Senate met at 1:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

Honorable FRANK W. RUTH, a Member of the Senate from Berks County, offered the following prayer:

In the Name of the Father and of the Son and of the Holy Spirit, Amen.

Almighty God, our Heavenly Father, during this Holy Season, as we meditate on the culmination of Thy great work here on earth, where Thou didst lay down Thy life that we might have life eternal, we pray that we may walk close to Thee. As we have the daily problems come to us that seem to be insurmountable, help us to realize that they are very small compared to the problems that faced Thee in those hours of trial in Gethsemane, in the judgment halls and out on Calvary.

Guide us that we may link our lives completely with Thine and so live and walk that our lives may be an honor and a glory to Thy great sacrifice. We ask it in our Saviour's Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. FLEMING and Mr. SEYLER, further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1641

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1641, entitled:

An Act to further amend the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "Public School Code of 1949" by further regulating education and training for handicapped children

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 813, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 813, entitled:

An Act amending the act of , one thousand nine hundred fifty-five (Act No.) entitled "Pennsylvania Fair Employment Practice Act," providing that termination of employment under a bona fide retirement or pension plan shall not constitute an unfair employment practice.

and has appointed Messrs. TOLL, MORAN and CHARLES C. SMITH as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

AMENDMENT TO HOUSE BILL No. 730, RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 730, entitled:

An Act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pullorum testing programs

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 215

He also informed the Senate that the House has adopted the Report of Committee of Conference on Senate Bill No. 215, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions therefor and limitations on approval of projects for reimbursement purposes and providing for reimburse-

ment on account of sinking fund charges on indebtedness for school buidlings hereafter constructed and making an appropriation

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 231, entitled:

An Act permitting any person entitled to vote to absent himself from any service or employment in which he is then engaged or employed for a period of two hours in certain cases without deduction in salary or wages

Which was committed to the Committee on Elections.

House Bill No. 1242, entitled:

An Act to amend subsection (b) of the "Pennsylvania Election Code" * * * by removing prohibition against unincorporated associations making political contributions

Which was committed to the Committee on Elections.

House Bill No. 1385, entitled:

An Act amending the act of May 22, 1933 (P. L. 851) entitled "An Act fixing the pay and mileage of jurors and witnesses" requiring employers to make certain payments to employes when on jury duty

Which was committed to the Committee on Judiciary General.

House Bill No. 1731, entitled:

An Act amending the "Elevator Regulation Law" approved May 2, 1929 (P. L. 1518) regulating the repairing and renovating of elevators requiring permits and fixing fees for permits and inspections

Which was committed to the Committee on Labor and Industry.

House Bill No. 1782, entitled:

An Act relating to apprenticeship creating a State Apprenticeship Council in the Department of Labor and Industry to formulate an apprenticeship policy and program and defining its powers and duties and providing for administration

Which was committed to the Committee on Labor and Industry.

House Bill No. 1864, entitled:

An Act amending the "Vehicle Code" act of May 1, 1929 (P. L. 905) further regulating the use of registration plates warning devices and flags and clarifying the designation of "No Passing Zones"

Which was committed to the Committee on Highways.

House Bill No. 1892, entitled:

An Act amending "The Administrative Code of 1929" approved April 9 1929 (P. L. 177) increasing compensation of members of the State Civil Service Commission

Which was committed to the Committee on State Government.

House Bill No. 1899, entitled:

An Act to amend section three hundred eight of the "Public Utility Law * * *" by changing the duties of public utilities and the powers and duties of Pennsylvania Public Utility Commission as to tariffs which make changes from existing rates changing the time of effectiveness of certain of such tariffs and requiring that existing rates continue in force in certain cases

Which was committed to the Committee on Corporations.

House Bill No. 1971, entitled:

An Act relative to Commonwealth printing establishing conditions upon which contracts will be awarded and prescribing remedies and penalties for noncompliance with such conditions

Which was committed to the Committee on State Government.

House Bill No. 2008, entitled:

An Act amending "The General County Assessment Law" of May 22, 1933 (P. L. 853) clarifying the exclusion of cities boroughs townships * * * in counties of the second class from provision excluding certain items in valuing real estate

Which was committed to the Committee on Local Government.

BILL SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1641, entitled:

An Act to further amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (P. L. 80), entitled "Public School Code of 1949," by further regulating education and training for handicapped children.

Whereupon,

The President Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

GENERAL COMMUNICATION

The Chair cleared his table and laid before the Senate the following communication, which was read by the Clerk:

DELAWARE RIVER PORT AUTHORITY
OF
PENNSYLVANIA AND NEW JERSEY

ADMINISTRATION BUILDING
BRIDGE PLAZA
CAMDEN 1, N. J.

JOSEPH K. COSTELLO
EXECUTIVE DIRECTOR

March 12, 1956

John M. McCullough Secretary	William A. Gaffney Public Relations Aide
Horace J. Stradley Treasurer	Robert W. Fay Chief Clerk

The Honorable G. Harold Watkins
Secretary—Senate of Pennsylvania
Harrisburg, Pennsylvania

Dear Senator Watkins:

I am indebted for your courtesy in forwarding certified

copy of concurrent resolution adopted by the Legislature of Pennsylvania requesting the Delaware River Port Authority to consider seriously the urgent need for a bridge the Delaware River from Delaware County and to make enginering and traffic surveys required for this purpose.

I shall be happy to place the resolution before the Authority at its next meeting, Wednesday, March 21 and will be in touch with you promptly thereafter.

Yours very truly,

/s/ JOSEPH K. COSTELLO
EXECUTIVE DIRECTOR

The PRESIDENT. This communication will be noted in the Legislative Journal.

REPORTS FROM COMMITTEES

Mr. WOLFE, from the Committee on Mines and Mining reported as committed, House Bill No. 240, entitled:

An Act reenacting and amending the act of July twenty-nine one thousand nine hundred fifty-three (P. L. 996) entitled "An act creating an Anthracite Mine Drainage Study Commission for the purpose of making a study investigation and legislative recommendations relating to the drainage of anthracite mines and making an appropriation," by authorizing the commission to act in an advisory capacity in the allocation of funds.

He also, from the Committee on Mines and Mining, reported as committed, House Bill No. 1571, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" changing the name of the Department of Mines to the Department of Mines and Mineral Industries and changing the title of the head of said department from Secretary of Mines to Secretary of Mines and Mineral Industries further providing that where the term "Department of Mines" or "Secretary of Mines" are used or referred to in any other law contract or document such term of reference shall be deemed to refer to and include respectively the terms "Department of Mines and Mineral Industries" making an appropriation and "Secretary of Mines and Mineral Industries."

He also, from the Committe on Mines and Mining, reported as committed, House Bill No. 1593, entitled:

An Act regulating waste disposal areas in certain parts of the Commonwealth providing for permits placing duties upon the Department of Mines and imposing penalties.

He also, from the Committee on Mines and Mining, reported as amended, House Bill No. 1725, entitled:

An Act relating to the use of conveyor belts in coal mines providing for the safety of persons employed therein and the protection of property connected therewith conferring powers and imposing duties upon the Department of Mines and prescribing penalties.

He also, from the Committee on Mines and Mining, reported as committed, House Bill No. 1734, entitled:

An Act amending the act of July 15 1935 (P. L. 1034) entitled "An act requiring operators of anthracite coal mines to report shipments to the Department of Mines" requiring breaker washeries or preparation plants to file reports and changing the time for filing reports.

He also, from the Committee on Mines and Mining, reported as amended, House Bill No. 1752, entitled:

An Act amending the act of June 9 1911 (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" changing applicability of act and the requirement of a mine foreman in small mines.

He also, from the Committee on Mines and Mining, reported as amended, House Bill No. 1755, entitled:

An Act amending the act of June 27 1947 (P. L. 1095) entitled as amended "Anthracite Strip Mining Law" further regulating strip mining operations making changes with respect to backfilling and permits and providing for filing maps.

He also, from the Committee on Mines and Mining, reported as amended, House Bill No. 1849, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198) entitled "Bituminous Coal Open Pit Mining Conservation Act," further regulating mining operations requiring the filing of maps changing provisions with respect to registration bonds backfill overburden enforcement of the act appeals and penalties and providing for the payment of fines into a special fund.

He also, from the Committee on Mines and Mining, reported as committed, House Bill No. 1874, entitled:

An Act amending the act of July 15, 1897 (P. L. 287) entitled "An act to protect the lives and limbs of miners from the dangers resulting from incompetent miners working in the anthracite coal mines of this Commonwealth . . . ," prescribing powers and duties of certain miners examining boards.

He also, from the Committee on Mines and Mining, reported as committed, House Bill No. 1962, entitled:

An Act amending the act of June 9, 1911 (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania . . . ," changing qualification requirements fo candidates for the office of mine inspector and changing provisions concerning reappointment and certification of inspectors.

He also, from the Committee on Mines and Mining, reported as committed, House Bill No. 1963, entitled:

An Act amending the act of July 1, 1937 (P. L. 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors . . . ," making certain mine inspectors eligible for reappointment without examination.

Mr. RUTH, from the Committee on Education, reported as amended, Senate Bill No. 590, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949," authorizing school directors of districts in a jointure to vote at county convention meetings in the county where the joint school is located.

Mr. HARNEY, from the Committee on Local Government, reported as committed, Senate Bill No. 1036, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled, as amended, "Local Tax Enabling Law," increasing the maximum millage amount for certain political subdivisions.

He also, from the Committee on Local Government, reported as committed, Senate Bill No. 1037, entitled:

An Act providing for the reassessment of properties for tax purposes where new improvements have been made, and the addition thereof to existing tax duplicates of political subdivisions.

SENATE RESOLUTION, SENATE No. 12
REPORTED ROM COMMITTEE

Mr. HARNEY, from the Committee on Agriculture, to which was referred resolution offered by Messrs. Harney, Madigan and Dent on March 13, 1956, reported the same without amendment as follows:

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO STUDY AND INVESTIGATE THE SAFEGUARDING OF THE HEALTH OF THE CITIZENS OF THE COMMONWEALTH, BOTH THROUGH THE PREVENTION OF MANUFACTURE AND SALE OF MISBRANDED, ADULTERATED, UNWHOLESOME OR DELETERIOUS FOODS

In the Senate, March 13, 1956.

Whereas, The protection of the public health includes both the prevention of adulteration and misbranding of foods and the imposition of positive duties upon food manufacturers, processors, and sellers to offer pure, wholesome food, accurately and truthfully labeled; and

Whereas, While the laws enacted by the Federal Government dealing with both the misbranding and adulteration and the truthful labeling and representation of foods, in their application to interstate commerce, operate to some extent to protect the citizens of the Commonwealth, yet the Commonwealth's obligation to provide safeguards for the health of its citizens is not discharged by a reliance upon the Federal Government, and it remains the right and duty of the Commonwealth to take whatever steps necessary to insure that foods manufactured, processed, and sold within our state be wholesome and be completely and accurately labeled; and

Whereas, The Commonwealth's food laws deal primarily with preventing the adulteration and misbranding of foods and but infrequently provide for the complete and accurate labeling and advertising of foods; now, therefore be it

Resolved, That the Joint State Government Commission be directed to study and investigate the safeguarding of the health of the citizens of the Commonwealth, both through the prevention of manufacture and sale of misbranded, adulterated, unwholesome or deleterious foods and through requirements for complete and accurate labeling and advertising of foods.

Laid over for one day under the Rules.

REPORT OF COMMITTEE ON CONFERENCE ON SENATE BILL No. 813

Mr. FLEMING. Mr. President, I submit the report of the Committee of Conference on Senate Bill No. 813, entitled:

An Act amending the act of , one thousand nine hundred fifty-five (Act No.) entitled "Pennsylvania Fair Employment Practice Act," providing that termination of employment under a bona fide retirement or pension plan shall not constitute an unfair employment practice.

The PRESIDENT. This Report of Committe of Conference will appear on tomorrow's Calendar.

MOTION TO RECESS

Mr. FLEMING. Mr. President, I move that the Senate do now take a recess until 3:15 o'clock, p. m., Eastern Standard Time, for the purpose of holding a Republican Caucus.

Mr. HARNEY. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. LANE. May we be at ease for a moment, Mr. President?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

MOTION TO RECESS AMENDED

Mr. FLEMING. Mr. President, I would like to rephrase my motion to recess.

Mr. President, I move that the Senate do now take a recess until 3:00 o'clock, p. m., Eastern Standard Time, sharp, for the purpose of holding a Republican Caucus.

Mr. HARNEY. Mr. President, I second the motion.

The motion was agred to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

SENATE CONCURRENT RESOLUTION, SERIAL No. 166, TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Concurrent Resolution, Serial No. 166, for consideration at this time.

The Clerk read the resolution as follows:

MEMORIALIZING CONGRESS TO PROVIDE ADEQUATE SAFEGUARDS, INCLUDING IMPORT QUOTAS IN TARIFF AND TRADE LEGISLATION

In the Senate, January 30, 1956.

Whereas, The increased importation of numerous products that come into competition with the output of factories, farms and mines of Pennsylvania, replacing the products of Pennsylvania's industries, is a constant menace to the State's continuing economic stability; and

Whereas, The lower wages paid abroad make it impossible for many of our smaller and medium-sized producers to compete with imports without resorting to ruinous price-cutting, which in turn would result either in financial losses or heavy pressure for wage reductions and outright unemployment; and

Whereas, Our National obligations have reached such extreme proportions that the National income must be maintained at its present unprecedented high level, or close thereto, lest we become involvent; and

Whereas, Unemployment caused by the imports of residual oil, which increased 300% from an average of 45 million barrels in 1936, to more than 136 million barrels in 1954, or the yearly equivalent of 33 million tons of coal; and unemployment caused by importse of crude oil; various types of glass, steel, aluminum, brass and zinc products; pottery and chinaware; granite, tiles, cement, hardboard, plywood, hardware, plumbing, flat glass and other building supplies, lace, carpets and all kinds of woolen, cotton and synthetic fibre manufactured goods; leather and fabric gloves; bicycles; hydraulic turbines; machine tools and other machinery; heavy electrical equipment and other electrical industry products and electronics; watches, clocks and parts; optical industry products; cutlery; scientific apparatus; pencils and pens; pins, clips and fasteners; soft fibre; insulation board and manufactured cork products; chemicals; toys, mushrooms; farm, dairy and dried milk products, wallpaper, hats and millinery, printing industry products; ladies hand bags and leather goods; nails, wire, screws, bolts and nuts and many other commodities; will render the upholding of the economy at its highest levels most uncertain and difficult, unless all import trade is placed on a fair competitive basis and the potential injury therefrom thus eliminated; and

Whereas, Agricultural products such as wheat, wheat flour, cotton, butter, cheese and peanuts enjoy the protection of import quotas; and

Whereas, A maximum of satisfactory trade results from a properous domestic economy freed from the threat of a

breakdown resulting from unfair import competition; therefore be it

Resolved (if the House of Representatives concurs), That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize the Congress of the United States that adequate safeguards be provided in tariff and trade legislation, including import quotas, against the destruction or lowering of our American standard of living, the labor standard of our workmen, and the steability of our economy by unfair import competition and that the existing trade agreements legislation be amended accordingly; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Secretary of State, the Secretary of Commerce, the Secretary of Labor, the Secretary of Agriculture, the Chairman of the United States Tariff Commission, the Speaker of the House of Representatives, and each Senator and Representative from Pennsylvania in the Congress of the United States.

SENATE CONCURRENT RESOLUTION, SERIAL No. 166, ADOPTED

Mr. MAHANY. Mr. President, I move that the resolution just read by the Clerk be adopted.

Mr. VAN SANT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

Mr. YOSKO. I have often heard Senator Mahany say that we should not attempt to dictate to Congress regarding matters concerning Congress. I notice, however, that Senator Mahany is deviating from his stand today and he is making the motion that we approve this resolution.

Mr. MAHANY. Mr. President, I am making that motion as the Majority Floor Leader and not as the Senator from Crawford, Senator Rowland B. Mahany.

Mr. SEYLER. Mr. President, I desire to be recorded as voting "no" on the adoption of this resolution.

And the question recurring,

Will the Senate agree to the resolution?

(A voice vote having been taken, the question was determined in the affirmative.)

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 484, as follows:

An Act amending the act of June 27 1923 (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing States employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" providing for retirement of members of the General Assembly their superannuation retirement age annual salary or annual earnable salary and final salary and authorizing certain members of the General Assembly to join the retirement association by making back payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause 16 and 17 of section 1 act of June 27 1923 (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" clause 17 amended July 29 1953 (P. L. 993) are amended to read

Section 1 Be it enacter &c That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

* * *

16 "Superannuation Retirement Age" shall mean as applied to State employes except members of the General Assembly sixty years of age and as to members of the General Assembly fifty years of age

17 "Final Salary" shall mean the highest average annual salary earnable by a contributor as a State employe during any five years of service preceding retirement except that [at the member's option the salary earnable by a contributor as a State employe for the years beginning June first one thousand nine hundred thirty-three and June first one thousand nine hundred thirty-four shall not be included in determining such "final salary"] in the case of a member of the General Assembly "final salary" shall be six thousand dollars ($6000)

* * *

Section 2 Subsection (5) of section 7 of the act amended May 20 1949 (P. L. 1641) is amended and two new subsections are added to read

Duties of Heads of Departments

Section 7 * * *

(5) The head of each department shall cause to be deducted on each and every payroll of a contributor for each and every payroll period subsequent to December thirty-first nineteen hundred twenty-three such per centum of the total amount of salary earnable by the contributor in such payroll period as shall be certified to the head of each department by the retirement board as proper in accordance with the provisions of this act In determining the amount earnable by a contributor the retirement board may consider the rate of salary payable to such contributor on the first day of each regular payroll period as continuing throughout such payroll period and it may omit salary deductions for any period less than a full payroll period in cases where the member was not a contributor on the first day of the regular payroll period and to facilitate the making of the deductions it may modify the deduction required of any contributor by such amount as shall not exceed one-tenth of one per centum of the salary upon the basis of which the deduction is to be made In the case of members of the General Assembly as a class for the purposes of this act [the compensation received for each regular and special session if any of the Assembly shall be construed to be] the annual salary or annual earnable salary of each member shall be six thousand dollars ($6000) The deduction provided herein shall be made notwithstanding that minimum salaries or other compensation provided for by the laws rules or regulations of the Commonwealth shall be thereby reduced The head of each department shall certify to the Treasurer of the Commonwealth on account of each and every payroll of the contributor a statement as voucher for the amounts so deducted and shall send a duplicate of such statment to the secretary of the retirement board

* * *

(7) Each member of the General Assembly provided for by subsection (3) of section 13 of this act shall pay in addition to the contribution required by subsection (6)

of section 8 of this act an amount equal to twenty-five per centum thereof for each year of service beginning December 1, 1954

(8) Any member of the General Assembly who is not a member of the retirement association on the effective date of this act may elect prior to the expiration of his or her present term in the General Assembly to become a new member of the retirement association as of the date when he or she became a member of the General Assembly as covered by subsection (3) of section 13 upon payment to the retirement association of a sum equal to all back payments which he or she would have made had he or she become a member of the retirement association on or before December 31 1947 if a member of the General Assembly at that time otherwise on the date he or she became a member of the General Assembly Back payments may be spread over a period of years by having the regular payroll deduction of the member increased by not less than one-third of the amount thereof The deduction increase shall be credited to the back payments owing and shall be continued until the amount thereof is paid in full deduction increases may be anticipated at any time if the member is retired under the provisions of this act before the back payments have been completed the combined member's annuity and State annuity provided for by these amendments shall be reduced by an amount equivalent to the unpaid back payments or deduction increases not anticipated

Section 3 Subsection (3) of section 11 of the act amended July 5 1947 (P. L. 1342) is amended to read

Withdrawal

Section 11 * * *

(3) Should a member be discontinued from service not voluntarily after having completed ten years of total service or voluntarily after having completed twenty-five years of total service or should a member of the General Assembly discontinue his service as such member voluntarily or involuntarily after having served [during five regular seessions] ten years as a member of the General Assembly but in any case before reaching superannuation retirement age he or she shall be paid as he or she may elect as follows

(a) The full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings account or

(b) [An] Except as provided in clause (c) of this subsection an annuity of equivalent actuarial value to his or her accumulated deductions and in addition a State annuity having a value equal to the present value of a State annuity beginning at superannuation retirement age calculated in accordance with the provisions and with the privileges of the same options provided for in sections thirteen and fourteen of this act with respect to State annuities for superannuation retirement

(c) If the member is a member of the General Assembly provided for by subsection (3) of section thirteen of this act a combined member's annuity and State annuity having a value equal to the present value of such annuity beginning at superannuation retirement age calculated in accordance with the provisions and with the privileges of the same options provided for in subsection (3) of section thirteen and in section fourteen of this act with respect to such annuities for superannuation retirement

Section 4 Subsection (2) of section 13 of the act amended January 19 1952 (P. L. 2176) is amended and subsection (3) is added to read

Section 13 Retirement for superannuation shall be as follows

* * *

(2) On retirement for superannuation a contributor shall receive a retirement allowance which (except for the service as a member of the General Assembly provided for by subsection (3) of this section and the accumulated deductions related thereto) shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity of one one hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in the case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and

(c) In addition thereto if an original member of the retirement association a further State annuity of one one hundred sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act but in no event shall the total State annuity exceed fifty per centum of his or her final salary

(d) In addition thereto an additional State annuity which shall be equivalent to the amount if any by which the employe's annuity is less than the State annuity for service rendered after the thirty-first day of December one thousand nine hundred twenty-three but in no event shall the total State annuity exceed fifty per centum of his or her final salary

(e) In addition thereto in the event of the retirement after ninety days from the effective date of this act of any contributor in the one one-hundredth (1-100) class a further State annuity which shall be equivalent to the amount if any by which the superannuation retirement allowance otherwise payable is less than one thousand two hundred dollars ($1200) where the contributor has twenty-five years or more of credited service in this Commonwealth or if less than twenty-five years of such service then such proportional amount of such one thousand two hundred dollars ($1200) as the years of such credited service bear to twenty-five years but in no event shall the total State annuity exceed fifty per centum of his or her final salary

(f) If the contributor has credit for service as a member of the General Assembly provided for by subsection (3) of this section but is not a member of the General Assembly at the time of retirement (i) he or she shall receive in addition to the foregoing annuities provided for by this subsection (2) a combined member's annuity and State annuity equal to two and one-half one-hundredths (2½-100) of his or her final salary as a member of the General Assembly for each year of service as a member of the General Assembly provided for by subsection (3) of this section or (ii) his or her accumulated deductions and years of service as a member of the General Assembly shall be included with his or her other accumulated deductions and years of other State service whichever will yield the greater return

(3) On retirement for superannuation a contributor who is a member of the General Assembly shall receive a retirement allowance which shall consist of a combined member's annuity and State annuity equal to two and one-half one-hundredths (2½-100) of his or her final salary for each year of total service as a member of the General Assembly provided for by the second paragraph of this subsection and in addition thereto if a member of the General Assembly at the time of retiring has credit for State service other than as a member of the General Assembly he or she shall receive with respect to such other service the member's annuity provided for in clause (a) of subsection (2) of this section and State annuities provided for in clauses (b) (c) (d) and (e) in so far as they are applicable or if the contributor has not reached the age of sixty years the State annuities having a value equal to the present value of the State annuities beginning at superannuation retirement age sixty

The provisions of this subsection shall apply to all contributors who were members or members elect of the General Assembly on December 1 1954 with respect to all years of service as a member of the General Assembly before and after that date and to all contributors becoming members of the General Assembly after December 1 1954 with respect to years of service as members of the General Assembly after that date only Any period of

service as a member of the General Assembly not specifically provided for by these amendments shall entitle the contributor to the same rights as for State service other than as a member of the General Assembly

Section 5 Sections 14.1 and 14.2 of the act added July 29 1953 (P. L. 993) are amended to read

Retirement as of Time of Death

Section 14.1 Any contributor who is entitled to retire under the provisions of this act by reason of having completed twenty-five (25) years of total service or by reason of having reached superannuation retirement age and any member of the General Assembly having completed ten (10) years as a member of the General Assembly may file with the retirement board a written application for retirement in the form required for such aplication but requesting that such retirement shall become effective as of the time of his death electing one of the options provided in section fourteen and nominating a beneficiary under said option as required in said section

In all such cases the application shall be held by the retirement board until the contributor shall file a later application in the usual manner for retirement or until the death of the contributor occurring while in State service at which time his retirement shall become effective with the same benefits to the designated beneficiary as if the contributor had retired on the day immediately preceding his death

Retirement While in State Service

Section 14.2 Any contributor who is or was entitled to retire under the provisions of this act by reason of having completed twenty-five (25) years of total service or by reason of having reached superannuation retirement age and any member of the General Assembly having completed ten (10) years as a member of the General Assembly and who shall die while in State service before filing with the retirement board a written application for retirement as heretofore provided or has died and whose payments into the fund have not been withdrawn shall be considered as having elected Option 1 as provided in section fourteen of this act as of the date of his or her death In such event payment under Option 1 shall be made to the beneficiary designated in the nomination of beneficiary form on file with the retirement board If said beneficiary has predeceased the contributor payment under Option 1 shall be made to the legal representative of said contributor

Section 6 This act shall take effect immediately

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 484

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 484.

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	**Fleming,**	**McCreesh,**	**Seyler,**
Berger,	**Haluska,**	**McGinnis,**	**Silvert,**
Blass,	**Harney,**	**McMenamin,**	**Stevenson,**
Camiel,	**Hays,**	**McPherson, Jr.,**	**Stiefel,**
Chapman,	**Kessler,**	**Mullin,**	**Van Sant,**
Dent,	**Kopriver, Jr.,**	**Pechan,**	**Wagner,**
Diehm,	**Lane,**	**Peelor,**	**Watkins,**
DiSilvestro,	**Madigan,**	**Ruth,**	**Watson,**
Donolow,	**Mahany,**	**Schmidt,**	**Weiner,**
Flack,	**Mallery,**	**Scott,**	**Wolfe,**
			Yosko,

NAYS—4

Propert,	**Taylor,**	**Wade,**	**Whalley,**

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON SECOND READING CALENDAR CALLED UP OUT OF ORDER

Mr. MAHANY. Mr. President, inasmuch as most of these appropriation bills are noncontroversial on Third Reading, I would suggest that we pass those over temporarily and proceed to the Second Reading Calendar, on page 18, and then revert to appropriation bills on the Third Reading Calendar later.

Therefore, Mr. President, I ask unanimous consent to call up the bills on the Second Reading Calendar in chronological order, beginning on page 18.

SECOND READING CALENDAR

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 76, entitled:

An Act amending subsections (a) and (g) of Section 403 act of April twelve one thousand nine hundred fifty-one (P. L. 90) entitled "Liquor Code" further regulating the application for an issuance of hotel restaurant and club liquor licenses.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 95, entitled:

An act amending the act of June twenty-four one thousand nine hundred thirty-nine (P. L. 872) entitled "The Penal Code" making it unlawful to sell or dispense knives etc commonly called "switchblades."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 96, entitled:

An Act amending the act of June twenty-four one thousand nine hundred thirty-nine (P. L. 872) entitled "The Penal Code" making it unlawful for any person to carry on or about his person a firearm slingshot handy-billy dirk-knife razor or any other deadly weapon or any knife razor or cutting instrument the blade of which can be ex-

posed in an automatic way by switch push-button spring mechanism or otherwise.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 111, entitled:

An Act to amend the act approved the twenty-first day of May one thousand nine hundred forty-three (P. L. 340) entitled "An act requiring political subdivisions to refund taxes and license fees erroneously and inadvertently paid thereto . . ." by further prescribing what taxes or license fees may be refunded or sued for.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 232, entitled:

An Act to select and adopt the Great Dane as the official State dog of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 323, entitled:

An Act providing for the protection of the public safety by regulating the sale offering or exposing for sale at retail and the use of air rifles defining air rifles authorizing cities boroughs towns and townships to issue permits for licensing and to regulate target ranges imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 324, Printer's No. 546, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 400, entitled:

An Act amending the act of April 12 1951 (P. L. 90) entitled "Liquor Code" changing the time within which a notice of hearing upon a citation may be issued and the nature of the notice and requiring notice of violations noted by an agent or employe of the board as a prerequisite to the imposition of a penalty suspension or revocation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER TEMPORARILY

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 403, Printer's No. 142, on second reading, go over in its order, temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 416, entitled:

An Act amending the act of June 12 1951 (P. L. 533) entitled "The Mental Health Act of 1951" permitting the indictment of persons while committed and validating indictments heretofore returned.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 449, entitled:

An Act requiring the Commonwealth of Pennsylvania to appropriate moneys for assistance to political subdivisions and municipal authorities in the construction and improvement of airports and other aeronautical facilities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 557, entitled:

An Act amending the act of June 24 1939 (P. L. 872) entitled "The Penal Code" redefining murder in first degree to include murder in the commission of sodomy.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 596, entitled:

An Act providing for authorization for autopsies or postmortem examinations of human bodies claimed for burial within thirty-six hours after death.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 650, entitled:

An Act amending the act of May 5 1933 (P. L. 289) entitled "Nonprofit Corporation Law" prescribing how notice shall be given of meetings of churches or other religious congregations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 669, Printer's No. 416, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 675, entitled:

An Act to amend the title and further amend the act approved the fifteenth day of May one thousand nine hundred fifteen (P. L. 534) entitled "Motion Picture Censorship Law" by authorizing the disapproval of any real film or view which is obscene or incites to crimes of violence and by repealing certain sections of the act.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

Mr. LANE. Mr. President, I would like to make just one comment.

I should have asked for House Bill No. 675 to be passed over in its order because I am procuring some amendments to be inserted in this bill in compliance with the recent Supreme Court Decision. However, I request the indulgence of the Majority Party. I will probably have the amendments ready tomorrow and then I will ask for unanimous consent.

Mr. MAHANY. Mr. President, I want to assure the Senator from Washington, Senator Lane, that I will not object to his offering of any amendments to this bill. In fact, I have not objected to the offering of any amendments to any bill on Third Reading.

Mr. LANE. Mr. President, I might say that this Board of Censorship problem has been highly controversial here in the Senate for quite some time. I just wanted to advise the Majority Leader that we are trying to work out some reasonable amendments. I am gratified to know that the Majority Leader will not object to the amendments.

Mr. MAHANY. Mr. President, I hope that the amendments will take care of the recent court decision. However, I want it clearly understood that I did not say that I would not object to the amendments. I said that I would not object to the offering of the amendments.

Mr. LANE. Mr. President, I took from the gentleman's statement, wholeheartedly, that I thought he said he would not object to the amendments. Therefore, I have lost one point so far today.

And the question recurring,

Will the Senate agree to the bill on second reading??

It was agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 816, Printer's No. 369, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 861, entitled:

An Act amending the act of May 2, 1929 (P. L. 1278) entitled "The General County Law" increasing the maximum appropriation which may be made for agricultural extension work.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. VAN SANT offered the following amendments:

Amend Sec. 1, page 2, lines 1 and 2, by striking out "444 act of May 2, 1929 (P. L. 1278) known as "The General County Law" amended January 14, 1952 (P. L. 2034" and inserting in lieu thereof: "1936, act of August 9, 1955 (P. L. 323), known as 'The County Code' "; amend Sec. 1 (Sec. 444), page 2, line 4, by striking out "444" and inserting in lieu thereof: "1936".

They were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. VAN SANT offered the following amendments:

Amend Title, page 1, lines 1 to 4 of Title, by striking out "May 2, 1929 (P. L. 1278) entitled "An act relating" in line 1, all of lines 2 and 3 and "relating thereto" in line 4 and inserting in lieu thereof: "August 9, 1955 (P. L. 323), entitled 'An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto.' "

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 861, Printer's No. 1522, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 873, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code" prescribing duties and limitation for township supervisors as to holding other township offices the number of meetings to be held keeping of records and fixing compensation of certain township officers fixing officers of the State Association changing the expense allowance for delegates to supervisors' conventions and the eligible officers to attend fixing the procedure for selling township property making tax exempt properties liable for certain costs for fire protection and fixing compensation of members of zoning board of adjustment providing for the construction of sidewalks and curbs and the payment therefor changing the provisions relating to abandoned cemeteries the publication of ordinances connecting with sewers of adjacent municipalities and the dedication laying out opening improving changing relocating taking over and vacating roads and street and highways.

The first, second, third, fourth, fifth, sixth and seventh sections were read and agreed to.

The eighth section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON offered the following amendments:

Amend Sec. 8 (Sec. 611), page 13, line 14, by inserting after "Delegates": "(a)"; amend Sec. 8 (Sec. 611), page 13, line 15, by striking out "of" and inserting in lieu thereof: 'or"; amend Sec. 8 (Sec. 611), page 14, by inserting between lines 1 and 2 the following:

"(b) Each township with dues paid in the State association may elect one supervisor, secretary or manager as a delegate to the State convention, which delegate shall have one vote in said convention. This delegate's expenses shall be paid by the respective townships out of the township general fund.

"To qualify as a delegate, each township shall certify the name and address of the elected delegate to the secretary of the State association at least thirty days prior to the opening of the State convention."

They were agreed to.

The section was agreed to as amended.

The ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth sections were read and agreed to.

The seventeenth section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON offered the following amendments:

Amend Bill, page 35, by inserting between lines 13 and 14 the following:

"Section 18. Section 1206-A of the act, added May 24, 1951 (P. L. 370), is amended by adding, after subsection (j), a new subsection to read:

"Section 1206-A. Subdivisions Wherein Lots Abut Existing Streets of Insufficient Width or Proposed Streets.—

* * *

"(k) Final Approval or Disapproval. Approval or disapproval by the supervisors or court shall not be subject to approval or disapproval by the planning body of any other municipality."

They were agreed to.

The section was agreed to as amended.

The eighteenth section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON offered the following amendment:

Amend Sec. 18, page 35, line 14, by striking out "18" and inserting in lieu thereof: "19".

It was agreed to.

The section was agreed to as amended.

The nineteenth section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON offered the following amendment:

Amend Sec. 19, page 36, line 17, by striking out "19" and inserting in lieu thereof: "20".

It was agreed to.

The section was agreed to as amended.

The twentieth section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON offered the following amendment:

Amend Sec. 20, page 37, line 18, by striking out "20.." and inserting in lieu thereof: "21".

It was agreed to.

The section was agreed to as amended.

The twenty-first section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON offered the following amendment:

Amend Sec. 21, page 38, line 17, by striking out "21" and inserting in lieu thereof: "22".

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILLS OVER IN ORDER

Mr. STEVENSON. Mr. President, I ask unanimous consent that House Bill No. 873, Printer's No. 1400, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 904, Printer's No. 1417, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 907, entitled:

An Act amending the act of June 24, 1939 (P. L. 872) entitled "The Penal Code" prohibiting the interception of jury deliberations and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 929, Printer's No. 876, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 935, entitled:

An Act amending the compact contained in the act of June 5, 1937 (P. L. 1664) entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio, relative to the development use and control of the Pymatuning Lake . . ." designating the lake area on which motor boats may be operated limiting the horsepower of the motor boats operated thereon and fixing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 943, entitled:

An Act permitting the conducting staging operating and exhibiting stage shows on Sunday during certain hours when the electors of a city of the first class or second class approve thereof defining stage shows and providing for referendums to ascertain the will of the electors.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 944, Printer's No. 1523, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 975, entitled:

An Act authorizing the Department of Forests and Waters to convey certain lands located in Whitemarsh Township Montgomery County in order to facilitate the further development of Fort Washington Park.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 980, entitled:

An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An Act authorizing cities of the first class to adopt and enforce zoning ordinances . . ." regulating appeals based on inavlidity of zoning ordinances.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 984, Printer's No. 1518, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 996, Printer's No. 592, on second reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. MAHANY. Mr. President, if this bill is to be adopted this Session, it probably should be moved. There is a question, perhaps, of it coming up to a vote and having it voted on. However if you are not in favor of the bill, then I presume you will vote "no" and if you are in favor of it, then you will vote "aye." I think we should get to a vote on this bill and I can see no reason to have it passed over in its order.

Mr. LANE. Mr. President, yesterday Senator Barr had considerable debate on this bill with the Members on the other side. It was my understanding that they were supposed to get together and work out a solution. As of this date, they have not worked out a solution. Therefore, Mr. President, I am holding the bill on Second Reading in order that we might be able to correct the situation. That is my understanding and that is the reason I am holding the bill.

The Republican Members have the votes and if they want to object to it passing over in order, all well and good; pass it over. However, I must object to that and I must request that the bill go over in order as of today.

Mr. MAHANY. I have no objection to the bill going over in its order.

The PRESIDENT. There being no objection, Senate Bill No. 996, Printer's No. 592, will go over in its order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 999, entitled:

An Act amending the Act of May 20, 1949 (P. L. 1591) entitled "An act providing for the compensation of the mayor council and appointed officers in cities of the second class A" increasing the compensation of the mayor and appointed officers in cities of the second class A.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1002, entitled:

An Act amending the act of January 8, 1952 (P. L. 1851) entitled "An act providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases . . ." regulating bail for persons charged with commission of sex crimes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1009, entitled:

An Act amending the act of July 28, 1953 (Appropriation Acts page 16 Act No. 20-A) entitled "An act making an appropriation to the Department of Forests and Waters for the protection and stabilization of Presque Isle Peninsula and Erie Harbor at Erie" authorizing the use of funds for improvement and development purposes.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

REQUEST THAT BILL GO OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 1009, Printer's No. 571, on second reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. BLASS. Mr. President, I desire to interrogate the gentleman from Washington, Senator Lane.

The PRESIDENT. Will the gentleman from Washington, Mr. Lane, permit himself to be interrogated?

Mr. LANE. I will, Mr. President.

Mr. BLASS. Senator Lane, what is your purpose? This bill is merely for the purpose of expediting work on the peninsula in order to relieve the congestion in traffic of about 30,000 cars a day. If this can be used for that improvement and development, this work can be expedited and the people, not only of northwestern Pennsylvania but in Pennsylvania as a whole, will have the privilege of using the wonderful beaches that are already procured through this work. I hope the gentleman from Washington will withdraw his request to have this bill passed over.

Mr. LANE. Mr. President, I desire to interrogate the gentleman from Erie, Senator Blass.

The PRESIDENT. Will the gentleman from Erie, Mr. Blass, permit himself to be interrogated?

Mr. BLASS. I will, Mr. President.

Mr. LANE. Senator Blass, is this legislation actually neded to expedite the health and welfare and economy of Erie County?

Mr. BLASS. It will expedite the welfare of the entire State of Pennsylvania and all the people who are frequenting this recreational park.

Mr. LANE. Including the Dominion of Canada and the Continent of Europe?

Mr. BLASS. Yes, a great many visitors come from those places, also.

Mr. LANE. I wish to advise the gentleman that the reason I am holding this bill up is because of the objection of one of the sponsors of the bill.

Mr. BLASS. One of the sponsors of the bill might not have understood just what it was aimed at, because the original bill was worded "protection and stabilization" and in order to properly provide for the improvement and development, they added the words "improvement and development" in order to permit the proper use of the appropriation passed in 1953.

Mr. LANE. Senator Blass, are you implying that one of the sponsors did not know what he was signing when he sponsored the bill?

Mr. BLASS. Yes, I am.

I think that the Minority Leader heartily agrees in the concepts of the bill. I think he is familiar with what is necessary to be done there. In fact, when he sponsored the bill, he was perfectly aware of the purpose of this amendment.

I hope, Senator Lane, you will withdraw your request so that this Senate Bill can go over to the House in order to permit it to be acted upon before sine die adjournment.

Mr. McMENAMIN. Mr. President, on behalf of Senator Blass, I would like, likewise, to appeal to the leadership of my Party's delegation here and inform them that time is of the essence on this bill, because the spring construction season is almost upon us. I know that Senator Blass, who is one of our most distinguished and hardworking Senators, is very much interested in this. I think he is correct when he says that all of us in Pennsylvania are like a family. If we do somehting here to help the Port of Erie, we are really helping everybody in Pennsylvania. I think we should give prompt and favorable action to this bill.

Mr. LANE. Mr. President, I wish to state that the wonderful argument advanced by the gentleman from Lackawanna, Senator McMenamin, has convinced me. However, my being convinced does not mean that the bill will be passed up today. We must convince the co-sponsor, Senator Dent. As of this moment, he is still not quite convinced.

Mr. BLASS. Mr. President, I desire to interrogate the gentleman from Westmoreland, Senator Dent.

The PRESIDENT. Will the gentleman from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. BLASS. Will the Minority Leader agree that this bill be moved today and not be passed over in order, in order to expedite this construction?

Mr. DENT. Mr. President, in answer to the co-sponsor, the gentleman from Erie, I would like to have the permission of the Chair to invite the co-sponsor for a side bar conference for one minute.

Mr. YOSKO. Mr. President, I have been waiting all Session for this moment to come.

The gentleman from Erie, Senator Blass, is finally appealing to all of us to expedite a bill which affects his District. Frankly, since it does affect his District and

since I like to help Senators on problems that confront their Districts, I am going to ask the Minority Leader to withdraw his objection to the bill going over today. At the same time, however, I am going to call on the gentleman from Erie to give us, in Northampton and Lehigh Counties, a little bit of cooperation.

You know, Mr. President, we have a few bills in Senator Blass' committee which he has bottled up. They have to do with a water problem. I think this bill has something to do with water, too. I wish Senator Blass would call a meeting of his committee and release those bills from committee for the consideration of the Senate as a whole. The residents down in the Upper and Lower Saucon Valley are pleading with Senator Van Sant and me to get some action on these bills. The situation is such that it is destroying the property in the area. Therefore, Senator Blass, I hope you will reciprocate the cooperation that we are going to give you.

Mr. DENT. Mr. President, now that I have been assured by the co-sponsor that the white fish will be running before we end this Session, I remove my objection to the bill.

REQUEST THAT BILL GO OVER IN ORDER WITHDRAWN

Mr. LANE. Mr. President, I now withdraw my request that Senate Bill No. 1009 go over in its order.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1013, entitled:

An Act amending the act of August 24, 1951 (P. L. 1405) entitled "Estate Tax Apportionment Act of 1951" changing the method of apportionment regarding the inheritance or death tax effect with respect to charitable public or similar gifts or bequests.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1016, entitled:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "The County Code" further regulating the payment of sheriff's salaries in certain counties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1018, entitled:

An Act amending the act of July 25, 1955 (P. L. 273) entitled "An act authorizing counties cities boroughs incorporated towns townships school districts poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law . . ." extending the time during which political subdivisions may act under the provisions thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1019, entitled:

An Act amending the act of May 12, 1943 (P. L. 259) entitled as amended "An act providing for the payment by the State Treasurer of the amount of the tax on premiums paid by foreign casualty insurance companies to the treasurers of the several cities boroughs towns townships and certain counties . . ." further defining policemen and changing the time when unused funds are returned to the General Fund for redistribution.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1020, entitled:

An Act amending the act of May 26, 1946 (P. L. 1828) entitled "Fiduciaries Investment Act of 1949" further prescribing the eligibility for authorized investments of the obligations of municipality authorities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. Presdent, I ask unanimous consent that Senate Bill No. 1201, Printer's No. 587, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1022, entitled:

An Act relating to condemnation proceedings requiring the filing of plans and imposing duties on the recorder of deeds.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1023, entitled:

An Act amending the act of June 1, 1933 (P. L. 1172) entitled "Borough Rural State Highway Law" changing or deleting certain routes and adding certain new routes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL No. 1023

Mr. WADE. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1023 passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. WADE. Mr. President, I voted with the prevailing side.

Mr. PROPERT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. PROPERT. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILLS OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that Senate Bill No. 1023, Printer's No. 585, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 1024, Printer's No. 588; and

Senate Bill No. 1025, Printer's No. 589.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1028, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" permitting certain persons to equip and use warning devices on commercial motor vehicles for limited purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1083, entitled:

An Act limiting in certian cases the right of appeal to the court of common pleas from decisions of magistrates aldermen and justices of the peace

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1311, entitled:

An Act providing a permanent allocation of a part of the fuels and liquid fuels tax proceeds to cities boroughs incorporated towns and townships for their road street and bridge purposes conferring powers and imposing duties on local officers and the Department of Highways and making an appropriation out of the Motor License Fund

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

REQUEST THAT BILL GO OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1311, Printer's No. 1496, on second reading. go over in its order.

The PRESIDENT. Is there objection?

Mr. WADE. Mr. President, before we object to House Bill No. 1311 going over in its order, I would like to explain to the Senate that this is a bill allocating funds to the different municipalities. It has been amended in the House on two different occasions, and I think that we should now act on the bill rather than put it over. Putting it over in its order would only prolong the time when this matter could be settled definitely. It is, perhaps, a matter of such importance that the bill might eventually reach a conference committee. I do not know about that; that is only a prediction. However, I think we should now act on this bill.

Mr. LANE. Mr. President, we on this side are well aware of the importance of this piece of legislation. We are now in the process of preparing amendments. We have schedules setting up the allocations to certain districts and we are not satisfied with some of them. Therefore, Mr. President, we want to prepare the amendments, offer them to the Senate as a whole, and, in all probability, they will be ready tomorrow. At that time, they can reject them or accept them, as they see fit. I feel, and of course the Caucus feels, that this bill should go over in its order until we have the amendments ready.

Mr. MAHANY. Mr. President, I can assure the Senator that we will not object to the offering of his amendments on Third Reading tomorrow. However, I feel that this bill should move so that we can act on it finally this week. I expect that tomorrow's Session will be the last one we will have this week. I would like to act on this bill finally tomorrow.

If Senator Lane has some amendments which he would like to present, he can present them tomorrow. I would like to have this bill moved today on Second Reading.

Mr. LANE. Mr. President, may we be at ease a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

REQUEST THAT BILL GO OVER IN ORDER WITHDRAWN

Mr. LANE. Mr. President, I withdraw my request that House Bill No. 1311 go over in its order.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1413, entitled:

An Act to amend the act approved the twelfth day of June one thousand nine hundred fifty-one (1951-52 P. L. 533) entitled "The Mental Health Act of 1951" by changing the qualifications of superintendents of State institutions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1418, entitled:

An Act amending the act of June 5, 1935 (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" further regulating exceptions to contracts of sale and actions at law for unfair competition

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1450, entitled:

An Act to amend section 404 of the act approved the first day of June one thousand nine hundred forty-five (P. L. 1242) entitled "State Highway Law" by requiring that the additional bond covering labor and materials furnished by the contractor shall also cover equipment rental

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1451, entitled:

An Act to further amend Section 33 of the act approved the thirty-first day of May one thousand nine hundred eleven (P. L. 468) entitled "Sproul Highway Law" by changing the percentage of payments to be withheld by the Secretary of Highways pending satisfactory completion of contracts for the construction of State highways and bridges

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1507, Printer's No. 1020, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1570, entitled:

An Act amending the act of May 11 1925 (P. L. 561) entitled "Jury Law Second Class Cities" authorizing the president judge of the court of common pleas to transfer and assign jurors summoned to serve in any court civil and criminal of the county and changing form of venire and summons to comply therewith.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1592, entitled:

An Act amending the act of May 14 1907 (P. L. 197) entitled "An act to provide for the establishing and maintenance of one or more sanatoria or colonies in Pennsylvania for the free care and treatment of indigent persons suffering from tuberculosis and making an appropriation therefor" extending its provisions to all persons suffering or suspected of suffering from tuberculosis.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1617, entitled:

An Act amending the act of July 11 1917 (P. L. 769) entitled "An act to regulate the importation into the State of Pennsylvania of dependent delinquent or defective children . . . authorizing use of forfeited bond for the further placing of children.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1619, entitled:

An Act providing for the prevention and control of communicable and non-communicable diseases including venereal diseases fixing responsibility for disease prevention and control requiring reports of diseases authorizing financial assistance to typhoid fever carriers and authorizing treatment of venereal diseases and providing for premartial and prenatal blood tests amending revising and consolidating the laws relating thereto and repealing certain acts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1642, entitled:

An Act to add clause (1) to section two thousand one hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "The Administrative Code of 1929" by authorizing and making it the duty of the Department of Health to provide limited training in the field of public health work for certain State and municipal employes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 1643, Printer's No. 948, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1720, entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 842) entitled "An ace relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth" defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of waters within the Commonwealth . . ." by further regulating the period within which water rights must be acquired.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that House Bill No. 1769, Printer's No. 1014, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1793, entitled:

An Act amending the act of June 12 1931 (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals . . . " extending the act to private convalescent homes conducted for profit requiring licensing under the act for treatment care or nursing by reason of pregnancy changing license fees requiring certain records to be kept by hospitals regulating the refusal to grant refuse or renew licenses and changing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1886, entitled:

An Act to amend section two hundred one of the act approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 512) entitled "Fiduciaries Act of 1949" by changing the amount of wages or salary which an employer may pay to a deceased employee's spouse or other certain persons whether or not a personal representative has been appointed.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1924, entitled:

An Act to amend the act approved the thirty-first day of August one thousand nine hundred fifty-five (P. L.) (Act No. 131) entitled "An act permitting and regulating wrestling and boxing contests and exhibitions requiring licenses and permits conferring powers and imposing duties upon the State Athletic Commission . . . " by regulating the use of a fictitious or assumed name by any participant in any amateur boxing contest or exhibition.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1964, entitled:

An Act making the offices of constable and justice of the peace or alderman incompatible.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1967, entitled:

An Act to amend section seventeen of the act approved the twenty-ninth day of March one thousand eight hundred three (P. L. 542) entitled "An act to establish a Board of Wardens for the port of Philadelphia . . . " by permitting second class pilots to pilot vessels drawing twenty-seven feet of water or under and permitting third class pilots to pilot vessels drawing twenty-three feet of water or under.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 2049, entitled:

An Act amending the act of May 25 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class . . . " further regulating payments to certain beneficiaries under the fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 2050, entitled:

An Act amending the act of May 25 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class . . . " further regulating the withdrawal of service increment contributions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS SENATE

Mr. WADE asked and obtained unanimous consent to address the Senate.

Mr. WADE. Mr. President, on page 26 of our Calendar, we passed Senate Bills Nos. 1023. 1024, and 1025 over in their order. These are the so-called omnibus road exchange bills. One bill amends the "Borough Rural State Highway Law," another amends the "City State Highway Law" and the third amends the "Rural State Highway Law."

I suggest to the Members that they look over these bills until the coming week and if they want to make any changes, we make our amendments at one time for the simple reason that these bills are pretty expensive to print and reprint.

Let me say further, Mr. President, that these bills originated in the Highway Department as a result of the bills which were introduced by Members of this body or the House. After those bills were introduced, the Highway Department sent out their representatives to the various and sundry counties and made a survey of the routes to be taken off the highway system and the routes to be added. After careful consideration on the part of these representatives of the Highway Department, they decided that the roads which are now embodied in these bills are the ones they would favor taking over or deleting. However, it is a matter for this body and the House to decide.

If you insist on other roads being deleted or added, it will be up to you to prepare your amendments and we should agree that those amendments will be ready by early next week, preferably on Monday.

PERMISSION TO ADDRESS SENATE

Mr. BARR asked and obtained unanimous consent to address the Senate.

Mr. BARR. Mr. President, I talked with Senator Wade and Senator Diehm yesterday in regard to these bills. I went over to the House this morning and reported to the House that I thought there were two different sets of bills, one affecting Lancaster County and another county left out. The House told me that if we wanted to wait and amend the bills over there, they would do it. Mr. Petrosky, Chairman of the Highways Committee in the House, gave me his definite word.

Therefore, Mr. President, I think perhaps the best thing for us to do, and save the money, is for Mr. Wade, Mr. Petrosky and myself to sit down and come to an amicable agreement on how to handle these bills.

BILLS SIGNED

The President (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 215, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, entitled "Public School Code of 1949," changing the basis for reimbursement on account of rentals, payable to the State Public School Building Authority, municipality authorities and nonprofit corporations.

Senate Bill No. 484, entitled:

An Act amending the act of June 27, 1923, (P. L. 858), entitled "State Employes Retirement Law," providing for retirement of members of the General Assembly, their superannuation retirement age, annual salary or annual earnable salary and final salary; and authorizing certain members of the General Assembly to join the retirement association by making back payments.

House Bill No. 590, entitled:

An Act amending the act of July 29, 1953 (Appropriation Acts 19, No. 24-A) entitled "An act making an appropriation to the Department of Mines for the sealing and dewatering of and extinguishment of fires in abandoned coal mines," authorizing the use of the funds for flushing mine voids in certain cases.

House Bill No. 641, entitled:

An Act amending the act of May 1, 1933 (P. L. 108), entitled "The Second Class Township Law," authorizing the appointment of boards of health and health officers; prescribing their powers and duties; providing for the enforcement of the administration of health laws by such board and officers; providing for a president and secretary of such boards; imposing duties on the Secretary of Health, and providing for payments of expenses by townships.

House Bill No. 698, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code," increasing the compensation of election officers in counties of the first and second classes.

House Bill No. 1072, entitled:

An Act approving, ratifying and enacting into law the Great Lakes Basin Compact; making the Commonwealth of Pennsylvania a party thereto; creating "The Great Lakes Commission"; providing for the members thereof from the Commonwealth of Pennsylvania; providing for the carrying out of the purpose of the compact and making an appropriation.

House Bill No. 1174, entitled:

An Act amending the act of March 10, 1949 (P. L. 30), entitled "Public School Code of 1949," by providing for military leaves of absence for public school employes who are called for military service at any time.

House Bill No. 1276, entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania making special provision for the taxation of private forest reserves.

House Bill No. 1693, entitled:

An Act amending the act of April 9, 1929 (P. L. 177), entitled "Administrative Code of 1929," further regulating membership of the State Veterans' Commission.

House Bill No. 1987, entitled:

An Act amending "The Fish Law of 1925," approved May 2, 1925 (P. L. 448), authorizing in certain cases fishing in farm ponds without licenses, and regulating the transportation of fish taken from such ponds during closed seasons.

Whereupon,

The President (Lieutenant-Governor Roy E, Furman) in the presence of the Senate signed the same.

BILLS ON THIRD READING CALENDAR CALLED UP OUT OF ORDER

Mr. MAHANY. Mr. President, at this time may we revert to page 12 of today's Calendar and proceed to the consideration of Bills on Third Reading and Final Passage?

The PRESIDENT. Is there objection? The Chair hears none.

THIRD READING CALENDAR

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. WAGNER. Mr. President, I object to this bill going over in order for the simple reason that it presumes to do something that, if it is going to be done, ought to be known by the school districts of the State just as soon as possible.

I do not want to appear to be arbitrary in the matter, Mr. President, because the bill has been on the Calendar for months. I was asked to let this bill go over in order, in the interest of having it passed, until the tax measures were passed. The tax measures have been passed and this bill has gone over in order three or four times since.

Mr. President and Members of the Senate, this is an appropriation to enable the Department of Public Instruction to reimburse school districts locally for any interest they paid on borrowed money while they were waiting their subsidies from the State. If they have to expend that interest on the borrowed money from their own treasury, there budgets will be out of wack and there is no way in which they can retrieve those funds.

I only know of one valid question to be raised about this bill and that is, we may not know exactly how much money is required to pay the interest on these borrowed sums. However, that does not have to be determined today. If we make the money available to the Department of Public Instruction for the repayment of interest, certainly the department can ascertain what moneys have been borrowed and from where and at what interest rate and for how long to substitute for the State subsidies until they arrive.

Mr. President, I think Senator Dent will agree when I say that he requested me personally, asuring me that my chances of passing the bill would be much better, to wait until the tax issue was resolved. At his request I did that one, two and three weeks. Since that time, Senator Lane has suggested that the Department does not know how much money it will take and they have not ascertained how much it will cost.

The Department of Public Instruction has made no such representations to me. I learned, through an intermediary, that the Department feels as though this money would cover the interest which is required to square the accounts. With that assurance, Mr. President, I would ask the Senate to vote on this bill. Those who think it is a fair shake, and that it is reasonable and decent to make up these local budgets by replacing their interest money expended, I think should vote for it and those who do not will have to take the responsibility for withholding it from the school districts.

I do not see where there is anything to be gained tomorrow or Friday or Saturday that we do not have today. For these reasons, Mr. President, I object to the bill going over in its order.

Mr. DENT. Mr. President, it is true that I talked to Senator Wagner about this bill on numerous occasions and told him, as I tell this Senate now, that our chances of doing this, if we desire to have it done, would be after the tax bills were in and we started to measure how much money we had.

I think that even Senator Wagner will admit that many school districts in Pennsylvania borrow money against the subsidy payments even when the subsidy payments come in on time. The question that the Department of Public Instruction has raised lately is, how are we to determine whether the amount of money they ask for in interest has a direct relationship to the fact that they did not get their money, due to an overdue payment, or whether it was from one of the times when they would have borrowed money anyway.

Many school boards borrow money in anticipation and on the strength of their subsidy payments. Are we opening up a field of future State appropriations on into eternity? The next thing I said to Senator Wagner, and I still stand upon that ground, was that when the tax situation was settled, we would consider this bill.

Mr. President, we have before us on the table $52,000,000 worth of the revenues which are to be spent during this biennium. The Governor has asked that the bill be recalled because, on its passage through the Senate, someone slipped a Mickey Finn to the Members of the Senate and put an amendment into that bill which cuts the appropriation by an unfigurable amount. No one here knows how much it is and no one can honestly say they know how much they cut from the $52,000,000. Estimates run anywhere from $6,000,000 to $36,000,000. The legislation will put us into court immediately upon its enactment when the department starts to collect it. Therefore, out of the $52,000,000 we may not receive $26,000,000. Can you tell me, Senator, where not only this $750,000, which

you say is a fair way to reimburse these school districts, is coming from but also the amount of money that the State has paid out in interest because this Legislature was unable to pass any of the Democratic-sponsored tax legislation bills?

Mr. Wagner, they borrowed money and they have interest to pay. The State borrowed money and it has interest to pay. Now you want to give the money to the local school districts because that is a nice, pretty election thing to do, but what about giving the State money to pay not only the interest to the local districts, but the interest on the loans which they had to make; the very loans which the State had to make to pay the money to the districts so that they would not have to make loans?

Mr. President, you cannot say we are fair to that particular little school district back home and be unfair to the parent company, as it were, the Department of Public Instruction in the State. Unless you settle the tax problem, I believe that this legislation ought to be opposed. I am still willing to try to work it out when we finally know how much money we are going to get.

You have on your table today $52,000,000 worth of taxes which you passed last week that this Senate is refusing to recall from the Governor to amend. If you think it is fair to shortchange the budget $52,000,000 more and still give this money to the local school districts, then all I can say to you is that you are holding out to the local districts an empty promise, because the Governor cannot do anything but item veto this particular bill if it ever gets to him. The Governor must, of necessity, meet only those appropriations that are preferred under the law.

Therefore, Mr. President, I say to you that if you are genuinely interested, and I believe you are, in the local school districts getting some of this interest money back, then there are two things which must be done. First, let us see what we are going to do with this $52,000,000 and let us see what amendments we can work into the sales tax in order to clarify it and see how much money it will bring in, and then get the Department of Public Instruction to come here with a formula which will give us some sort of a rod to measure with on whether we are paying interest on loans that are normally made by school districts or whether we are only going to pay on loans that were made under distress.

Under this bill, Mr. President, no person can tell when the school district borrowed as a normal procedure because their subsidy came in after they needed the money, under normal subsidy payments, and when it was because of the distress due to the fact that we had no money in the till in the State.

I think, Senator Wagner, that we would be on much sounder ground if we wait until we develop the tax program and determine what it amounts to. As it stands now, I can assure you, Senator Wagner, the Governor cannot sign this bill.

Mr. WAGNER. Mr. President, I realize that there is certainly some virtue in what the Minority Leader has just expounded. I am aware, too, that, as usual, he is very persuasive when he is completely correct and when he falls somewhat short of that.

I know there are school districts that chronically borrow money in anticipation of their State appropriations. Their budgets usually reveal the fact that they have not provided sufficient funds to last until their appropriations are due. I realize the Department would have to prescribe a form by which they would have to prove that the money was borrowed because the appropriation was not received. I believe that could be devised.

This $52,000,000 that we are going to be short or are not going to be short, I am not completely familiar with it at the moment—I assume that the figure will be reconciled in some satsifactory form. However, yesterday, we had quite a harangue here about what I thought was an unbudgeted sum of $800,000. Senator Dent said that we did not need to be disturbed about the extra money because the Governor had anticipated it and had it in his budget. I did not know that. I am not an accountant and I am not the best man on this floor with figures. However, I did not know that there was upwards of three-quarters of a million dollars in the Governor's school budget for something that was not a customary expenditure. We had no reason to believe it was going to be an established expenditure. When you are talking about anything under $1,000,000, it is a case of now you see it, now you do not. If you are not for it, you cannot find it and if you find it, it is always anticipated and there.

Mr. President, I do not want to be petty about this; I do not want to be quarrelsome, but I do not want to see this bill go over in order week after week and week after week. The House could always withhold its final concurrence or agreement until the wherewithal, financially, was established. However, I am willing to let the bill go over in order today. I will ask the Department of Public Instruction for a suggestion as to their procedure for this reimbursement and then I will bring it up again next week, knowing better but hoping optimistically that we will have unanimity in the disposition of the appropriation.

Mr. LANE. Mr. President, I desire to interrogate the Chairman of the Committee on Education, Senator Wagner.

The PRESIDENT. Will the gentleman from Schuylkill, Mr. Wagner, permit himself to be interrogated?

Mr. WAGNER. I will, Mr. President.

Mr. LANE. Senator Wagner, I am glad that you withdrew your objection to this bill going over in order today.

Do you have any figures to substantiate the $750,000?

Mr. WAGNER. I do not, Mr. President. You will recall that this bill was introduced, I believe, a year ago. The Members of the Minority Party, when I made an explanation of the purpose of the bill, anticipating what might happen because of this deadlock which was evident at that time—that it was a figure which seemed to be reasonable and probably sufficient—said that we would not likely have any need for this. They said the State would find ways to pay the subsidies when due. However, they seemed to smile upon it in case such an eventuality should develop.

Mr. President, the only word that I have on that is that the School Business Division of the Department of Public Instruction has indicated that they thought this appropriation would be sufficient to cover those needs. However, there are no figures to show how they break it down or how they justify it.

Mr. LANE. Senator Wagner, is there a possibility that you could secure some of those figures from the Department of Public Instruction and make them available to us next Monday?

I want to also add that I feel you should appreciate the position we are in here. Here is a request for $750,000. It seems to be hypothetical figure. We are not sure as to where we are going. I would like to have something before me to justify my vote on this piece of legislation. If the interest is due and owing on appropriations which were deferred in 1953, we appreciate the fact that it is an obligation of the Commonwealth. At the same time, this practice of writing blank checks, actually, I am not for. I would infer that this seems to be a blank check because it appears to be a hypothetical figure. If Senator Wagner could supply us with that information, in all probability there would be a change in our position over here, just as long as we know where we are going, how much money we are going to spend and what we are going to spend it for. I hope Senator Wagner can secure that information, or a part of it, and then we will know just where we are going and what we can do.

Mr. WAGNER. Mr. President, I do not think I have to remind the gentleman that I have at no time implied that he is not interested in this the same as I am. I have no doubt that he would be as pleased as I to make this reimbursement. We will try to get some figures that are, if not final, at least indicative of what we need. That request will be made of the Department of Public Instruction today, with the hope that they may be available on Monday.

Mr. LANE. Thank you, just one more question, Senator Wagner.

I believe you will recall that several weeks ago I supplied you with a carbon copy of a letter which was sent to us by the Department of Public Instruction, objecting to this measure. Is that not correct?

Mr. WAGNER. I have in my hand, Mr. President, the copy of the letter, which I shall return to the gentleman as soon as I leave the microphone.

Mr. LANE. I wish to thank the gentleman. I just wanted to make it clear to the Membership of the Senate that we had this information. We supplied it to the Chairman and, therefore, we are not fully to blame over here for holding this up. We should have had this information and Senator Wagner, being the Chairman of the Committee on Education, would be the person, naturally, to whom we would look in regard to receiving these figures.

Mr. WAGNER. I, personally, would have appreciated it very much had I been supplied with these figures. Frequently, the Department of Public Instruction, when they screen school bills as they historically do, will comment and give you reactions. This was my bill, as far as sponsorship was concerned. I am Chairman of the Education Committee, and the first word or comment I received on it from the Department of Public Instruction was from Senator Lane, by way of the Honorable Henry B. Leader, Legislative Secretary in the Governor's Office. However, the whole thing added up to what we both have agreed upon up to this point.

Mr. LANE. I wish to thank the gentleman.

The PRESIDENT. Has the gentleman from Schuylkill, Mr. Wagner, withdrawn his objection to the bill going over in its order?

Mr. WAGNER. I have, Mr. President.

The PRESIDENT. Objection having been withdrawn, Senate Bill No. 223 will go over in its order.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 521, as follows:

An Act amending the act of August 24, 1951 (P. L. 1304) entitled "An act to improve local health administration throughout the Commonwealth by authorizing the creation establishment and administration of single-county or joint-county departments of health in all counties except counties of the first class exempting certain municipalities from the jurisdiction of single-county or joint-county departments of health permitting the dissolution of departments or boards of health in certain municipalities authorizing State grants to counties which establish departments of health and to certain municipalities if they meet prescribed requirements conferring powers and duties upon the State Department of Health in connection with the creation establishment and administration of single-county or joint-county departments of health and administration of the health laws in parts of certain municipalities not subject to the jurisdiction of single-county or joint-county departments of health and the administration of State grants and repealing an act which confers health powers upon counties of the first class" regulating pension and retirement rights of employes of single-county and joint-county department of health except in counties of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of August 24 1951 (P. L. 1304) known as the "Local Health Administration Law" is amended by adding after section 26 a new section to read

Section 26.1 Retirement of Employes (a) Each employe of any single-county department of health except in counties of the second class and each employe of any joint-county department of health may join the State employes' retirement association in the manner authorized by the act of June 17, 1923 (P. L. 858)

(b) Each employe of any single-county department of health may join the retirement system of the county by which such department was created except in counties of the second class wherein such employe shall be a member of the County Employes' Retirement System in the manner authorized by the act of July 28, 1953 (P. L. 723) known as the "Second Class County Code" and its amendments

(c) Each employe of any joint-county department of health may join the retirement system of any county participating in the creation of the joint-county department of health The participating counties shall pay to the retirement fund of the system joined by the employe the amount the county would be required to pay if the employe were a county employe

(d) Any employe of a municipality who is a member of the retirement system established by the municipality who shall be employed by a county department of health except in counties of the seecond class may retain his membership in the retirement system of the municipality by which he was previously employed

(e) The single-county department of health or joint-county department of health shall deduct from the employe's salary the amount of such employe's contribution to the pension or retirement fund of the pension or retirement system joined by the employe and pay the amount thereof to the pension or retirement fund in counties of the second class the employe's contribution as paid into the retirement fund shall be made in the manner authorized by the act of July 28 1953 (P L 723) known as the "Second Class County Code" and its amendments

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 794, as follows:

An Act amending the act of January 21, 1947 (P. L. 3) entitled "An act relating to officers and employes of the General Assembly fixing the number qualifications compensation mileage and duties of the officers and employes of the Senate and of the House of Representatives providing for their election or appointment term of office or of service removal and manner of filling vacancies and making appropriations to the Senate House of Representatives and Legislature Reference Bureau" changing the title of and compensation of certain Senate and House employes providing for the appointment of additional employes therein and making appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 of the act of January 21, 1947 (P. L. 3) entitled "An act relating to officers and employes of the General Assembly fixing the number qualifications compensation mileage and duties of the officers and employes of the Senate and of the House of Representatives providing for their election or appointment term of office or of service removal and manner of filling vacancies and making appropriations to the Senate House of Representatives and Legislative Reference Bureau" amended April 7, 1955 (P. L. 31) is amended to read

Section 2 The following officers and employes of the Senate shall be appointed by the President of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) Two clerks to the president at an annual salary of [three thousand three hundred dollars ($3300)] three thousand six hundred dollars ($3600) each

(2) One secretary to the president at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(3) One administrative assistant to the president at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

(4) One president page at a per diem compensation of ten dollars ($10)

Section 2 Sections 3 4 5 6 7 and 8 of the Act amended August 21, 1953 (P. L. 1262) and amended in part April 7, 1955 (P. L. 31) are amended to read

Section 3 The following officers and employes of the Senate shall be appointed by the president pro tempore of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One secretary to the president pro tempore at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(1.1) Two clerks to the President pro tempore at an annual salary of [three thousand three hundred dollars ($3300)] three thousand six hundred dollars ($3600) each

(1.2) One administrative assistant to the president pro tempore at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

(2) One messenger to the president pro tempore at a per diem compensation of ten dollars ($10)

(3) One chaplain at a per diem compensation of eight dollars ($8)

(4) One journal clerk at a compensation of two thousand two hundred dollars ($2200) for each regular session plus [eleven dollars ($11)] twelve dollars ($12) for each day following the fifteenth day of June of any regular session which extends beyond the fifteenth day of June and [eleven dollars ($11)] twelve dollars ($12) per diem for each special or extraordinary session

(5) One assistant journal clerk at a compensation of one thousand nine hundred eighty dollars ($1980) for each regular session plus eleven dollars ($11) for each day following the fifteenth day of June of any regular session which extends beyond the fifteenth day of June and eleven dollars ($11) per diem for each special or extraordinary session

(6) One reading clerk at a compensation of two thousand four hundred seventy-five dollars ($2475) for each regular session plus eleven dollars ($11) for each day following the fifteenth day of June of any regular session which extends beyond the fifteenth day of June and thirteen dollars and fifty cents ($13.50) per diem for each special or extraordinary session

(7) One message clerk at a per diem compensation of [eleven dollars ($11)] fifteen dollars ($15)

(8) One postmaster at a per diem compensation of nine dollars ($9)

(9) One assistant postmaster at a per diem compensation of eight dollars ($8)

(10) On chief sergeant at arms at an annual salary of [four thousand two hundred dollars ($4200)] five thousand dollars ($5000)

(11) Eight sergeant at arms at a per diem compensation of eight dollars ($8) each

(12) One chief mailing clerk at an annual salary of three thousand nine hundred sixty dollars ($3960)

(13) Two assistant mailing clerks at a per diem compensation of eight dollars ($8) each

(14) Forty-six stenographers each of whom shall have successfully completed the prescribed course of a four year public high school or its equivalent and as a part thereof or in addition thereto shall have successfully completed a course of not less than eight months in shorthand and typewriting at [a per diem compensation of eight dollars ($8)] an annual salary of three thousand dollars ($3000) each

(15) One chief official reporter who shall be a competent court reporter at [a per diem compensation of twenty-four dollars ($24)] an annual salary of seven thousand dollars ($7000)

(16) One official reporter who shall be a competent court reporter at a per diem compensation of twenty-one dollars ($21) and one official reporter at a per diem compensation of fifteen dollars ($15)

(17) One expert typist at an annual salary of four thousand one hundred dollars ($4100) and [three] two expert typists at a per diem compensation of fifteen dollars ($15) each

(18) Two copy holders at a per diem compensation of eight dollars ($8) each

(19) Two proofreaders at a per diem compensation of eight dollars ($8) each

(20) Three transcribing clerks at a per diem compensation of eight dollars ($8) each

(21) One chief compiling clerk at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

(22) One executive clerk at a compensation of one

thousand nine hundred eighty dollars ($1980) for each regular session plus eleven dollars ($11) for each day following the fifteenth day of June of any regular session which extends beyond the fifteenth day of June and eleven dollars ($11) per diem for each special or extraordinary session

(23) One chief messenger at a per diem compensation of eight dollars ($8)

(24) Eight messengers at a per diem compensation of seven dollars ($7) each

(25) One day watchman at an annual salary of [two thousand six hundred fifty dollars ($2650)] two thousand eight hundred dollars ($2800)

(26) One night watchman at an annual salary of [two thousand six hundred fifty dollars ($2650)] two thousand eight hundred dollars ($2800)

(27) One chief custodian of the Senate chamber at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(28) One chief assistant custodian at an annual salary of three thousand two hundred dollars ($3,200)

[(28)] (29) [One custodian] of the Senate chamber at an annual salary of [two thousand six hundred fifty dollars ($2650)] two thousand nine hundred dollars ($2900) each

[(29) One first assistant custodian of the Senate chamber at an annual salary of two thousand six hundred fifty dollars ($2650)]

[(29) One second assistant custodian of the Senate chamber at an annual salary of two thousand three hundred and ten dollars ($2310)]

[(30) One janitor at an annual salary of two thousand one hundred eighty dollars ($2180)]

[(31)] (30) One custodian of the Senate basement at an annual salary of two thousand three hundred ten dollars ($2310)

[(32)] (31) One superintendent of the storeroom at an annual salary of four thousand five hundred dollars ($4500)

(3) One messenger to the secretary of the Senate at an annual salary of [two thousand three hundred ten dollars ($2310)] two thousand six hundred fifty dollars ($2650)

Section 5 The following employes of the Senate shall be appointed by the chief clerk of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One assistant chief clerk at an annual salary of [five thousand five hundred dollars ($5500)] five thousand nine hundred dollars ($5900)

(2) One stenographer at an annual salary of [three thousand eighty dollars ($3080)] four thousand one hundred dollars ($4100)

Section 6 The following employes of the Senate shall be appointed by the Senate Librarian to serve at his pleasure and receive the compensation and perform the duties herein specified

(3) One messenger to the secretary of the Senate at an annual salary of [two thousand three hundred ten dollars ($2310)] two thousand six hundred fifty dollars ($2650)

Section 5 The following employes of the Senate shall be appointed by the Chief Clerk of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One assistant chief clerk at an annual salary of [five thousand five hundred dollars ($5500)] five thousand nine hundred dollars ($5900)

(2) One stenographer at an annual salary of [three thousand eighty dollars ($3080)] fourt thousand one hundred dollars ($4100)

Section 6 The following employes of the Senate shall be appointed by the Senate Librarian to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One library clerk at an annual salary of [three thousand nine hundred sixty dollars ($3960)] four thousand five hundred dollars

(2) One secretary to the Senate Librarian at an annual salary of [three thousand three hundred dollars ($3300)] three thousand eight hundred dollars ($3800)

(3) One messenger to the Senate Librarian at an annual salary of [two thousand three hundred ten dollars ($2310)] two thousand six hundred fifty dollars ($2650)

Section 7 The following employes of the Senate shall be appointed by the majority leader of the Senate who for the purpose of this act shall be deemed an officer of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One secretary to the majority leader at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(2) One administrative assistant to the majority leader at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

(3) One legislative clerk to the majority leader at [a per diem compensation of fifteen dollars ($15)] an annual salary of three thousand dollars ($3000)

Section 8 The following employes of the Senate shall be appointed by the minority leader of the Senate who for the purpose of this act shall be deemed an officer of the Senate to serve at his pleasure and receive the compensaiion and perform the duties herein specified

(1) One secretary to the minority leader at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(2) One administrative assistant to the minority leader at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

(3) One legislative clerk to the minority leader at [a per diem compensation of fifteen dollars ($15)] an annual salary of three thousand dollars ($3000)

Section 3 Clauses (4) (7) (8) (11) and (13) of section 21 of the act clause (4) amended September 28, 1951 (P. L. 1565) and clauses (7) (8) (11) and (13) amended February 11, 1949 (P. L. 4) are amended to read

Section 21 The House of Representatives shall immediately upon the final enactment of this act and in each odd-numbered year thereafter at the beginning of each regular biennial session of the General Assembly elect in addition to the Speaker as provided for by the Constitution the following officers and employes who shall serve for two years or until their successors are elected and have qualified unless sooner removed by a majority vote of all the Members of the House of Representatives during any regular biennial special or extraordinary session of the General Assembly and who shall receive the compensation and perform the duties herein specified

* * *

(4) One Journal clerk at a compensation of two thousand two hundred dollars ($2200) for each regular session plus [eleven dollars ($11)] twelve dollars ($12) for each day following the fifteenth day of June of any regular session which extends beyond the fifteenth day of June and [eleven dollars ($11)] twelve dollars ($12) per diem for each special or extraordinary session

* * *

(7) One message clerk at a per diem compensation of [twelve dollars ($12)] fifteen dollars ($15)

* * *

(8) Three postmasters [at] two of whom shall receive a per diem compensation of eight dollars ($8) each and one of whom who shall be named by the chief clerk as chief postmaster and shall receive [an additional per diem compensation of one dollar ($1)] an annual salary of three thousand six hundred dollars ($3600)

* * *

(1) One bill numbering clerk at a per diem compensation of [eight dollars ($8)] ten dollars ($10)

* * *

(13) [Twenty-three] thirty-three stenographers each of whom shall have successfully completed the prescribed course of a four year public high school or its equivalent and as a part thereof or in addition thereto shall have successfully completed a course of not less than eight months in shorthand and typewriting at a per diem compensation [eight dollars ($8)] ten dollars ($10) each and

five stenographers each of whom shall have successfully completed the prescribed course of a four year public high school or its equivalent and as a part thereof or in addition thereto shall have successfully completed a course of not less than eight months in shorthand and typewriting at an annual salary of three thousand six hundred dollars ($3600) each

* * *

Section 4 Clauses 2 3 and 4 of section 22 section 23 and 24 clause (1) and (2) of section 25 and clauses (1) and (2) of section 26 of the act amended August 21, 1953 (P. L. 1262) and amended in part April 7, 1955 (P. L. 31) are amended to read

Section 22 The following officers and employes of the House of Representatives shall be appointed by the Speaker to serve at his pleasure and receive the compensation and perform the duties herein specified

* * *

(2) One administrative assistant at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

(3) One secretary at an annual salary of four thousand [one hundred dollars ($4100)] five hundred dollars ($4500)

(4) One [Speaker's Clerk] Assistant secretary at an annual salary of [three thousand three hundred dollars ($3300)] four thousand one hundred dollars ($4100)

* * *

Section 23 The following employes of the House of Representatives shall be appointed by the Chief Clerk to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One assistant to the Chief Clerk at an annual salary of five thousand [five hundred dollars $5500)] nine hundred dollars ($5900)

(2) One secretary to the Chief Clerk at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(3) One [stenographer] assistant secretary to the Cheif Clerk at an annual salary of [three thousand five hundred dollars ($3500)] four thousand one hundred dollars ($4100)

(4) One messenger to the Chief Clerk at an annual salary of [two thousand three hundred ten dollars ($2310)] two thousand six hundred fifty dollars ($2650)

(5) One amendment clerk at an annual salary of [four thousand one hundred dollars ($4100)] four thousand four hundred dollars ($4400)

(6) One assistant amendment clerk at a per diem compensation of [eleven dollars ($11)] twelve dollars ($12)

(7) One superintendent of the storeroom at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(8) One supply clerk at an annual salary of [two thousand three hundred ten dollars ($2310)] three thousand dollars ($3000)

(9) One chief official reporter who shall be a competent court reporter at a per diem compensation of twenty-four dollars ($24)

(9.1) One assistant to the chief official reporter who shall be a competent stenographer and an expert typist at a per diem compensation of eighteen dollars ($18)

(10) Four official reporters each of whom shall be a competent court reporter at a per diem compensation of twenty-one dollars ($21) each

(10.1) [Five] Eight expert typists at a per diem compensation of fifteen dollars ($15) each

(11) One compiling clerk at an annual salary of [four thousand seven hundred fifty dollars ($4750)] five thousand dollars ($5000)

(12) One finance clerk at an annual salary of [four thousand five hundred dollars ($4500)] five thousand dollars ($5000)

(13) One address system operator at a per diem compensation of ten dollars ($10)

(13.1) One supervising stenographer at a per diem compensation of [ten dollars ($10)] fifteen dollars ($15) for each regular biennial special or extraordinary session and three hundred fifty dollars ($350) per month during the interim between legislative sessions

(14) Ten stenographers each of whom shall have successfully completed the prescribed course of a four year public high school or its equivalent and as a part therof or in addition thereto shall have successfully completed a course of not less than eight months in shorthand and typewriting at a per diem compensation of [eight dollars ($8)] ten dollars ($10) each

(15) One history clerk at a per diem compensation of fifteen dollars ($15)

(16) One history index clerk at a per diem compensation of [eight dollars ($8)] ten dollars ($10)

(17) One day watchman at annual salary of [two thousand six hundred fifty dollars ($2650)] two thousand eight hundred dollars ($2800)

(18) One night watchman at an annual salary of [two thousand six hundred fifty dollars ($2650] two thousand eight hundred dollars ($2800)

(19) One chief custodian of the hall of the House at an annual salary of [two thousand six hundred fifty dollars ($2650)] three thousand one hundred fifty dollars ($3150)

(20) Four custodians at an annual salary of [two thousand four hundred twenty dollars ($2420)] two thousand nine hundred dollars ($2900) each

(21) Two copy holders at a per diem compensation of eight dollars ($8) each

(22) Two proof readers at a per diem compensation of eight dollars ($8) each

(23) One library clerk at an annual salary of [three thousand five hundred twenty dollars ($3520)] four thousand two hundred dollars ($4200)

(24) Two caucus clerks at a per diem compensation of fifteen dollars ($15) each

Section 24 The following employes of the House of Representatives shall be appointed by the Secretary of the House of Representatives to serve at his pleasure and receive the compensation and perform the duties herein specified

* * *

(1) One secretary at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(2) One stenographer at a per diem compensation of [eight dollars ($8)] ten dollars ($10)

* * *

(3) One clerk at an annual salary of [three thousand three hundred dollars ($3300)] three thousand five hundred and fifty dollars ($3350)

Section 25 The following employes of the House of Representatives shall be appointed by the Majority Leader who for the purposes of this act shall be deemed an officer of the House of Representatives to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One secretary at an annual salary of [four thousand one hundred dollars ($4100) four thousand five hundred dollars ($4500)

(2) One administrative assistant at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

* * *

Section 26 The following employes of the House of Representatives shall be appointed by the Minority Leader who for the purposes of this act shall be deemed an officer of the House of Representatives to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One secretary at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(2) One administrative assistant at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

* * *

Section 5 The following sums or as much thereof as may be necessary are hereby appropriated from the General Fund to the House of Representatives of the General Assembly Said sums shall be in addition to any sums

heretofore appropriated to the House of Representatives for any of said purposes

To the House of Representatives

For the payment of contingent expenses of the chief clerk of the House of Representatives for the legislative session of one thousand nine hundred fifty-five the sum of seven thousand five hundred dollars ($7500)

Section 6 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Madigan,	Peelor,	Wade,
Dent,	Kopriver, Jr.,	Propert,	Wagner,
Diehm,	Lane,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER TEMPORARILY

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 910, Printer's No. 549, on third reading, go over in its order, temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

APPROPRIATION BILLS ON THIRD READING CALENDAR CALLED UP OUT OF ORDER

Mr. MAHANY. Mr. President, I would request that we now revert to page 1 of today's Calendar, and proceed to the consideration of Appropriation Bills on Third Reading and Final Passage.

The PRESIDENT. Is there objection? The Chair hears none.

APPROPRIATION BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 31, as follows:

An Act creating a commission to arrange plans for the celebration of the One-hundredth Anniversary of the Battle of Gettysburg and Lincoln's Gettysburg Address and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor is authorized to appoint nine citizens who shall constitute a commission to be known as the One-hundredth Anniversary of the Battle of Gettysburg and Lincoln's Gettysburg Address Commission The commission shall consider and arrange plans for a proper and fitting recognition and observance at Gettysburg during the year one thousand nine hundred and sixty-three of the One-hundredth Anniversary of the Battle of Gettysburg and Lincoln's Gettysburg Address The commission shall invite the cooperation of the Congress of the United States and the legislatures of other states and commonwealths The members of the commission shall serve without compensation They shall be paid their actual and necessary expenses The commission shall make a report of its actions with recommendations to the next regular session of the General Assembly

Section 2 The sum of five thousand dollars ($5,000) or as much thereof as is necessary is appropriated to pay the expenses of the commission and its members in carrying into effect the provisions of this act Payment from the appropriation shall be made on requisition of the chairman of the commission in the manner provided by law

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representaitves for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 54, as follows:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvements at the Bloomsburg State Teachers College and for the Commonwealth's share of expenses incurred by the town of Bloomsburg in connection therewith

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifteen thousand dollars ($15,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for payment of the cost of necessary construction and improvements to the sanitary and surface drainage sewage disposal system at the Bloomsburg State Teachers College and for the Commonwealth's share of expenses incurred by the town of Bloomsburg in connection therewith

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 200, as follows:

An Act making an appropriation to the Department of Property and Supplies for the purchase of fire fighting equipment for the Scotland School for Veterans' Children

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifteen thousand dollars ($15,000) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the purchase of fire fighting apparatus and equipment to be used at the Scotland School for Veterans' Children at Scotland

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 320, as follows:

An Act making an appropriation to the Department of Commerce for the advertisement and advancement of Pennsylvania as a resort and travel area

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three hundred thousand dollars ($300,000) or as much thereof as may be necessary is appropriated to the Department of Commerce for the purpose of advertising and advancing this Commonwealth as a great resort and travel area including the payment of general expenses and maintenance salaries wages or other compensation of the department in connection with this work

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 343, as follows:

An Act making an appropriation to the Department of Agriculture for the maintenance and operation of the Regional Poultry Diagnostic Laboratory at the National Agricultural College Farm School Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty-four thousand two hundred sixty-five dollars ($54,265) or as much thereof as may be necessary is appropriated to the Department of Agriculture for maintenance and operation of the Regional Poultry Diagnostic Laboratory at the National Agricultural College Farm School Pennsylvania.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,

Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 425, as follows:

An Act making an appropriation to the Department of Property and Supplies for sanitary and surface drainage sewer disposal at the California State Teachers College

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty-five thousand dollars ($55,000) or as much thereof as is necessary is appropriated to the Department of Property and Supplies for payment of the cost of necessary construction and improvements to the sanitary and surface drainage sewage disposal system on the campus at the California State Teachers College.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 597, as follows:

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred seven thousand dollars ($107,000) or as much thereof as is necessary is appropriated to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania for the two fiscal years beginning June 1 1955 for the purpose of maintenance of said institute.

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

APPROPRIATION BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 656, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania to provide for a deficiency in the maintenance of wards of the Commonwealth at said institution.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. YOSKO. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Watkins.

The PRESIDENT. Will the gentleman from Delaware, Mr. Watkins, permit himself to be interrogated?

Mr. WATKINS. I will, Mr. President.

Mr. YOSKO. Senator Watkins, this deficiency appropriation to the Elwyn Training School seems to be a duplication. Back on December 12, 1955, a similar deficiency bill for the Elwyn Training School passed this Senate after considerable debate. I would like to know the reason for this second bill, calling for a deficiency appropriation to the same school.

Mr. WATKINS. Mr. President, I think perhaps Senator Yosko is a little confused on this matter. The bill that went through before was a deficiency for a previous biennium.

Mr. YOSKO. Which biennium? It was for the 1951-1955 biennium.

Mr. WATKINS. Yes, it was for the 1953-1955 biennium, but it was a deficit. In other words, it was money due Elwyn from that 1953-1955 budget. We are, therefore, setting that up in here. If there was a deficit in 1953-1955, we would need the money for 1955-1957 as well.

Mr. YOSKO. Yes, but the 1955-1957 biennium is not over. How could you ask for a deficiency appropriation for 1955-1957? You did not, as yet, get the appropriation

for the Elwyn Training School for 1955-1957. That is the next bill.

Mr. WATKINS. We are fast down there; we try to get in on the ground floor.

Mr. YOSKO. I beg your pardon?

Mr. WATKINS. I said that we are pretty fast down there and we try to get in on the ground floor. We like to be ahead.

Mr. YOSKO. I cannot hear you.

Mr. WATKINS. Mr. President, may we be at ease for a minute? Perhaps we should have a little conference.

Mr. YOSKO. Mr. President, I ask that this bill go over until we can talk about it.

Mr. WATKINS. Mr. President, I object to that. I asked for us to be at ease for just a few minutes in order to talk to Senator Yosko. We can fight that out later.

The PRESIDENT. The gentleman from Delaware, Mr. Watkins, would like to hold a private conference.

Mr. YOSKO. Mr. President, I will be glad to talk to him. However, why must we hold up the rest of the Calendar while we are talking?

Mr. WATKINS. It was my idea that we be at ease. If you do not want to be at ease, I insist that we vote on the bill and let us go on with it. I just asked that we be at ease until we could discuss this measure. If you do not want to do it, say so.

Mr. YOSKO. Yes, I will be glad to.

The PRESIDENT. The Senate will be at ease

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the bill on third reading?

APPROPRIATION BILL OVER IN ORDER

Mr. YOSKO. Mr. President, Senator Watkins and I have agreed that this bill go over until Monday and I, therefore, ask unanimous consent that Senate Bill No. 656, Printer's No. 566, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

APPROPRIATION BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 659, as follows:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million seven hundred twenty-two thousand dollars ($1,722,000) or as much thereof as may be necessary is specifically appropriated to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania for the maintenance of seven hundred wards of the Commonwealth at one thousand two hundred thirty dollars ($1,230) per capita per annum for the two fiscal years beginning June 1, 1955 This appropriation shall be available to pay the actual expense of maintenance of the wards at the institution computed in accordance with generally recognized accounting standards approved by the Auditor General but not in excess of the maximum amount per capita per annum Absences or vactions of three weeks or less in any fiscal year shall not be deducted but any absences or vacation in excess of three weeks in any fiscal year shall be deducted

Section 2 The appropriation made by this act is made on the condition that every mental defective admitted to the Elwyn Training School after the effective date of this act as a ward of the Commonwealth (1) shall be selected by the Department of Welfare from a list submitted from time to time to the department by the board of directors of the institution and (2) shall have been previously investigated by the Department of Revenue for the purpose of determining the extent if any mental defective or those legally liable for his support may be financially able to pay the cost of the maintenance of the person in the school

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 791, as follows:

An Act making an appropriation to the Department of Agriculture for developing and operating a livestock show

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to encourage and develop the livestock and allied industries as well as promote grassland farming as a part of conservation program for the preservation of soil resources the sum of fifty thousand dollars ($50,000) or as much thereof as is necessary is appropriated to the Department of Agriculture to be used for the development and operation of an open livestock show including cattle swine sheep and horses

Section 2 The department may make allocations of the money appropriated as it deems appropriate to an incorporated association whose purpose are in accord with the intent of section 1 of this act The funds allocated shall be used for the development and operation of an open livestock show in Pennsylvania The funds allocated by the department shall only be used for the specific items approved by the department in advance of the expenditure

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 873, as follows:

An Act making an appropriation to the Brandywine Battlefield Park Commission for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of forty thousand dollars ($40,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Brandywine Battlefield Park Commission for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Brandywine Battlefield Park Commission and to maintain the lands or structures acquired under the provisions of the act approved the fifth day of July one thousand nine hundred forty-seven (P. L. 1293) for the two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

And said bill having een read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 887, as follows:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvements at the Shippensburg State Teachers College and for the Commonwealth's share of expenses incurred by the Borough of Shippensburg in connection therewith

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of forty thousand dollars ($40,000) or as much thereof as is necessary is appropriated to the Department of Property and Supplies for payment of the cost of necessary construction and improvements to the sanitary and surface drainage sewage disposal system at the Shippensburg State Teachers College and for the Commonwealth's share of expenses incurred by the Borough of Shippensburg in connection therewith

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 905, as follows:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania to provide improved facilities for female juveniles committed by the courts of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ninety-five thousand dollars ($95,000) or as much thereof as may be necessary is hereby appropriated to the Sleighton Farm School for Girls in the County of Delaware Commonwealth of Pennsylvania for the purpose of providing needed facilities for female juveniles committed to the school by the courts of the Commonwealth

Section 2 The moneys appropriated by this act are to be used for the following purposes

(1) Fifty-five thousand dollars ($55,000) for the remodeling of the Lucretia Mott Cottage to provide for an adequate infirmary and facilities for particularly disturbed girls

(2) Forty thousand dollars ($40,000) to install heating facilities in each of the sleeping rooms in the residence cottages occupied by the girls

Section 3 The appropriation hereby made shall be a lien on the buildings in accordance with the provisions

of the act of June 9 1911 (P. L. 736) entitled "An act making appropriations to institutions not wholly managed by the Commonwealth of Pennsylvania liens on the premises of such institutions for the use of the Commonwealth and providing for the collection thereof" and its amendments and shall be collectible as therein provided

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 963, as follows:

An Act making an appropriation to the Senate committee appointed to cooperate with certain State departments and commissions with regard to certain matters concerning stream pollution in the Lehigh Canal

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four hundred dollars ($400) or as much thereof as may be necessary is hereby specifically appropriated to the Senate committee appointed by the President Pro Tempore of the Senate pursuant to Senate Resolution Serial No 52 adopted by the Senate July 19, 1955 for the purpose of cooperating with the Department of Justice the Department of Forests and Waters the Department of Health the Fish Commission and the Game Commission with regard to certain matters concerning stream pollution in the Lehigh Canal The money shall be used for the payment of expenses of the committee and the members thereof in the performance of the functions and duties for which the committee was created

Section 2 The sum appropriated shall be paid on warrant of the Auditor General in favor of the chairman of the committee on the presentation of his requisition for the same The chairman of the committee shall not later than thirty days after the termination of his term of office or until his successor is elected and within thirty days after the adjournment of any regular or special session file an account with the Auditor General of the committee's expenses since the filing of the prior account

Section 3 This act shall take effect immediately The appropriation made hereby shall be available only for expenditures made and obligations incurred during the continuance of the 1955 session of the General Assembly

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McPherson, Jr.,	Stevenson,
Berger,	Harney,	McMenamin,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 968, as follows:

An Act making an appropriation to the Department of Welfare for use in the treatment of mentally retarded children and for the repair of buildings used in the treatment of mentally retarded children

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as may be necessary are hereby appropriated from the General Fund to the Department of Welfare for the purposes hereinafter set forth for the two fiscal years commencing the first day of June one thousand nine hundred fifty-five

For the care maintenance and treatment of mentally retarded children the sum of four million three hundred thousand dollars ($4,300,000.00)

For the alterations repairs and maintenance of buildings which may hereafter be acquired for the custody care treatment and training of mentally retarded children the sum of seven hundred thousand dollars ($700,000.00)

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McPherson, Jr.	Stevenson,
Berger,	Harney,	McMenamin,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1035, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire land in the City of Nanticoke Luzerne County for the use of Nanticoke State Hospital and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is authorized to accept as a gift in the name of the Commonwealth of Pennsylvania for use of the Nanticoke State Hospital a tract of land in the City of Nanticoke and County of Luzerne and Commonwealth of Pennsylvania bounded and described as follows

Beginning at a point at the southeasterly intersection of Grant and Leemine Streets thence along the easterly line of Grant Street south 17 degrees 17 minutes east 434.15 feet to the northeasterly intersection of Grant and Grove Streets thence across Grant Street south 71 degrees 12 minutes west 55.02 feet to a point at the southeasterly corner of land of the Nanticoke State Hospital thence along land of the Nanticoke State Hospital and the westerly line of Grant Street north 17 degress 17 minutes west 424.80 feet to the northeasterly corner of land of the Nanticoke State Hospital and the southwesterly intersection of Grant and Leemine Streets thence across Grant Street north 61 degrees 38 minutes east 56.04 feet to the place of beginning

Containing 23,613 square feet of land more or less

Being that portion of Grant Street between the southerly line of Leemine Street and the northerly line of Grove Street as laid out and plotted by the M A Hanna Company and recorded in Luzerne County Map Book page 46 which was vacated by ordinance of the City Council of the City of Nanticoke May 4 1953 and reverted to the M A Hanna Company

Section 2 The land shall not be accepted until its title has been approved by the Department of Justice.

Section 3 The sum of one hundred dollars ($100.00) or as much thereof as may be necessary is appropriated to the Department of Property and Supplies for the payment of incidental expenses including the completion of an abstract of title

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Pechan,	Taylor,
Camiel,	Kessler,	Mullin,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1036, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire .326 of an acre more or less of land in Newport Township Luzerne County for the use of Retreat State Hospital and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is authorized to purchase in the name of the Commonwealth of Pennsylvania for use of Retreat State Hospital a tract of land in the Township of Newport and County of Luzerne and Commonwealth of Pennsylvania bounded and described as follows

Beginning at a point 32 feet from the center line of a private road which point is 13.15 feet distant from the center line of the Eastward Main Tract of the Wilkes-Barre Branch Susquehanna Division thence north 44 degrees 55 minutes east 150.0 feet to a point thence south 45 degrees 05 minutes east 94.85 feet to a point thence south 44 degrees 55 minutes west 150.0 feet to a point thence north 45 degrees 05 minutes west 94.85 feet to the point of beginning

Containing .326 of an acre more or less of land

And being the same land conveyed to the Pennsylvania Railroad Company by deed of the Central Poor District of Luzerne County Pennsylvania dated August 10 1903 and recorded in Luzerne County in Deed Book Volume 414 at page 353

Section 2 The land shall not be acquired until its title has been approved by the Department of Justice

Section 3 The sum of four hundred dollars ($400.00) or as much thereof as may be necessary is appropriated to the Department of Property and Supplies for the payment of the purchase price and incidental expenses including the completion of an abstract of title

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1470, as follows:

An Act amending the act of June 24, 1937 (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistants hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" including financial assistance for nursing home care within the word assistance and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of June 24, 1937 (P. L. 2051) known as the "Public Assistance Law" amended August 22, 1953 (P. L. 1361) is amended to read

Section 2 Definitions As used in this act unless otherwise indicated

"Assistance" means assistance in money goods shelter medical care work relief or services provided from or with State or Federal funds for indigent persons who reside in Pennsylvania and need assistance to provide for themselves and their dependents a decent and healthful standard of living and for indigent homeless or transient persons The word assistance shall be construed to include pensions for those blind persons who are entitled to pensions as provided in this act and to include also burial for those indigent persons who were receiving assistance at the time of their death The word assistance shall also be construed to include sufficient financial assistance to enable physically disabled persons who require nursing home care as prescribed by responsible physicians to secure adequate nursing home care even though the rate of such assistance may be greater than the usual rate of assistance to persons who do not need nursing home care

"General Assistance" means assistance provided to persons entitled under this act to assistance other than dependent children aged persons blind persons and disabled persons

"Local Board" means any county board of assistance established under the provisions of this act

The maculine pronoun includes the feminine

Section 2 The sum of three mililon dollars ($3,000,000) or as much thereof as may be necessary is appropriated to the Department of Public Assistance for the purpose of providing adequate home nursing care in accordance with the provisions of the act to which this is an amendment from March 1, 1956

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1486, as follows:

An Act reenacting and amending the title and the act of May 20 1949 (P. L. 1633) entitled "An act providing and regulating State assistance for housing including slum clearance and redevelopment and making an appropriation" transferring functions of State Planning Board relating to housing and redevelopment to the Department of Commerce removing slum clearance and certain restrictions as to capital grants for redevelopment purposes from provisions of act and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and sections 1 to 5 inclusive act of May 20 1949 (P. L. 1633) known as the "Housing and Redevelopment Assistance Law" are reenacted and amended to read

AN ACT

Providing and regulating State assistance for housing including [slum clearance and] redevelopment and making an appropriation

Section 1 Short Title This act shall be known and may be cited as the "Housing and Redevelopment Assistance Law"

Section 2 Declaration of Policy It has been determined by the General Assembly of this Commonwealth

(a) That in both urban and rural communities of Pennsylvania there exist inadequate or over-crowded dwellings accompanied by an acute shortage of decent safe and sanitary housing within the financial reach of families of limited incomes

(b) That these conditions singly and in combination are a menace to the health and welfare of the people of Pennsylvania because they encourage the spread of disase impair public health and morals increase the hazard of fires and accidents resulting in loss of life and property subject the young to influences which have a permanently deleterious effect on their moral standards increase violation of the criminal laws of the Commonwealth jeopardizing the safety and welfare of its people and necessitating the expenditure of large sums of public money for the purpose of crime prevention punishment and correction fire protection public health and relief

(c) That the correction of these conditions requires the erection of housing projects on a basis which will provide additional housing at rentals which persons of limited incomes can afford to pay but such projects have not been erected because of the high construction costs which prevail

(d) That to induce the erection and maintenance of the housing needed for persons of limited incomes it is essential that the Commonwealth assume a portion of the rental cost by paying for a portion of the construction costs of certain new housing projects

(e) That [the governing bodies of political subdivisions may be of the opinion that their over-all housing needs can best be met by the effective operation of redevelopment authorities and

(f) That the Commonwealth should recognize such a local determination and give financial assistance to redevelopment authorities in order to effectuate the purposes of the Urban Redevelopment Law and of this act] it has been found and declared in the Urban Redevelop-

ment Law that there exists in urban communities in this Commonwealth areas which have become blighted that such conditions are beyond remedy or control by regulatory processes and that the public interest requires the remedying of these conditions

Therefore it is declared to be the policy of the Commonwealth of Pennsylvania to promote the health morals safety and welfare of its inhabitants by providing for State assistance to tenants of limited income through a contribution to the cost of housing projects to be erected and offered for occupancy at moderate rentals as a means of making such housing available to them at rentals within their ability to pay and by assisting the communities of this Commonwealth in [meeting their housing needs] remedying the conditions set forth in the Urban Redevelopment Law by making grants to redevelopment authorities

Section 3 Definitions The following words terms and phrases where used or referred to in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

(a) "Aggregate Income" the total annual income of all occupants of a rental unit less an exemption of one hundred dollars ($100) for each minor occupying the rental unit or receiving his main support from the lessee Of such total annual income not more than ten per cent shall be interest or income from capital investments

(b) ["Board" the State Planning Board a departmental administrative board within the Department of Commerce of the Commonwealth] "Department" the Department of Commerce of the Commonwealth

(c) "Housing Project" or "Project" any work or undertaking initiated pursuant to section 4 (a) of this act to provide decent safe and sanitary urban or rural dwellings apartments or other living accommodations for persons of limited income Such work or undertaking may include acquisition of land and its clearance building construction and the necessary equipment facilities and other property or rights including convenient or desirable appurtenances streets sewers water services parks site preparation gardening for administrative community health recreational educational welfare or other purposes The term "Housing Project" or "Project" may be applied to the planning of the buildings and improvements the acquisition of property the demolition of existing structures the construction reconstruction alteration and repair of existing improvements and all other work in connection therewith

(d) "Net Rental" annual rent per dwelling unit not including the value or cost of water electricity refrigeration or heating and cooking fuels

(e) "Redevelopment Authority" a public body corporate and politic organized and existing by virtue of the Urban Redevelopment Law the act of May 24 1945 (P. L. 991)

(f) "Veteran" a person who has served in the active military or naval service of the United States at any time on or after September 16 1940 and prior to July 26 1947 and who shall have been discharged or released therefrom under conditions other than dishonorable "Families of Veterans" shall include the families of persons who died as the result of service in the armed forces of the United States between the above mentioned dates

(g) "Redevelopment" any work or undertaking of a redevelopment authority created pursuant to the Urban Redevelopment Law of this Commonwealth

Section 4 Grant Authorization The [State Planning Board] department is hereby authorized within the limitations hereinafter provided (a) to make capital grants in the furtherance of housing development and to assist the construction and operation of housing projects through the payment of such grants by contracting with governmental agencies or authorities such as housing authorities and urban redevelopment authorities or with limited dividend housing corporation insurance companies or any other private public or semi-public agencies firms or corporations providing adequate surety acceptable to the [board] department guaranteeing continuity of operation throughout the term of its contract and (b) to make capital grants to redevelopment authorities in the furtherance of [slum clearance and] redevelopment [with the primary objective of creating suitable sites for housing]

There shall be no discrimination against any person because of race color religion or national origin in the rental or occupancy of any housing constructed under the provisions of this act

Section 5 Housing Authorities and Limited Dividend Housing Corporations Housing authorities created under the "Housing Authorities Law" the act of May 28 1937 (P. L. 955) as now or hereafter amended and limited dividend housing companies created under the "Limited Dividend Housing Company Law" the act of May 18 1937 (P. L. 704) as now or hereafter amended shall in addition to the powers conferred upon them by those acts respectively have the right to contract for erect and maintain projects under this act

Section 2 Section 6 of the act amended August 22 1953 (P. L. 1371) is reenacted and amended to read

Section 6 Tenant Limitations No capital grant pursuant to section 4 (a) of this act shall be made for any housing project unless the agency authority or corporation receiving such capital grant shall contract to maintain rent levels within the means of persons of limited income as established by the [State Planning Board] department and embodied in the contract as hereinafter provided which shall be substantially below those now available through equivalent non-subsidized construction and to limit the tenant admissions of such project to families whose aggregate income does not exceed six times the net rental of the housing unit to be furnished any such family Provided however That when this category of families is exhausted then tenant admissions shall be limited to families whose aggregate income does not exceed eight times the net rental of the housing unit to be furnished any such family

Employment by any specific employer or employers shall not be a requisite for occupancy in any housing project built under the provision of this act

Priority in occupancy shall be given to veterans and families of veterans for five years after the effective date of this act and thereafter at the discretion of the [board] department and so far as is consistent with the objectives of this act to persons displaced by the necessary operations of public housing and redevelopment projects and other public improvements Provided That such persons or families meet the income qualifications established by the [board] department

Section 3 Sections 7 to 18 inclusive of the act are reenacted and amended to read

Section 7 Grant Limitations Pursuant to section (4) (a) of this act the [State Planning Board] department shall make no capital grant for any housing project which shall exceed thirty-five per cent of its land acquisition development construction and preoccupancy cost as finally ascertained by the [board] department

Any capital grants made under this act shall be strictly limited to the amounts and percentage of total cost necessary in the determination of the [State Planning Board] department to accomplish the purpose of this act

[The total amount of all grants made by the State Planning Board for slum clearance and redevelopment pursuant to section four (b) of this act shall not exceed thirty per cent of the amount appropriated by this act]

Section 8 Procedures The [State Planning Board] department subject to the approval of the Governor shall tentatively allocate to he several areas of the Commonwealh as designated by the [board] department such capital grants [under the limitations specified in this act] as may promote aid or stimulate the erection of housing or the effectuation of redevelopment within that area

In the determination of such tentative allocations the [State Planning Board] department shall be guided by the following standards population distribution pattern growth as determined by the [State Planning Board] department in the period since 1940 trends of industry

and such evidence of housing or redevelopment needs throughout the State as are available to the [board] department

The [State Planning Board] department shall publicize in each area concerned the tentative allocation of State subsidy funds for the stimulation of housing construction or redevelopment in that area in each case making every reasonable effort to inform officials of political subdivisions and representatives of agencies such as those enumerated in section 4 of this act as possible participants in this program

Each such political subdivision or agency evidencing within a reasonable period of time as determined by the [board] department and interest in participating in the program with accompanying proof of local housing or redevolpment need recommendation of a suitable and available site information as to community attitude and evidence that the municipality is recognizing its housing and redeveloping needs by enforcing the laws concerning building construction and sanitation and other pertinent supporting data shall have its request reviewed in the light of other requests from that area and the total amount of tentative allocations for the area After review by the [board] department and if a housing project is involved and if the need and feasibility of the proposed project has been demonstrated and where a suitable site is available and where adequate funds are available for allocation the [board] department shall accept bids on housing construction and operation proposals covering such number and character of housing units type of construction site rental ranges proposed and such other requirements as are established by the [board] department Each bid submitted shall stipulate the amount of State subsidy which would be required by the bidder to construct and operate the housing projects in accordance with the before mentioned requirements of the [board] department

If the tentative allocation of grants in any area in the State does not energize action resulting in acceptable proposals within a reasonable time as determined by the [board the board] department the department shall have power to reallocate with the approval of the Governor these grants to other areas in the Commonwealth which as determined by the before mentioned standards have effectively established an urgent need for additional housing facilities or redevelopment programs Unused portions of these reallocations may be similarly reallocated at later dates so as to effectuate the purposes of this act

In order to effectuate and enforce the provisions of this act the [board] department is authorized to promulgate necessary rules and regulations

Section 9 [Board] Department Action on Bids

The [board] department may reject any or all bids It shall determine which of the acceptable bids made by responsible bidders will provide for erection and rental of the housing units in accordance with the terms of the [board's] department's request for bids at the lowest cost to the Commonwealth and shall notify the successful bidder which may be the sole bidder and shall on behalf of the Commonwealth after ratification by the Governor as provided in section 10 of this act enter into a contract with the successful bidder

Section 10 Ratification by the Governor All bids accepted by the [board] department shall be transmitted to the Governor for his consideration and must be ratified by him before the [board] department may enter into contractural relations with the bidder Upon ratification of a bid by the Governor the [board] department is authorized to execute contracts effectuating the terms of the bid and proposal embodying the provisions specified in section 11 of this act and providing for the payment of the capital grant

Section 11 Contracts No State funds for capital grants under the provisions of section 4 (a) of this act shall be disbursed until the [State Planning Board] department after ratification of the bid by the Governor as specified in section 10 has entered into a contract with the bidder embodying suitable guarantees as to the erection maintenance and management of the proposed housing project in accordance with the purposes of this act and including provision for

(1) the termination of the Commonwealth's powers and responsibilities with respect to said project after a specified term of not less than twenty-eight years

(2) an agreement that the bidder shall not voluntarily subject the premises to any lien or mortgage other than such as may be specified in the contract and that any transfer of the project or any assignment of investor's interest under the agreement shall be subject to all the terms of the contract and this act and shall not relieve the investor of the investors obligations under the contract

(3) provisions that the scale of rentals and tenant income limitations originally agreed upon may at some later date be modified by action of the [board] department upon petition by the bidder so as to recognize charges in general or local economic conditions and

(4) such other provisions as the [board] department determines are necessary to carry out the purposes of this act

Section 12 Approval and Acquisition of Sites No housing project site shall be approved by the [board] department before the [board] department has received advice thereon from the planning commission or if no planning commission shall exist the governing body of the political subdivision in which the proposed site is located Provided however That if such advice is not received from such local agency within a reasonable time as defined by the [board] department local approval shall be assumed

All proposed housing project plans shall conform to the requirements of local zoning ordinances if any such have been adopted

Sites for proposed housing projects may be optioned by the [board] department or may be acquired by gift or purchase either by negotiation or through exercise of its power of eminent domain Such option or title to a proposed site may be transferred by the [board] department or its duly authorized agents to the agency authority corporation or firm with which the [board] department contracts for the building and operation of a housing project and may constitute part or all of the Commonwealth's subsidy of the project

Section 13 Design Construction and Inspection All architectural engineering or site development plans for housing projects constructed under the provisions of this act shall be approved by the [State Planning Board] department or its duly accredited representatives before the work covered by the plans is undertaken

Standards as to materials and construction techniques shall be as specified or approved by the [board] department and must conform to requirements of local codes

The [board] department or its duly accredited representatives shall be allowed full access at reasonable times to every housing project initiated under the provisions of this act so as to permit a free inspection of materials methods of construction and standards of maintenance as required under the provisions of the contract

Section 14 Redevelopment Proposals The governing body of a political subdivision may by formal resolution inform the [State Planning Board] department that [in its opinion the housing needs of the political subdivision may best be met through the expenditure of] it desires some or all of the State funds provided by this act and available for allocation in that area [on slum clearance and the] for redevelopment of blighted areas rather than directly on subsidized construction of rental housing If such action is taken by the governing body a certified copy of the resolution shall be forwarded to the [State Planning Board] department and supplemented by a proposal of the governing body which shall set forth the use to be made of any funds allocated to a redevelopment authority and the amount of funds required The use of said funds shall be for the purposes set forth in section 4 (b) of this act and without limiting the generality of the foregoing may be used for local contributions required by any Federal redevelopment law

Unless and until said resolution is revoked the [State Planning Board] department shall not enter into contractual relations regarding housing projects which

would otherwise utilize the funds available for allocation in that poplitical subdivision and proposed for expenditure on urban redevelopment by the governing body of the political subdivision Provided however That if no satisfactory redevelopment proposal results within a reasonable time as determined by the [board] department said funds after due notice to the governing body of the political subdivision may be made available for other purposes authorized by this act

The [State Planning Board] department shall review the proposal and if satisfied that the proposal is in accordance with the purposes of this act shall with the approval of the Governor enter into a grant agreement witn the redevelopment authority subject to the condition that [it] the grant be used in accordance with the terms of the proposal The time of payment of the grant to the redevelopment authority shall be set forth in the grant agreement

[No moneys shall be paid under the grant agreement until said authority has entered into a redevelopment contract with a redevelopment in accordance with the provisions of the Urban Redevelopment Laws Said grant agreement may provide that the grant be revoked if no redevelopment contract is executed within a period of time stipulated in the agreement]

Section 15 Cooperation with Other Agencies The [State Planning Board] department is directed to administer this housing program with such flexibility as to permit a full cooperation between State Federal and local governments agencies and authorities as well as private interests so as to result in as effective and economical a housing program as possible

Section 16 Interdepartmental Cooperation The [board] department shall at its request receive the assistance of the Department of Property and Supplies in connection with the administration of this act with respect to investigation of proposed sites optioning or acquisition of approved sites preparation or analysis of plans and specifications inspection of materials and inspection of construction for housing developments built under the provisions of this act

[Section 17 Appropriations The sum of fifteen million dollars ($15,000,000) or as much thereof as may be necessary is hereby specifically apppropriated to the Department of Commerce for the use of the State Planning Board for the purposes set forth in this act and of this amount not more than three per cent: shall be spent by the board for administration of this act including payment to the Department of Property and Supplies for the cost of any services authorized by section 16 of this act

Section 18 Effective Date This act shall become effective immediately upon final enactment]

Section 4 All rights duties and obligations acquired imposed upon or assumed by the State Planning Board relative to housing and redevelopment by virtue of any contract agreement regulation or ruling made prior to the passage of this act are transferred to the Department of Commerce as well as any unexpended balance of funds heretofore appropriated to the Department of Commerce for the use of the State Planning Board for the purposes set forth in this act

Section 5 The sum of five million dollars ($5,000,000) or as much thereof as is necessary is appropriated to the Department of Commerce for the purpose set forth in section 4 (b) of the act of May 20 1949 (P. L. 1633) and for necessary costs of administration the allocation of the appropriation to the various areas of the Commonwealth shall be as set forth in section 8 of said act except that prior to January 1 1957 no more than five hundred thousand dollars ($500,000) shall be allocated to cities of the first class no more than five hundred thousand dollars ($500,000) shall be allocated to cities of the second class and no more than three hundred fifty thousand dollars ($350,000) shall be allocated to cities of the second class A after January 1 1957 any funds unallocated or allocated but not under contract may be reallocated as heretofore provided in section 8 of said act

Section 6 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmatime.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1573, as follows:

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvements at the Edinboro State Teachers College and for the Commonwealth's share of expenses incurred by the Borough of Edinboro in connection therewith

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifteen thousand dollars ($15,000) or as much thereof as is necessary is appropriated to the Department of Property and Supplies for payment of the cost of necessary construction and improvements to the sanitary and surface drainage sewage disposal system at the Edinboro State Teachers College and for the Commonwealth's share of expense incurred by the Borough of Edinboro in connection therewith

Section 2 The sum appropriated shall be in addition to any sums heretofore appropriated for construction and improvement of the sewage disposal system and the Commonwealth's share of expenses in connection therewith

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,

Fleming	McGinnis,	Silvert,	Wolfe, Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1595, as follows:

An Act making an appropriation for aid to free public non-sectarian county libraries and for the purchase and transportation of books

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred eighty thousand dollars ($180,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred fifty-five for aid to free public non-sectarian county libraries and for the purchase and transportation of books to be used for demonstration and circulation purposes to carry into effect the provisions of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 1203)

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe, Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1596, as follows:

An Act making an appropriation to aid certain school districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four hundred thousand dollars ($400,000) is hereby specifically appropriated to the Department of Public Instruction for the purpose of aiding financially handicapped and distressed school districts in such sums and in such manner as the Superintendent of Public Instruction shall determine and for defraying the necessary cost for the administration thereof for the two fiscal years beginning June first one thousand nine hundred fifty-five

Section 2 No financial aid shall be given under this act to a school district unless the conditions and provisions set forth in subsection (b) of section 672 of the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) as amended are complied with.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe, Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1597, as follows:

An Act making an appropriation to the Department of Public Instruction for payments to school districts on account of rentals payable to municipal authorities and nonprofit corporations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of sixteen million four hundred seventy-one thousand dollars ($16,471,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred fifty-five for the payment to school districts on account of rentals payable to municipal authorities and nonprofit corporations as provided by law

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,

Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1598, as follows:

An Act making an appropriation to the Department of Public Instruction for payments to the school districts on account of obligations to the Public School Building Authority as provided by law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six million one hundred twenty-eight thousand dollars ($6,120,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Institution for the payments to the school districts on account of obligations to the Public School Building Authority as provided by law for the two fiscal years beginning June first one thousand nine hundred fifty-five

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1600, as follows:

An Act making an appropriation to the Moore Institute of Art Science and Industry Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of sixty-five thousand dollars ($65,000) is hereby specifically appropriated to the Moore Institute of Art Science and Industry Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred fifty-five Provided That in such school there shall be maintained a free one-year scholarship annually for one pupil of each senatorial district in the State to be filled by appointment of the Senator of each such district

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1601, as follows:

An Act making an appropriation to the Berean Manual Training School at Philadelphia Pennsylvania for the purpose of the maintenance of said school

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty-five thousand dollars ($55,000) or as much thereof as may be necessary is hereby appropriated to the Berean Manual Training School at Philadelphia Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred fifty-five for the purpose of the maintenance of said school and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the school

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,

DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley
Fleming,	McGinnis,	Silvert	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1602, as follows:

An Act making an appropriation to the Williamson Free School of Mechanical Trades for maintenance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty-six thousand dollars ($56,000) or as much thereof as may be necessary is hereby specifically appropriated to the Williamson Free School of Mechanical Trades in Delaware County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred fifty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1603, as follows:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania enacts as follows

Section 1 The sum of one hundred thirty-five thousand dollars ($135,000) or as much thereof as may be necessary is hereby specifically appropriated to the Downingtown Industrial and Agricultural School at Downingtown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred fifty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1605, as follows:

An Act making an appropriation to the National Agricultural College Farm School Pennsylvania at Doylestown Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eighty thousand dollars $80,000) or as much thereof as may be necessary is hereby specifically appropriated to the National Agricultural College Farm School Pennsylvania at Doylestown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred fifty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1606, as follows:

An Act making an appropriation to the Philadelphia Textile Institute at Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred sixty thousand dollars ($160,000) is hereby specifically appropriated to the Philadelphia Textile Institute at Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred fifty-five for maintenance and the purchase of apparatus supplies and equipment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	**Haluska,**	McMenamin,	**Stevenson,**
Berger,	Harney,	McPherson, Jr.	**Stiefel,**
Blass,	Hays,	Mullin,	**Taylor,**
Camiel,	Kessler,	Pechan,	**Van Sant,**
Chapman,	Kopriver, Jr.	Peelor,	**Wade,**
Dent,	Lane,	Propert,	**Wagner,**
Diehm,	Madigan,	Ruth,	**Watkins,**
DiSilvestro,	Mahany,	Schmidt,	**Watson,**
Donolow,	Mallery,	Scott,	**Weiner,**
Flack,	McCreesh,	Seyler,	**Whalley,**
Fleming,	McGinnis,	Silvert,	**Wolfe,**
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1607, as follows:

An Act making an appropriation to the Orlando S. Johnson Industrial School of Scranton Pennsylvania for maintenance and purchase of supplies and equipment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seventy-five thousand ($75,000) dollars is hereby specifically appropriated to the Orlando S. Johnson Industrial School of Scranton Pennsylvania for the two fiscal years beginning June first one thousand nine hundred fifty-five for the purpose of maintenance and the purchase of supplies and equipment to be paid according to law

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	**Haluska,**	McMenamin,	**Stevenson,**
Berger,	Harney,	McPherson, Jr.	**Stiefel,**
Blass,	Hays,	Mullin,	**Taylor,**
Camiel,	Kessler,	Pechan,	**Van Sant,**
Chapman,	Kopriver, Jr.	Peelor,	**Wade,**
Dent,	Lane,	Propert,	**Wagner,**
Diehm,	Madigan,	Ruth,	**Watkins,**
DiSilvestro,	Mahany,	Schmidt,	**Watson,**
Donolow,	Mallery,	Scott,	**Weiner,**
Flack,	McCreesh,	Seyler,	**Whalley,**
Fleming,	McGinnis,	Silvert,	**Wolfe,**
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1608, as follows:

An Act making an appropriation to the Pennsylvania School of Art Philadelphia

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred sixty thousand dollars ($160,000) is hereby specifically appropriated to the Pennsylvania Museum School of Art Philadelphia for the two fiscal years beginning June first one thousand nine hundred fifty-five for maintenance and the purchase of apparatus supplies and equipment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	**Stevenson,**
Berger,	Harney,	McPherson, Jr.	**Stiefel,**
Blass,	Hays,	Mullin,	**Taylor,**
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	**Wade,**
Dent,	Lane,	Propert,	**Wagner,**
Diehm,	Madigan,	Ruth,	**Watkins,**
DiSilvestro,	Mahany,	Schmidt,	**Watson,**
Donolow,	Mallery,	Scott,	**Weiner,**
Flack,	McCreesh,	Seyler,	**Whalley,**
Fleming,	McGinnis,	Silvert,	**Wolfe,**
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1609, as follows:

An Act making an appropriation to the Philadelphia Commercial Museum for maintenance and the purchase of apparatus supplies and equipment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand dollars ($50,000) or as much thereof as may be necessary is hereby specifically appropriated to the Philadelphia Commercial Museum at Philadelphia Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred fifty-five for maintenance and the purchase of apparatus supplies and equipment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1614, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings thereon in the Borough of Indiana Indiana County Pennsylvania for the use of the Indiana State Teachers College and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized in the name of the Commonwealth of Pennsylvania for use of the Indiana State Teachers College a tract of land with buildings thereon in the Borough of Indiana Indiana County Pennsylvania bounded and described as follows

On the east by Eleventh Street on the north by lot No 10 now the property of Uncapher on the west by an alley and on the south by lot No 12 now the property of Charles Gessler fronting on said Eleventh Street fifty feet and extending back of equal width one hundred eighty feet to said alley having thereon erected a two-story frame dwelling house

Being lot No 11 in the plot or plant of lots laid out by Wilson Sutton and Clark and known as the Wilson Sutton and Clark Addition to West Indiana now Indiana recorded in Indiana Deed Book A Volume 55 at page 408

And being the same land conveyed to Jennie G Lowman by deed of Margaret Gibson by deed dated May 9 1919 and recorded May 10 1919 in Indiana County Deed Book 173 at page 22

Section 2 The property shall not be acquired until its title has been approved by the Department of Justice

Section 3 The sum of fourteen thousand five hundred dollars ($14,500) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price and incidental expenses including the completion of an abstract of title

Section 4 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1615, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land with buildings thereon in the Township of White Indiana County Pennsylvania containing 7.486 acres more or less for the use of the Indiana State Teachers' College and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania for use of the Indiana State Teachers' College a tract of land in White Township Indiana County Pennsylvania bounded and described as follows

Beginning at a point on Glass Street at the northeast corner of the tract herein described thence by other land of Joseph Brodsky and Nick Kovalchick south 5 degrees 22 minutes west 456.56 feet to a point thence along the land of Joseph Brodsky and Nick Kovalchick north 89 degrees 40 minutes west 700.33 feet to a point on the Pennsylvania Railroad Company right-of-way thence by the right-of-way north 2 degrees 37 minutes east 294.5 feet to a point thence continuing along the right-of-way south 88 degrees 34 minutes east 18.90 feet to a point thence continuing along the right-of-way north 0 degrees 37 minutes east 175 feet to a point on Glass Street thence along the southern line of Glass Street the following courses and distances south 88 degrees 34 minutes east 572.1 feet to a point south 88 degrees 23 minutes east 133.9 feet to a point the place of beginning

Containing 7.486 acres more or less of land according to a survey made by R B Shannon & Associates dated June 16 1955

For title into Nick Kovalchick Fannie Kovalchick and Joseph Brodsky present owners see Indiana County Deed Book Volume 327 at page 317 Deed Book Volume 327 at page 318 and Deed Book Volume 345 at page 285

Section 2 The property shall not be acquired until its title has been approved by the Department of Justice

Section 3 The sum of twenty-eight thousand five hundred dollars ($28,500) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price and incidental expenses including the completion of an abstract of title

Section 4 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1616, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in the Borough of Indiana Indiana County Pennsylvania containing 2.5 acres more or less for the use of the Indiana State Teachers College and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania for use of the Indiana State Teachers College a tract of land in the Borough of Indiana Indiana County Pennsylvania bounded and described as follows

Lots No 117 118 119 120 121 122 123 124 125 126 127 and 128 on the south by Glass Street on the west by Lot No 129 on the north by Marion Alley on the east by Eleventh Street Each lot being 50 feet in front on Glass Street and extending back of equal width 150 feet to Marion Alley

Containing 2.5 acres more or less of land and being lots on the plot or plan of lots laid out by Wilson Sutton and Clark and known as the Wilson Sutton and Clark Addition to West Indiana now Indiana recorded in Indiana County Deed Book "A" Volume 55 at page 408

For title into Joseph R Reschini and Rose P Reschini his wife and Joseph W Gatti and Lena E Gatti his wife present owners see Indiana County Deed Book Volume 395 at page 159 dated June 27 1950 and Deed Book Volume 406 at page 574 See also action to quiet title entered to No 66 September Term 1951 in the Court of Common Pleas of Indiana County

Section 2 The property shall not be acquired until its title has been approved by the Department of Justice

Section 3 The sum of fifteen thousand dollars ($15,000) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price and incidental expenses including the completion of an abstract of title

Section 4 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1632, as follows:

An Act making an appropriation to the Department of Welfare to reimburse State-aided hospitals and the Philadelphia General Hospital for part of the cost of training student nurses in approved schools of nursing

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum two million three hundred thousand dollars ($2,300,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for the two fiscal years commencing the first days of June one thousand nine hundred fifty-five to be paid to State-aided medical and surgical hospitals and the Philadelphia General Hospital for the purposes of reimbursing such hospitals for part of the cost of training student nurses in approved schools of nursing Payments from the appropriation herein made shall be made to such hospitals from time to time at the rate of one hundred fifty dollars ($150) annually for each student nurse being trained in a hospital

Section 2 The provisions of this act shall be administered under regulations established or to be established by the Department of Welfare and the Auditor General

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,

Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko.

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1633, as follows:

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six hundred sixty thousand dollars ($660,000) or as much thereof as may be necessary is hereby specifically appropriated to The Glen Mills School situate in Delaware County Pennsylvania of the two fiscal years beginning the first day of June one thousand nine hundred fifty-five for the purpose of maintenance

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1634, as follows:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six hundred forty thousand dollars ($640,000) or as much thereof as may be necessary is hereby specifically appropriated to Selighton Farm School for Girls situate in Delaware County Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred fifty-five for the purpose of maintenance

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1636, as follows:

An Act making an appropriation to the Department of Health for the use of the Institute for Cancer Research Incorporated Fox Chase Philadelphia Pennsylvania

The General Assembly of the Commnowealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four hundred twenty-five thousand dollars ($425,000) or as much thereof as may be necessary is hereby appropriated to the Department of Health for the operation and maintenance of the Institute for Cancer Research Incorporated located at Fox Chase Philadelphia Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having

voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1638, as follows:

An Act to provide for the interest and sinking fund requirements of the funded debt of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as may be necessary are hereby specifically appropriated from the General Funds to the Treasury Department for the purposes hereinafter set forth for the two years beginning June first one thousand nine hundred fifty-five

For payment into the Public Buildings Construction Sinking Fund to meet the interest and sinking fund requirements of bonds issued under the provisions of article nine section twenty-one of the Constitution of Pennsylvania as authorized by the 1947 Session of the General Assembly the sum of four million one hundred fifty-five thousand twenty dollars ($4,155,020) according to the following schedule

Date of Payment	Principal	Interest	Total
October 1 1955	$1,500,000	$ 302,720	$1,802,720
April 1 1956		288,540	288,540
October 1 1956	1,500,000	288,960	1,788,960
April 1 1957		274,800	274,800
Totals	$3,000,000	$1,155,020	$4,155,020

For the payment into the World War II Veterans' Compensation Sinking Fund to meet the interest and sinking fund requirements of bonds issued under the authority of the act approved the eleventh day of June one thousand nine hundred forty-seven (P. L. 565) the sum of sixty-three million four hundred ninety thousand dollars ($63,490,000) according to the following schedule

Date of Payment	Principal	Interest	Total
August 15 1955		$ 471,250	$ 471,250
September 1 1955		2,002,500	2,002,500
February 15 1956		471,250	471,250
March 1 1956	$27,000,000	2,002,500	29,002,500
August 15 1956		471,250	471,250
September 1 1956		1,800,000	1,800,000
February 15 1957		471,250	471,250
March 1 1957	27,000,000	1,800,000	28,800,000
Totals	$54,000,000	$ 9,490,000	$63,490,000

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1646, as follows:

An Act making an appropriation to the Department of Property and supplies for a continuance of the acquisition of real estate in connection with the extension of Capitol Park in the City of Harrisburg and for carrying on the work of the Department authorized under the act approved the third day of June one thousand nine hundred forty-three (P. L. 818)

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five hundred ninety thousand dollars ($590,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for carrying on the work of the Department authorized under the act approved the third day of June one thousand nine hundred forty-three (P. L. 818) and for the continuance of the acquisition of lands and buildings and for costs and general expenses in connection therewith and for costs and general expenses in connection with the maintenance and repair of properties within the extension area prior to the redevelopment of the area

Section 2 This act shall take effect immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1647, as follows:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred thousand dollars

($200,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Commerce Bureau of Port Operations of the City of Philadelphia for the maintenance repair improvement of the Port of Philadelphia for the two fiscal years beginning June first one thousand nine hundred fifty-five

The moneys so appropriated shall only be expended as authorized and directed by the Council of the City of Philadelphia and shall be drawn from the State Treasury upon warrants drawn by the Auditor General upon requisition by the Chief of the Bureau of Port Operations of said city

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1651, as follows:

An Act making an appropriation for moneys in the Toll Bridge Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one thousand six hundred seventy dollars ($1,670) or as much thereof as may be necessary is hereby specifically appropriated out of the Toll Bridge Fund to the Board of Finance and Revenue for the two fiscal years beginning June first one thousand nine hundred fifty-five for the payment of the compensation to the Commonwealth's Loan and Transfer Agent for services rendered in connection with the registration transfer and payment of interest on Toll Bridge bonds and for other services required to be performed by the said Loan and Transfer Agent Payments from such appropriation shall be made at such times and in such amounts and upon such basis as may be provided by law or agreed upon between the Board of Finance and Revenue and the said Loan and Transfer Agent

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1654, as follows:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums of moneys are hereby appropriated to the Treasury Department for the payment of replacement checks issued by that department in accordance with the provisions of the act approved the twelfth day of July one thousand nine hundred thirty-five (P. L. 996)

Out of the General Fund	$10,000.00
Out of the Motor License Fund	10,000.00
Out of the Liquor License Fund	2,500.00
Out of the Fire Insurance Tax Fund	10,000.00
Out of the Fish Fund	150.00
Out of the Game Fund	750.00
Out of the School Employes' Retirement Fund	5,000.00
Out of the State Workmen's Insurance Fund	5,000.00
Out of the Milk Control Fund	500.00
Out of the State Stores Fund	5,000.00
Out of the State School Fund	500.00
Out of the State Farm Show Fund	100.00
Out of the State Employes' Retirement Fund	5,000.00
Out of the Flood Control Fund	2,500.00

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmatime.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1655, as follows:

An Act making an appropriation to the Department of Agriculture for the control of stem rust of wheat oats barley and rye by the eradication of rust spreading barberry bushes and providing for payment thereof to counties making like expenditures of county funds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty thousand dollars ($30,000) or as much thereof as may be necessary is hereby appropriated to the Department of Agriculture for the two fiscal years beginning the first day of June one thousand nine hundred fifty-five for the control of stem rust of wheat oats barley and rye by the eradication of rust spreading barberry bushes The moneys hereby appropriated shall be apportioned among and paid to the several counties appropriating and expending from the county treasury a sum equal to that received from the Commonwealth for such purpose

Section 2 The funds appropriated under this act shall be available for payment of salaries and wages purchase of supplies and other necessary and pertinent items in accordance with regulations promulgated by the Department of Agriculture under the provisions of the act approved the twenty-first day of April one thousand nine hundred thirty-seven (P. L. 318) known as "The Pennsylvania Plant Pest Act of 1937"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1656, as follows:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the preservation protection and development of buildings and grounds at Ephrata Cloisters a famous historical shrine belonging to the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to preserve protect and develop the historic buildings at Ephrata Cloisters averting the deterioration of the old wooden structures by suitable restoration measures and in order to landscape the grounds the sum of forty thousand dollars ($40,000) or as much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania Historical and Museum Commission to be used for exterior and interior repairs at the Ephrata Cloisters at Ephrata Lancaster County for fencing tree-planting and other landscaping work for the payment of wages of skilled craftsmen and other workmen for the purchase of materials and equipment for concentrated repairs and for the payment of professional fees for architectural supervision

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent.	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1657, as follows:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the preservation and improvement of the Drake Museum and the Drake Well Memorial Park

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten thousand dollars ($10,000) or as much thereof as may be necessary is hereby appropriated to the Pennsylvania Historical and Museum Commission for the further preservation and improvement of the birthplace of the world's petroleum industry at Drake Well Memorial Park for raising sections of the park area above flood level and for repairing the dike along Oil Creek and for other incidental and contingent expenses necessary to protect the Drake Museum and other buildings from damage by flood or other hazard.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,

Chapman	Kopriver, Jr.,	Peelor,	Wade,
Dent.	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Silvert,	Whalley,
Fleming,	McGinnis,	Seyler,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1658, as follows:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the maintenance and development of the Daniel Boone Homestead

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to further enhance the appeal of Daniel Boone Homestead for boys and girls and for the general public by providing better facilities by providing better means of access and by further improvements to the buildings the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby appropriated to the Pennsylvania Historical and Museum Commission for the further improvement and development of Daniel Boone Homestead for the construction of driveways parking areas and paths for the alteration and repair of the buildings for the construction of a building for offices garage storage general utility lavatory and bath house with sewage disposal and water for the installation of sanitary facilities for the purchase of furniture and household furnishings for the Homestead and of farming implements machinery and wagons for the barn and for use in cultivating the landing and for fencing grading and planting and for incidental and contingent expenses on the Homestead property

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmatime.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1659, as follows:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for the maintenance and development of the Pennsylvania Farm Museum of Landis Valley

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary is hereby appropriated to the Pennsylvania Historical and Museum Commission for the further maintenance and development of the Pennsylvania Farm Museum of Landis Valley by the acquisition of land by the acquisition of storage facilities and space either through purchase or rental and also for the payment of fees or compensation to consulting curators architects landscape engineers and other specialized services and for other incidental and contingent expenses

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stiefel,
Berger,	Harney,	McPherson, Jr.,	Stevenson,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1660, as follows:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for repairs to the property known as "Old Economy"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of forty thousand dollars ($40,000) or as much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania Historical and Museum Commission for essential repairs to buildings of the property at Ambridge Beaver County Pennsylvania known as "Old Economy" in order further to prepare this property of the Commonwealth for public use as a museum commemorating the life and times of the former owner The Harmony Society its notable part in the industrial development of western Pennsylvania and its world-wide fame as an experiment in community life

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted, "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1665, as follows:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park Commission in the acquisition of land

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twelve thousand forty-five dollars ($12,045) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the payment of expenses incurred in acquisition by purchase or condemnation of properties demolition of buildings incident to the purchase of land by the Valley Forge Park Commission for the development of Valley Forge State Park

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted, "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1687, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" creating the Advisory Board on Problems of Older Workers within the Department of Labor and Industry and placing additional powers and duties in the Department of Labor and Industry with respect to aging and aged persons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 203 act of April 9, 1929 (P. L. 177) known as "The Administrative Code of 1929" amended July 28, 1953 (P. L. 656) is amended to read

Section 203 Advisory Boards and Commissions The following advisory boards and commissions are placed in and made parts of the respective administrative departments as follows

In the Department of Military Affairs
State Military Reservation Commission
State Veterans' Commission
In the Department of Forests and Waters
State Forest Commission
Flood Control Commission
In the Department of Health
Advisory Health Board
In the Department of Labor and Industry
Industrial Board
Advisory Council on Affairs of the Handicapped
Advisory Board on Problems of Older Workers
In the Department of Welfare
State Welfare Commission
In the Department of Property and Supplies
General Galusha-Pennypacker Monument Commission

Section 2 The act is amended by adding after section 463 a new section to read

Section 464 Advisory Board on Problems of Older Workers

(a) The Advisory Board on Problems of Older Workers shall consist of nine members who shall be appointed by the Governor not more than five of such members to be from the same political party The Secretary of Labor and Industry shall be ex-officio chairman of the Board

(b) The terms of the members shall be for four years from the dates of their appointment or until their successors are appointed and qualified

(c) Five members of the Board shall constitute a quorum

(d) Each member of the Board shall receive per diem compensation at the rate of thirty-five dollars ($35) per day for the time actually devoted to the business of the Board such compensation not to exceed in any calendar year the sum of five thousand dollars ($5,000) per member The compensation of the members of the Board shall be paid from funds available to the Department of Labor and Industry for operation of its employment programs

Section 3 The act is amended by adding after section 2209.1 a new section to read

Section 2209.2 Advisory Board on Problems of Older Workers

(a) The Advisory Board on Problems of Older Workers shall have the power and its objectives shall be to consider and advise the Secretary of Labor and Industry upon all matters related to the problems of the aging

and the aged including the formulation of policies and programs to inform guide and assist the secretary in the performance of his duties and responsibilities with respect to the problems of the aging and aged persons In the performance of its objective it shall study investigate analyze and assess existing knowledge and programs related to the problems of the aging and the aged to determine what measures can be taken to provide a better intergration of this group in the economic life of the Commonwealth

(b) The Board may for the purpose of accomplishing its objective hold such hearings and sit and act at such times and places as the Board may deem advisable

(c) The Board is authorized to secure directly from any administrative department or independent administrative or departmental administrative board or commission information suggestions estimates and statistics for the purpose of performing its objective and each such administrative department or independent administrative or departmental administrative board or commission is authorized and directed to furnish such information suggestions estimates and statistics directly to the Board upon request made by the chairman

Section 4 The act is amended by adding after section 2210 a new section to read

Section 2210.1 Older Workers

The Department of Labor and Industry shall have the power and its duties shall be

(a) To develop through public employment offices specilized services in counseling and placement programs for older workers and foster through cooperative effort the development of the facilities of other governmental and private agencies for expanding the opportunities and potentials of aging persons

(b) To develop in cooperation with the federal government state local and private agencies sound programs for the occupational rehabilitation and vocational training of the employed and unemployed among the aging

(c) To conduct research with the view to reducing age barriers in the hire employment and retention of older workers including analysis of the nature and scope of the problems confronting aging persons the compilation of adequate current statistics with respect thereto and the development of measures for improving the utilization of older workers and their skills

(d) To sponsor in communities of the Commonwealth informational and educational programs to aid in the hire employment and retention of older workers

(e) To formulate and submit to the Governor measures for eliminating age restrictions in public employment reducing relative costs incident to the employment of older workers and developing financial and other incentives in industry for their employment

(f) To recommend to the Governor such specific proposals for legislation as are deemed necessary and proper in such fields as unemployment compensation insurance education vocational training and rehabilitation for easing and stimulating the employment of aging workers

Section 5 Appropriation The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary for the administration of this act exclusive of moneys received by the Commonwealth for such purpose under any act of Congress is hereby specifically appropriated to the Department of Labor and Industry for the purpose of carrying out the provisions of this act

Section 6 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Dienm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the Houes is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1688, as follows:

An Act making an appropriation to the Department of Property and Supplies for the construction of armory facilities under certain conditions

Whereas the Federal Government has apportioned more than one and one-half million dollars to the Commonwealth of Pennsylvania for the construction of armory facilities in accordance with the provisions of the National Defense Act and the National Defense Facilities Act of 1950 and

Whereas the Department of Military Affairs has determined that regimental armories and other buildings are necessary for the use of the National Guard and

Whereas the Federal Government has agreed to pay seventy-five per centum of the cost of each such facility and the Commonwealth will pay twenty-five per centum of the cost of each facility and the Commonwealth has the necessary sites or land available for such construction without the necessity of appropriations for the purchase of such sites

The General Assembly of the Commonwealth hereby enacts as follows

Section 1 The sum of five hundred thousand dollars ($500,000.00) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies to be used by the Department of Military Affairs for the construction expansion rehabilitation or conversion of armory facilities upon the condition that the Federal Government pays seventy-five per centum of the cost of each facility None of the money herein appropriated shall be used for the purchase of land

Section 2 The Federal and State moneys herein referred to shall be expended in accordance with The Administrative Code of 1929 and The Military Code of 1949

Section 3 The appropriation herein made shall be available upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin	Stevenson,
Berger,	Harney	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin	Taylor,
Camiel,	Kessler,	Pechan	Van Sant
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner

Diehm,	Madigan,	Ruth,	Watkins
DiSilvestro,	Mahany,	Schmidt	Watson,
Donolow,	Mallery,	Scott,	Weiner
Flack	McCreesh,	Seyler,	Whalley,
Fleming	McGinnis,	Silvert	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1689, as follows:

An Act making an appropriation to the Department of Property and Supplies for repair and improvements to the Pennsylvania Soldiers' and Sailors' Home at Erie

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thirty thousand dollars ($130,000) or as much thereof as is necessary is appropriated to the Department of Property and Supplies for the payment of cost of necessary repairs and improvements to the Pennsylvania Soldiers' and Sailors' Home at Erie Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1692, as follow:

An Act directing the Legislative Reference Bureau to compile and publish a revised compilation of laws relating to war veterans and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Legislative Reference Bureau shall compile and publish a revised pamphlet containing a compilation of the laws of Pennsylvania relating to war veterans A copy of the pamphlet shall be made available to any post camp or chapter in this Commonwealth of any organization whose members served in the armed forces of the United States

The pamphlet shall be completed and available for distribution on or before September 1 1956

Section 2 The sum of five thousand dollars ($5000) or as much thereof as is necessary is appropriated to the Legislative Reference Bureau to pay the compensation of assistants and all costs and expenses incurred by the bureau in carrying out this act

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

APPROPRIATION BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1694, Printer's No. 1510, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

APPROPRIATION BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1704, as follows:

An Act making an appropriation to the Department of Forests and Waters for payment of the Commonwealth of Pennsylvania's share of costs for salary and expenses of the River Master for the Delaware River required by Decree of the United State Supreme Court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for payment of the Commonwealth of Pennsylvania's share of costs for salary and expenses of the River Master for the Delaware River required by Decree of the United States Supreme Court for the two fiscal years beginning June first one thousand nine hundred fifty-five

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1728, as follows:

An Act making an appropriation to the Department of Property and Supplies for the purchase and installation of equipment for the Commonwealth Cafeteria and expense incident thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty-six thousand dollars ($36,000) or as much thereof as is necessary is appropriated to the Department of Property and Supplies for the purchase and installation of kitchen equipment serving equipment and required alterations for the Commonwealth Cafeteria and for professional services and contingent expenses in connection therewith

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1881, as follows:

An Act making an appropriation to the Department of Public Instruction for payment to school districts on account of approved reimbursable rental payable to the State Public School Building Authority municipality authorities and nonprofit corporations and on account of sinking fund charges on indebtedness for school buildings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eight million dollars ($8,000,000) or as much thereof as is necessary is appropriated to the Department of Public Instruction for the two fiscal years ending May 31 1957 for payment to school districts on account of approved reimbursable rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and on account of sinking fund charges on indebtedness for school buildings as provided by law

Section 2 The appropriation made hereby is in addition to any other appropriation made by the General Assembly of 1955 for payment to school districts on account of obligations to the State Public School Building Authority or on account of rentals payable to municipality authorities and nonprofit corporations or on account of sinking fund charges on indebtedness for school buildings

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kopriver, Jr.,	Pechan,	Van Sant,
Chapman,	Lane,	Peelor,	Wade,
Dent,	Kessler,	Propert,	Wagner,
Diehm,	Mahany,	Ruth,	Watkins,
DiSilvestro,	Mallery,	Schmidt,	Watson,
Donolow,	Madigan,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeable to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1955, as follows:

An Act amending the act of September 3, 1955 (Appropriation Act No 17-A) entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August one thousand nine hundred fifty-five" making the moneys appropriated available for flood damage of October 1955 and any flood or disaster damage during the year of one thousand nine hundred and fifty-six

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of September 3, 1955 (Appropriation Act No 17-A) entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August one thousand nine hundred fifty-five" is amended to read

Section 1 The sum of twelve million dollars ($12,000,000) is hereby appropriated out of the special disaster relief

fund to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August and October one thousand nine hundred fifty-five and any flood or disaster damage during the year of one thousand nine hundred and fifty-six and for the reimbursement to the various departments and agencies of the Commonwealth for their participation in disaster relief activities including but not limited to materials supplies services food clothing equipment drugs and medicines channel enlargement rectification and realignment side slope paving and transportation

No payment shall be made from the appropriation herein until the various departments and agencies of the Commonwealth shall have first filed with the Council of Civil Defense sworn proofs of loss expenditures losses and damages in detailed statements

The Department of Property and Supplies and such other State agencies as the Governor may designate shall review the same and recommend to the Governor the amounts which in their opinion represent the value of the expenditures losses and damages by reason of the hurricane and floods of August and October one thousand nine hundred fifty-five Payment from said appropriation shall be made by requisition of the Council of Civil Defense in the manner provided by law

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1975, as follows:

An Act making an appropriation to the Department of Property and Supplies to be used for rehabilitating and reinscribing Chief Cornplanter's monument

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six hundred dollars ($600) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for use in reinscribing and rehabilitating the monument of Chief Cornplanter on the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh.	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SENATE BILL No. 910 CALLED UP

Mr. LANE. Mr. President, I now call up from page 13 of today's Third Reading Calendar, Senate Bill No. 910, Printer's No. 549, which went over in its order temporarily.

BILL ON THIRD READING AMENDED

Areeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 910, entitled:

An Act establishing minimum compensation and increments for administrators and members of the faculty of the Thaddeus Stevens Trade School and imposing duties on the board of trustees of such school and the Superintendent of Public Instruction.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. LANE. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Sec. 2, page 2, line 12, by striking out "three thousand seven hundred dollars ($3700)" and inserting in lieu thereof; "two thousand four hundred dollars ($2400)"; amend Sec. 2, page 2, line 17, by striking out "three thousand seven hundred dollars ($3700)" and inserting in lieu thereof: "two thousand four hundred dollars ($2400)"; amend Sec. 2, page 2, line 19, by striking out "eight" and inserting in lieu thereof: "ten"; amend Sec. 2, page 3, lines 2 and 3, by striking out "four thousand four hundred dollars ($4400)" and inserting in lieu thereof: "two thousand four hundred dollars ($2400)"; amend Sec. 2, page 3, line 4, by striking out "ten" and inserting in lieu thereof: "twelve"; amend Sec. 2, page 3, lines 15, by striking out "four thousand four hundred dollars ($4400)" and inserting in lieu thereof: "three thousand four hundred dollars ($3400)"; amend Sec. 2, page 3, line 17, by striking out

"ten" and inserting in lieu thereof: "eight"; amend Sec. 2, page 3, line 20, by striking out "four thousand four hundred dollars ($4400)" and inserting in lieu thereof: "three thousand four hundred dollars ($3400)"; amend Sec. 2, page 4, line 2, by striking out "twelve" and inserting in lieu thereof: "ten"; amend Sec. 2, page 4, line 6, by striking out "four thousand four hundred dollars ($4400)" and inserting in lieu thereof: "three thousand four hundred dollars ($3400)"; amend Sec. 2, page 4, line 8, by striking out "ten" and inserting in lieu thereof: "eight";

Amend Sec. 2, page 4, line 10, by striking out "four thousand four hundred dollars ($4400)" and inserting in lieu thereof: "three thousand four hundred dollars ($3400)"; amend Sec. 2, page 4, line 12, by strkiing out "twelve" and inserting in lieu thereof: "ten"; amend Sec. 2, page 4, lines 15 and 16, by striking out "four thousand eight hundred dollars ($4800)" and inserting in lieu thereof: "three thousand eight hundred dollars ($3800)"; amend Sec. 2, page 4, line 17, by striking out "ten" and inserting in lieu thereof: "eight" amend Sec. 2, page 4, line 19, by striking out "four thousand eight hundred dollars ($4800)" and inserting in lieu thereof: "three thousand eight hundred dollars ($3800)" amend Sec. 2, page 5, line 2, by striking out "twelve" and inserting in lieu thereof: "ten."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

APPROPRIATION BILLS ON SECOND READING CALENDAR CALLED UP OUT OF ORDER

Mr. FLEMING. Mr. President, I request that we revert to page 15 of today's Calendar, and consider Appropriation Bills on Second Reading.

The PRESIDENT. Is there objection? The Chair hears none.

SECOND READING CALENDAR

APPROPRIATION BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 901, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 902, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the School of Medicine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 903, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the School of Veterinary Medicine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1065, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1066, entitled:

An Act making an appropriation to the Temple University Medical School at Philadelphia, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1082, entitled:

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania, at Philadelphia, Pennsylvania, for defraying part of expenses of the 250th Anniversary Celebration of the birth of Benjamin Franklin.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1090, entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia, Pennsylvania for maintenance and support.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1280, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire tracts of land in the Borough of Edinboro Erie County for use of the Edinboro State Teachers' College and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1482, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1483, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the University.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1484, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the School of Medicine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1610, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania East Falls Philadelphia Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1611, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1612, entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The Senate proceeded to the second reading and consideration of House Bill No. 1629, entitled:

A Supplement to the act, approved the twenty-second day of August, one thousand nine hundred fifty-three (Appropriation Acts page 54), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and fifty-three, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred fifty-three," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred fifty-five.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1648, entitled:

An Act making an appropriation to the Department of Mines for the sealing dewatering and flushing of and extinguishment of fires in abandoned coal mines.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of House Bill No. 1650, entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania to the Huntingdon Volunteer Fire Company and to the Cresson Volunteer Fire Company of Cresson Pennsylvania and making an appropriation to the Hollidaysburg Volunteer Fire Company and the Duncansville Volunteer Fire Company for the protection of State property.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. FLEMING. Mr. President, I move that House Bill No. 1650, the bill just read, be recommitted to the Committee on Appropriations.

Mr. WADE. Mr. President, I second the motion.

The motion was agreed to.

APPROPRIATION BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 2046, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. FLEMING. Mr. President, may we be at ease for ten minutes?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

BILLS INTRODUCED AND REFERRED

Mr. SEYLER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SEYLER read in place and presented to the Chair Senate Bill No. 1039, entitled:

An Act granting ambulances, fire apparatus and certain other emergency vehicles free passage over all turnpikes and extensions thereof under the supervision and control of the Pennsylvania Turnpike Commission.

Which was committed to the Committee on Highways.

Mr. BARR. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. BARR and WATKINS read in place and presented to the Chair Senate Bill No. 1040, entitled:

An Act to facilitate vehicular traffic across the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near the City of Chester, Delaware County, thence in a general northerly direction to connect with the Pennsylvania Turnpike System, at such point as the Pennsylvania Turnpike Commission may decide is most feasible and practicable, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds, notes or other obligations of the Commonwealth, payable solely from revenues of the commission, including tolls, or from such funds as may be available to the commission for that purpose, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, notes or other obligations, and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds, notes or other obligations exempt from taxation; constituting the same legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions on which such turnpike shall become free; providing for grade separations, grade changes, relocations, restorations and vacation of public roads and State highways affected by the turnpike; providing for the purchasing or condemnation of land and procedure for determining damages in condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Which was committed to the Committee on Highways.

Mr. VAN SANT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. VAN SANT read in place and presented to the Chair Senate Bill No. 1041, entitled:

An Act making an appropriation to the Senate committee appointed to investigate and study the reasons for the disapproval of the Allentown State Hospital by the American Psychiatric Association.

Which was committed to the Committee on Appropriations.

NOMINATIONS BY THE GOVERNOR

REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBERS OF THE BOARD OF TRUSTEES OF SLIPPERY ROCK STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 14, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Slippery Rock State Teachers' College:

Mrs. Emma Guffey Miller, Wolf Creek Farm, Slippery Rock, Butler County, to serve until the third Tuesday of January 1957, and until her successor shall have been appointed and qualified, vice Hon. Wm. C. Campbell, Butler, whose term expired.

H. Gale West, Slippery Rock, Butler County, to serve until the third Tuesday of January 1961, and until his successor shall have been appointed and qualified, vice Robert J. Heasley, Zelienople, whose term expired.

Miss Florence F. Murrin, Butler, Butler County, to serve until the third Tuesday of January 1957, and until her successor shall have been appointed and qualified, vice John Evans Rose, Sewickley, resigned.

John B. Veltri, 221 Clifton Avenue, Sharpsburg, Allegheny County, to serve until the third Tuesday of January 1961, and until his successor shall have been appointed and qualified, vice Dr. Ralph D. Horsman, Mt. Lebanon, whose term expired.

Merle D. Musick, R. D. 1, Latrobe, Westmoreland County, to serve until the third Tuesday of January 1959, and until his successor shall have been appointed and qualified, vice Mrs. Zillah J. Shremp, Slippery Rock, whose term expired.

Robert C. Malcolm, Curtisville, Allegheny County, to serve until the third Tuesday of January 1961, and until his successor shall have been appointed and qualified,

vice Dr. W. Lee Gilmore, Oakmont, whose term expired.

GEORGE M. LEADER.

MEMBERS OF THE ADVISORY HEALTH BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 14, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Advisory Health Board:

Dr. Elizabeth Ravdin, 2015 Delancey Place, Philadelphia 3, Philadelphia County, to serve until the third Tuesday of January 1960, or until her successor has been appointed and has qualified, vice Dr. Gilson C. Engel, Philadelphia, resigned.

Dr. D. John Lauer, 1311 Terrace Drive, Pittsburgh 28, Allegheny County, to serve until the third Tuesday of January 1958, or until his successor has been appointed and has qualified, vice Dr. Daniel H. Bee, Indiana, whose term expired.

Dr. Pascal F. Lucchesi, Director, Albert Einstein Medical Center, Philadelphia, Philadelphia County, to serve until the third Tuesday of January 1959, or until his successor has been appointed and has qualified. (Reappointment)

Dr. Russell B. Roth, 629 Myrtle Street, Erie, Erie County, to serve until the third Tuesday of January 1959, or until his successor has been appointed and has qualified. (Reappointment)

Dr. George S. Klump, 1209 Locust Street, Williamsport, Lycoming County, to serve until the third Tuesday of January 1960, or until his successor has been appointed and has qualified. (Reappointment)

Frederic G. Weir, Esq., 3233 Orleans Street, Pittsburgh 14, Allegheny County, to serve until the third Tuesday of January 1959, or until his successor has been appointed and has qualified, vice Andrew J. Gleason, Esq., Johnstown, whose term expired.

Adolph W. Schmidt, Vice President, T. Mellon and Sons, Pittsburgh, Allegheny County, to serve until the third Tuesday of January 1958, or until his successor has been appointed and has qualified. (Reappointment)

Theodore F. Hatch, School of Public Health, University of Pittsburgh, Pittsburgh, Allegheny County, to serve until the third Tuesday fo January 1958, or until his successor has been appointed and has qualified. (Reappointment)

Dr. Herbert K. Cooper, 26 North Lime Street, Lancaster, Lancaster County, to serve until the third Tuesday of January 1960, or until his successor has been appointed and has qualified. (Reappointment)

GEORGE M. LEADER.

HOUSE MESSAGE

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 794

The Clerk of the House of Representatives being introduced, informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 794, entitled:

An Act amending the act of January 21, 1947 (P. L. 3) entitled "An act relating to officers and employes of the General Assembly . . ." changing the title of and compensation of certain Senate and House employes providing for the appointment of additional employee therein and making appropriations.

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 794

Mr. FLEMING. Mr. President, I move that the Senate insists upon its amendments non-concurred in by the House to the foregoing bill.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGE

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 1792

The Clerk of the House of Representatives being introduced, informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 1792, entitled:

An Act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties.

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 1792

Mr. FLEMING. Mr. President, I move that the Senate insists upon its amendments non-concurred in by the House to the foregoing bill.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO HOUSE BILL No. 53, RECALLED FROM THE GOVERNOR, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives, informing the Senate that the House insists upon its amendment non-concurred in by the Senate to House Bill No. 53, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) prohibiting the throwing of certain material from motor vehicles and further limiting and regulating certain actions.

and has appointed Messrs. SWARTZ, LEONARD and STRAUSSER as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL No. 53, RECALLED FROM THE THE GOVERNOR

Mr. FLEMING. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to House Bill No. 53, and that a Committee of Conference on the part of the Senate be appointed.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 856, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists on its non-concurrence in Senate amendments to House Bill No. 856, entitled:

An Act amending the act of March 30, 1917 (P. L. 21), entitled "Optometrists Licensure Law," further regulationg the refusal, cancellation, revocation and suspension of licenses, providing for rules and regulation, and eliminating repealed provisions.

and has appointed Messrs. BOIES, KOLANKIEWICZ and KENT as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 856

Mr. FLEMING. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 856, and that a Committee of Conference on the part of the Senate be appointed.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 173

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 173, entitled:

An Act providing for the establishment of police pension funds or pension annuities in boroughs, towns and townships, and the regulation and maintenance thereof; providing for continuance of existing funds or transfer thereof to funds herein established; prescribing rights of beneficiaries; and repealing certain acts.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 305, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 305, entitled:

An Act to add Section 1201.1 to the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "The Vehicle Code," by providing for traffic courts in cities of the third class.

and has appointed Messrs. PETROSKY, FILO and LIPPINCOTT as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 530, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 530, entitled:

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land,property or material or any interest therein by political subdivisions or by authorities created by political subdivisions in the exercise of their power of eminent domain.

and has appointed Messrs. LOPRESTI, MIHM and COOPER as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 835, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 835, entitled:

An Act amending the act of August 9, 1955 (Act No. 130), "The County Code," authorizing the appointment of solicitors by clerks of the court of quarter sessions and oyer and terminer in third, fourth and fifth class counties, and prescribing their duties.

and has appointed Messrs. WHEELER, BRETH and TOMPKINS as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 729, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 729, entitled:

A Joint Rosolution proposing an amendment to article two, section four of the Constitution of the Commonwealth of Pennsylvania by providing for annual sessions of the General Assembly.

and has appointed Messrs. READINGER, POLASKI and WOOD as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the difference existing between the two houses in relation to said bill.

HOUSE INSITS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 235, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 235, entitled:

An Act amending the act of June 21, 1939 (P. L. 566), entitled "The Pennsylvania Occupational Disease Act," by including tuberculosis within the meaning of the term occupational disease in the occupation of nursing.

and has appointed Messrs. CAPANO, LOPRESTI and HOCKER as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

REPORT FROM COMMITTEE

Mr. FLEMING. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING from the Committee on Iocal Government, reported as amended, House Bill No. 1289, entitled:

An Act amending the act of May 4 1927 (P. L. 519) entitled "The Borough Code" authorizing the issuance of non-debt revenue bonds for capital improvements to certain public service facilities.

BILLS ON FIRST READING

Mr. FLEMING. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. PROPERT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 240, entitled:

An Act reenacting and amending the act of July twenty-nine one thousand nine hundred fifty-three (P. L. 996) entitled: An act creating an Anthracite Mine Drainage Study Commission for the purpose of making a study investigation and legislative recommendations relating to the drainage of anthracite mines and making an appropriation," by authorizing the commission to act in an advisory capacity in the allocation of funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1036, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled, as amended, "Local Tax Enabling Law," increasing the maximum millage amount for certain political subdivisions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1037, entitled:

An Act providing for the reassessment of properties for tax purposes where new imprpovements have been made, and the addition thereof to existing tax duplicates of political subdivisions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1289, entitled:

An Act amending the act of May 4 1927 (P L 519) entitled "The Borough Code" authorizing the issuance of non-debt revenue bonds for capital improvements to certain public service facilities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1571, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "The Administrative Code of 1929" changing the name of the Department of Mines to the Department of Mines and Mineral Industries and changing the title of the head of said department from Secretary of Mines to Secretary of Mines and Mineral Industries further providing that where the term "Department of Mines" or "Secretary of Mines" are used or referred to in any other law contract or document such term of reference shall be deemed to refer to and include respectively the terms "Department of Mines and Mineral nIdustries" making an appropriation and "Secretary of Mines and Mineral Industries".

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of House Bill No. 1593, entitled:

An Act regulating waste disposal areas in certain parts of the Commonwealth providing for permits placing duties upon the Department of Mines and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of House Bill No. 1725, entitled:

An Act relating to the use of conveyor belts in coal mines providing for the safety of persons employed therein and the protection of property connected therewith conferring powers and imposing duties upon the Department of Mines and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1734, entitled:

An Act amending the act of July 15 1935 (P L 1034) entitled "An act requiring operators of anthracite coal mines to report shipments to the Department of Mines" requiring breakers washeries or preparation plants to file reports and changing the time for filing reports.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1752, entitled:

An Act amending the act of June 9 1911 (P L 756) entitled "An act to provide for the health and safety of

persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" changing applicability of act and the requirement of a mine foreman in small mines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1755, entitled:

An Act amending the act of June 27 1947 (P L 1095) entitled as amended "Anthracite Strip Mining Law" further regulating strip mining operations making changes with respect to backfilling and permits and providing for filing of maps.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1849, entitled:

An Act amending the act of May 31 1945 (P L 1198) entitled "Bituminous Coal Open Pit Mining Conservation Act," further regulating mining operations requiring the filing of maps changing provisions with respect to registration bonds backfill overburden enforcement of the act appeals and penalties and providing for the payment of fines into a special fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1874, entitled:

An Act amending the act of July 15 1897 (P L 287) entitled "An act to protect the lives and limbs of miners from the dangers resulting from incompetent miners working in the anthracite coal mines of this Commonwealth . . . ," prescribing powers and duties of certain miners examining boards.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1962, entitled:

An Act amending the act of June 9 1911 (P L 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania . . . ," changing qualification requirements of candidates for the office of mine inspector and changing provisions concerning reappointment and certification of inspectors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1963, entitled:

An Act amending the act of July 1 1937 (P L 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors . . . ," making certain mine inspectors eligible for reappointment without examination.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

SENATE BILL No. 889 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. LANE. Mr. President, I call up from the Third Reading Postponed Calendar, Senate Bill No. 889, Printer's No. 404.

BILL RECOMMITTED

Mr. LANE. Mr. President, I move that Senate Bill No. 889, on third reading, entitled:

An Act amending the act of August 5, 1941 (P. L. 803) entitled as amended "An act providing for the creation maintenance and operations of a county employes' retirement system in counties of the fifth sixth seventh and eighth class imposing certain charges on counties and prescribing penalties" imposing duties on retirement boards when employes are placed under Federal Social Security and changing and clarifying certain retirement allowances and benefits

be recommitted to the Committee on Local Government.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 890 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. LANE. Mr. President, I call up from the Third Reading Postponed Calendar, Senate Bill No. 890, Printer's No. 405.

BILL RECOMMITTED

Mr. LANE. Mr. President, I move that Senate Bill No. 890, on third reading, entitled:

An Act amending the act of June 4, 1937 (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties" imposing duties on retirement boards when employes are placed under Federal social security and changing and clarifying certain allowances and benefits

be recommitted to the Committee on Local Government.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 891 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. SCOTT. Mr. President, I call up from the Third Reading Postponed Calendar, Senate Bill No. 891, Printer's No. 406, for consideration at this time.

BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 891, entitled:

An Act amending the act of June 27, 1923 (P. L. 858) entitled "State Employes' Retirement Law" changing and clarifying contributions and credit provisions where employes are placed under social security.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill on third reading?

Mr. SCOTT. Mr. President, on behalf of Senator Lane and myself, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 8) page 3, line 3 by inserting after "payable": "to a member"; amend Sec. 1 (Sec. 8) page 3, line 4 by striking out "and upon that portion of annual compensation on" and inserting in lieu thereof: "at"; amend Sec. 1 (Sec. 8) page 3, lines 5 to 11 by striking out "at one-half the rate payable" in line 5 and all of lines 6 to 11 and inserting in lieu thereof: "adjusted so that the retirement allowance then payable shall be reduced by an amount equal to forty percent of the primary insurance amount of social security paid or payable to him whether received or not. The board shall reduce the rate of member contributions to the extent permitted by the rate of benefits provided for in this subsection." amend Sec. 2 (Sec. 13) page 3, line 16 by inserting after "payable"; "to a member"; amend Sec. 2 (Sec. 13) page 3, line 17 by striking out "and upon that portion of annual compensation on" and inserting in lieu thereof: "at"; amend Sec. 2 (Sec. 13) page 3, lines 18, 19 and 20, page 4, lines 1, 2 and 3 by striking out "be at one-half the rate payable" in line 18, all of lines 19 and 20, page 3, and all of lines 1 to 3 page 4, and inserting in lieu thereof: "shall be adjusted so that the retirement allowance then payable shall be reduced by an amount equal to forty percent of the primary insurance amount of social security paid or payable to him. Such reduction shall be subject to the following provisions:

"(a) Upon attainment of the age at which social security benefits are payable by a beneficiary receiving a retirement allowance for superannuation or upon retirement of a contributor after attaining that age, his eligibility to the old age insurance benefit and the primary insurance amount of social security upon which the reduction in the retirement allowance shall be based shall be computed by the board in the manner specified in the Federal Social Security Act, except that in determining such amount only wages or compensation for services covered by the retirement system created by this act shall be included.

"(b) His credits accrued for service to the date of such change shall remain to his credit without adjustment and credits for service subsequent to the date of such change to the time of retirement shall be at the adjusted rate as provided in section 6 (10).

"(c) That portion of a member's retirement allowance based on credits for service subsequent to the date of the change shall not be less than the amount of his member's annuity based on contributions for the same period.

"(d) The reduction shall not apply to allowances for total disability payable under section 12 of this act and shall not apply to services covered under the provisions of the Pennsylvania State Police retirement system.

"(e) In determining the need for any further State annuity payable under clause (2) (e) of this section, the primary social security amount paid or payable to a member shall be included with the superannuation retirement allowance as the basis for computing such need.

"(f) Whenever the amount of the reduction from the retirement allowance shall have been once determined, it shall remain fixed for the duration of the allowance except that any decrease in the primary insurance amount under the Social Security Act shall result in a corresponding decrease in the amount of the reduction from the allowance.

"(g) The total sum to be received monthly from the retirement system and from social security by each member following retirement shall not be more than eighty percent of final salary. This limitation shall not apply where it would reduce that portion of the retirement allowance of a member based on credits earned prior to the effective date of the agreement.

"(h)".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. SCOTT. Mr. President, I ask unanimous consent that Senate Bill No. 891, Printer's No. 406, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL No. 892 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. SCOTT. Mr. President, I call up from the Third Reading Postponed Calendar, Senate Bill No. 892, Printer's No. 414, for the purpose of having it appear on tomorrow's Third Reading Calendar.

The PRESIDENT. There being no objection, the bill will appear on tomorrow's Third Reading Calendar.

SENATE BILL No. 893 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. SCOTT. Mr. President, I call up from the Third Reading Postponed Calendar, Senate Bill No. 893, Printer's No. 407, for consideration at this time.

BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 893, entitled:

An Act amending the act of July 18 1917 (P. L. 1043) entitled "Public School Employes Retirement Law" changing and clarifying benefit contribution and credit provisions when employes are placed under social security providing for payments by the Commonwealth and for reimbursements from appropriations.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. SCOTT. Mr. President, on behalf of Senator Lane and myself, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 8), page 3, line 7, by inserting after "payable": "to a member";

Amend Sec. 1 (Sec. 8), page 3, lines 7 and 8, by striking out "and upon that portion of annual compensation on" and inserting in lieu thereof: "at";

Amend Section 1 (Sec. 8), page 3, lines 9 to 13, by striking out "at one-half the rate payable according to the" in line 9 and all of lines 10 to 13 and inserting in lieu thereof:: "adjusted so that the retirement allowance then payable shall be reduced by an amount equal to forty percent of the primary insurance amount of social security paid or payable to him, whether received or not. The board shall reduce the rate of member contributions to the extent permitted by the rate of benefits provided foi in this subsection";

Amend Sec. 3 (Sec. 14), page 5, line 10, by inserting after "payable": "to a member";

Amend Sec. 3 (Sec. 14), page 5, line 11, by striking out "and upon that portion of annual compensation on" and inserting in lieu thereof: "at';

Amend Sec. 3 (Sec. 14), page 5, lines 12 to 17, by striking out "be at one-half the rate payable according" in line 12 and all of lines 13 to 16, and "transfer shall be at the rate applicable during such period" in line 17, and inserting in lieu thereof: "shall be adjusted so that the retirement allowance then payable shall be reduced by an amount qual to forty percent of the primary insurance amount of social security paid or payable to him. Such reduction shall be subject to the following limitations:

"(a) Upon attainment of the age at which social security benefits are payable by a beneficiary receiving a retirement allowance for superannuation or upon retirement of a contributor after attaining that age, his eligibility to the old age insurance benefit and the primary insurance amount of social security, upon which the reduction in the retirement allowance shall be based, shall be computed by the board in the manner specified in the Federal Social Security Act, except that in determining such amount, only wages or compensation for services covered by the retirement system created by this act shall be included.

"(b) His credits accrued for service to the date of such change shall remain to his credit without adjustment, and credits for service subsequent to the date of such change to the time of retirement shall be at the adjusted rate as provided in section 8 (6).

"(c) That portion of a member's retirement allowance, based on credits for service subsequent to the date of the change, shall not be less than the amount of his member's annuity, based on contributions for the same period.

"(d) The reduction shall not apply to allowances for total disability parable under section 13 of this act.

(e) In determining the need for any further State annuity, payabe ulnder subsection 3 of this section, the primary insurance amount of social security paid or payable to a member shall be included with the superannuation retirement allowance as the basis for computing such need.

"(f) Whenever the amount of the reduction from the retirement allowance shall have been once determined, it shall remain fixed for the duration of the allowance except that any decrease in the primary insurance amount under the Social Security Act shall result in a corresponding decrease in the amount of the reduction from the allowance.

"(g)".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. SCOTT. Mr. President, I ask unanimous consent that Senate Bill No. 893, Printer's No. 407, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL No. 894 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. LANE. Mr. President, I call up from the Third Reading Postponed Calendar, Senate Bill No. 894, Printer's No. 408.

BILL RECOMMITTED

Mr. LANE. Mr. President, I move that Senate Bill No. 894, on third reading, entitled:

An Act amending the act of July 8, 1941 (P. L. 298) entitled "Fourth Class County Retirement Law" imposing duties on retirement boards when employes are placed under Federal social security and changing and clarifying certain allowances and benefits.

be recommitted to the Committee on Local Government.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 895 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. SCOTT. Mr. President, I call up from the Third Reading Postponed Calendar, Senate Bill No. 895, Printer's No. 409, for the purpose of having it appear on tomorrow's Third Reading Calendar.

The PRESIDENT. There being no objection, the bill will appear on tomorrow's Third Reading Calendar.

SENATE BILL No. 896 CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. SCOTT. Mr. President, I call up from the Third Reading Postponed Calendar, Senate Bill No. 896, Printer's No. 458, for consideration at this time.

BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 896, entitled:

An Act reenacting and amending the act of January 5, 1952 (P. L. 1833) entitled "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended . . ." extending its provisions to include additional persons increasing contribution rates and providing for referenda and permitting modification of certain local retirement plans.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. SCOTT. Mr. President, on behalf of Senator Lane

and myself, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 1), page 4, line 12, by inserting after "system": "established by a political subdivision or by annuity contracts"; amend Sec. 1 (Sec. 2), page 9, by inserting between lines 9 and 10:

"(j) "State Treasurer" means the Treasurer of the Commonwealth of Pennsylvania.

"(k) "Head of the Department," as applied to State employes, means the head of the department or branch of service not a department of the Commonwealth of Pennsylvania of which the State employe is a member.

"(l) "Treasurer or Paying Officer" means the treasurer or paying officer of the department or branch of service not a department of the Commonwealth of Pennsylvania of which the State employe is a member."

Amend Sec. 1 (Sec. 5), page 15, lines 11 and 14, by inserting a bracket before "(b)" in line 11 and after "contribution" in line 14, and inserting immediately thereafter:

"(b) The head of each department shall cause to be deducted on each and every pay-roll of an employe for each and every pay-roll period subsequent to the effective date of an agreement entered into under this act such prcentum of the total amount of wages earnable by the employe in such pay-roll period required to satisfy the contribution imposed by clause (a) of this section, and shall certify to the Treasurer of the Commonwealth on account of each and every pay-roll of an employe a statement as voucher for the amounts to be deducted but failure to make such deductions shall not relieve the employe from the liability for such contribution.

"(b.1) The State Treasurer on receipt from the heads of the departments of the vouchers for deductions from the wages of employes provided for in clause (b) of this section shall make such deductions and shall pay each of the amounts so deducted into the Contribution Fund established by section 7 of this act.

"(b.2) The treasurer or paying officer on receipt from the heads of the departments of the vouchers for deductions from the wages of employes provided for in clause (b) of this section shall make such deductions and shall pay each of the amounts so deducted into the Contribution Fund established by section 7 of this act."

Amend Sec. 1 (Sec. 6.1), page 19, line 17, by striking out "upon the request of" and inserting in lieu thereof: "unless within sixty days of the issuance of official information concerning this act by the State agency"; amend Sec. 1 (Sec. 6.1), page 19, line 18, by striking out "fifty-one pertentum (51%)" and inserting in lieu thereof: "forty percentum (40%)"; amend Sec. 1 (Sec. 6.1), page 19, line 18, by inserting after "districts": "shall notify the State agency on a form to be supplied by it that they do not desire a referendum to be held"; amend Sec. 1 (Sec. 6.2), page 21, line 14, by inserting after "subdivision"; "or by annuity contracts"; amend Sec. 1 (Sec. 6.2), page 21, line 20, by inserting after "apply": "only"; amend Sec. 1 (Sec. 6.2), page 22, line 1, by striking out "and on that portion of annual compensation on" and inserting in lieu thereof: "at"; amend Sec. 1 (Sec. 6.2), page 22, line 2, by inserting after "payable": "and to that portion of such benefits based on wages (as defined in section 2 of this act) but not less than four thousand two hundred dollars ($4200) per year or actual remuneration per year of Social Security coverage"; amend Sec. 1 (Sec. 6.2), page 22, line 6, by inserting after "agreement": "The limitation provided for in section 6.3 notwithstanding"; amend Sec. 1 (Sec. 6.2), page 22, lines 9 and 10, by striking out "Cities of the first class shall not be" in line 9 and all of line 10 and inserting in lieu thereof: "The provisions of this section shall not be deemed to restrict any city of the first class in modifying any pension and retirement system covering any officers or employes of such city."; amend Sec. 1 (Sec. 6.3), page 22, line 12, by inserting after "systems": "established by a political subdivision or by annuity contracts"; amend Sec. 1 (Sec. 6.3), page 22, lines 16 and 17, by striking out "due to credits earned after the effective date of an agreement under this act"; amend Sec. 1 (Sec. 6.3), page 22, line 20, by inserting after "system": "This limitation shall not apply where it would reduce that portion of the retirement allowance of a member based on credits earned prior to the effective date of an agreement under this act"

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. SCOTT. Mr. President, I ask unanimous consent that Senate Bill No. 896, Printer's No. 458, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL No. 403 CALLED UP

Mr. LANE. Mr. President, at this time I call up from today's Second Reading Calendar, Senate Bill No. 403, Printer's No. 142, which went over in its order temporarily.

BILL RECOMMITTED

Mr. LANE. Mr. President, I move that Senate Bill No. 403, on second reading, entitled:

An Act reenacting and amending the act of January 5, 1952 (P. L. 1833) entitled "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended . . ." extending its provisions to include additional persons increasing contribution rates and providing for referenda.

be recommitted to the Committee on State Government.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. FLEMING. Mr. President, I move that the Senate do now adjourn until Thursday, March 15, 1956, at 10:00 o'clock, a. m., Eastern Standard Time.

Mr. WHALLEY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:33 o'clock, p. m., Eastern Standard Time, until Thursday, March 15, 1956, at 10:00 o'clock, a. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 14, 1956.

The House met at 10:00 a. m.
The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

Reverend John G. Bernheisel, Pastor of the Lower Muhlenberg Church, York, guest Chaplain, offered the following prayer:

Our heavenly Father, we spend this moment with Thee as a time of remembrance of Thy great love. Thou hast given to us in the day past all the needs of life. Indeed Thou hast been with us each day, as Thou wert with the fathers who founded this nation and this Commonwealth. We praise Thee for Thy steadfastness and never swerving provision of all our needs.

We look to this new day with hope and anticipation of Thy guidance as we set ourselves to the tasks set before us. Give us strength of body and of spirit that we may be able to hold to right in all endeavors. We invoke Thy blessing upon each of Thy servants here, upon the men of the other house upon whose shoulders also rests the responsibility of the welfare of the millions whose lot is cast with us in this Commonwealth. Especially do we pray Thee that Thou wilt give our Governor and all his aides Thy wisdom in their part of guiding the affairs of this Commonwealth.

We lay upon Thee our cares now, that we may be able to give ourselves completely to this day. We pray for Thy forgiveness for our errors of the past and by Thy help we would not commit these errors and sins again.

Finally, our Father, give us that close fellowship with Thee that shall enable us to receive Thy promise of eternal life, given through Christ our Lord, Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. If there is no objection, the approval of the Journal for Tuesday, March 13, 1956 will be postponed until printed. The Chair hears none.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 641.

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships.

HOUSE BILL No. 1174.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by providing for military leaves of absence for public school employes who are inducted for military service at any time.

Said bills having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bills amended, in which amendments the Senate has concurred.

The SPEAKER. The Chair requests the gentleman from McKean, Mr. Johnson, to preside temporarily.

Mr. JOHNSON IN THE CHAIR

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 590.

An Act amending the act of July 29 1953 (Appropriation Acts 19 No. 24-A) entitled "An act making an appropriation to the Department of Mines for the sealing and dewatering of and extinguishment of fires in abandoned coal mines" authorizing the use of funds for flushing mine voids in certain cases

HOUSE BILL No. 698.

An Act amending the act of June 3 1937 (P. L. 1333) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," increasing the compensation of election officers in counties of the first and second classes

HOUSE BILL No. 1072.

An Act approving ratifying and enacting into law the Great Lakes Basin Compact making the Commonwealth of Pennsylvania a party thereto creating "The Great Lakes Commission" providing for the members thereof from the Commonwealth of Pennsylvania providing for the carrying out of the purposes of the compact and making an appropriation.

HOUSE BILL No. 1276.

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania making special provision for the taxation of private forest reserves.

HOUSE BILL No. 1693.

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Gover-

nor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" further regulating membership of the State Veterans' Commission.

HOUSE BILL No. 1987.

An Act amending the act of May 2, 1925 (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing in certain cases fishing in farm ponds without licenses and regulating the transportation of fish taken from such ponds during closed seasons.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 590.

An Act amending the act of July 29, 1953 (Appropriation Acts 19 No. 24-A) entitled "An act making an appropriation to the Department of Mines for the sealing and dewatering of and extinguishment of fires in abandoned coal mines" authorizing the use of the funds for flushing mine voids in certain cases.

HOUSE BILL No. 641.

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" auhorizing the appointment of sanitary boards and sanitary officers prescribing their powers and duties providing for the enforcement of the administration of health laws by such boards and officers providing for a president and secretary of such boards imposing duties on the Secretary of Health and providing for payments of expenses by townships

HOUSE BILL No. 698.

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "An act concerning elections, including general municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defiining membership ofcounty boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," increasing the compensation of election officers in counties of the first and second classes.

HOUSE BILL No. 1072.

An Act approving ratifying and enacting into law the Great Lakes Basin Compact making the Commonwealth of Pennsylvania a party thereto creating "The Great Lakes Commission" providing for the members thereof from the Commonwealth of Pennsylvania providing for the carrying out of the purposes of the compact and making an appropriation

HOUSE BILL No. 1174.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by providing for military leaves of absence for public school employes who are inducted for military service at any time

HOUSE BILL No. 1276.

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania making special provision for the taxation of private forest reserves

HOUSE BILL No. 1693.

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganizion of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" further regulating membership of the State Veterans' Commission

HOUSE BILL No. 1987.

An Act amending the act of May 2, 1925 (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" authorizing in certain cases fishing in farm ponds without licenses and regulating the transportation of fish taken from such ponds during closed seasons

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Without objection, the order of business of Leaves of Absence will be passed over temporarily. The Chair hears none.

APPROPRIATION BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2024, entitled:

An Act making an appropriation to the Department of Forests and Waters for the development of Erie Harbor and land adjacent thereto

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 452, entitled:

An Act relating to and regulating the practice of massage providing for the licensure and for the revocation and suspension of licenses of masseurs and masseuses by the Department of Public Instruction conferring powers and imposing duties upon the Dept. of Public Instruction and prescribing penalties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1890, entitled:

An Act reenacting and amending the "Trademark Registration Act" approved September 26, 1951 (P. L. 1518) extending the act to service-marks to identify certain services and distinguish them from others

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. BRETH asked and obtained permission for the Committee on Conservation and Wild Life to meet during the session of the House.

APPROPRIATION BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 654, entitled:

An Act making an appropriation to The Boys Industrial Home of Western Pennsylvania located at Oakdale Allegheny County for new buildings and repairs to existing buildings

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 695, entitled:

An Act making an appropriation to the Trustees of the George Jr. Republic Association Grove City Pennsylvania for construction of new buildings and repairs ***

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 789, entitled:

An Act authorizing the Pennsylvania Aeronautics Commission to expend State funds for civil air patrol aviation education training aids and maintenance of civil air patrol aircraft and making an appropriation

The first section was read.
On the question,
Will the House agree to the section?
Mr. FRANK offered the following amendments:

Amend Sec. 1, Page 1, line 1, by striking out "Pennsylvania Aeronautics Commission" and inserting in lieu thereof: "Department of Military Affairs."

Amend Sec. 1, page 2, line 2, by inserting after "purchase" or lease

They were agreed to.
The section was agreed to as amended.
The second section was read.
On the question,
Will the House agree to the section?
Mr. FRANK offered the following amendments:

Amend Sec. 2, page 2, line 5, by inserting after "purchase" or lease
Amend Sec. 2, page 2, lines 5 and 6, by striking out "Pennsylvania Aeronautics Commission" and inserting in lieu thereof: "Department of Military Affairs."

They were agreed to.
The section was agreed to as amended.
The third section was read.
On the question,
Will the House agree to the section?
Mr. FRANK offered the following amendments:

Amend Sec. 3, page 2, line 9, by striking out "Pennsylvania Aeronautics Commission" and inserting in lieu thereof: "Department of Military Affairs."
Amend Sec. 3, page 2, line 10, by inserting after "purchase" or lease.

They were agreed to.
The section was agreed to as amended.
The fourth section was read.
On the question,
Will the House agree to the section?
Mr. FRANK offered the following amendments:

Amend Bill, page 2, by inserting between lines 18 and 19 the following:
Section 5. The act of July 29, 1953 (P. L. 993), entitled "An act authorizing the Pennsylvania Aeronautics Commission to expend State funds for civil air patrol aviation education training aids and maintenance of civil air patrol aircraft," is repealed.

They were agreed to.
The section was agreed to as amended.
The fifth section was read.
On the question,
Will the House agree to the section?
Mr. FRANK offered the following amendment:

Amend Sec. 5, page 2, line 19, by striking out "5" and inserting in lieu thereof: "6."

It was agreed to.
The section was agreed to as amended.
The title was read.
On the question,
Will the House agree to the title?
Mr. FRANK offered the following amendment:

Amend Title, page 1, line 1 of Title, by striking out "Pennsylvania Aeronautics Commission" and inserting in lieu thereof: "Department of Military Affairs."

It was agreed to.
The title was agreed to as amended.
And said bill having been read at length the second time and agreed to as amended.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1387, entitled:

An Act amending the "Child Labor Law ***" regulating the employment of minors on farms

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1965, entitled:

An Act authorizing the Department of Property and Supplies with approval of the Governor to acquire sixty-three acres more or less of land in Washington Township Erie County for use of Edinboro State Teachers' College and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2012, entitled:

An Act making an appropriation to the Department of Mines for expenses of supervising and administering the Anthracite Mine Drainage Program

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2048, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of costs incurred in administering the Special School Milk Program in cooperation with the Federal Government

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 249, entitled:

An Act amending the "Public Assistance Law" of June 24, 1937 (P. L. 2051) ***" increasing monthly pension allowance and maximum income allowance crediting encumbrances in realty valuation and abolishing the sum of income and pension as a ceiling for pension receivable

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 414, entitled:

An Act amending the "Administrative Code" of 1929 (P. L. 177) ***" requiring the Department of Labor and Industry to annually inspect emergency lighting systems sprinkler systems and fire alarm systems in all buildings owned or operated by the Commonwealth

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 587, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire five tracts of land in the Borough of West Chester Chester County for use of West Chester State Teachers' College and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 657, entitled:

An Act amending the act of August 22, 1953 (Appropriation Acts 101) entitled "An act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school" increasing the per capita annual maintenance rate of wards of the Commonwealth

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 772, entitled:

An Act to amend the act approved the third day of June, one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith, and for the demolition of the buildings and structures thereon; providing for and imposing powers and duties upon a Capitol Park Extension Commission; conferring powers and duties upon the Department of Property and Supplies; and making an appropriation," by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands, buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street. and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 916, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to make a study of appropriate ways and methods for developing and promoting the historical interest of Philadelphia and vicinity and specifically for developing a "colonial compound" in Germantown

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 957, entitled:

An Act amending the act of June 4, 1937 (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties" providing for reinstatement of county employes and officers returning to county employment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 967, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in or near White Haven Foster Township Luzerne County for the use of the Department of Welfare in the treatment of mentally retarded children and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 27, entitled:

An Act requiring the Pennsylvania Turnpike Commission to pay political subdivisions an amount equal to the real estate tax on account of property acquired by the commission for turnpike purposes.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 454, entitled:

An Act amending the "Liquor Code" approved April 12 1951 (P. L. 90) exempting certain clubs from the limitation and quota.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1269, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) authorizing the issuance of dealer registration plates to certain collector-repossessors and limiting their use thereof.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1396, entitled:

An Act to further amend section 2 of the act approved the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1676) entitled as amended "An act to provide revenue in school districts of the first class by imposing a tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes school treasurer board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties" by changing certain exemptions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1402, entitled:

An Act to further amend section 2 of the act approved the twentieth day of June one thousand nine hundred forty-seven (P. L. 733) entitled as amended "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes school treasurer board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties" by changing certain exemptions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1544, entitled:

An Act providing for the incorporation as bodies corporate and politic of "Regional Service Districts" by adjoining counties prescribing the rights powers and duties of the regional service districts ***

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

The SPEAKER pro tempore. House Bill 1644, Printer's No. 1198, is erroneously on the calendar on second reading. It should be on third reading. Will you please mark your calendars accordingly? It will be disposed of under third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1872, entitled:

An Act to further amend the "Administrative Code of 1929" ***" by authorizing the Governor to appoint and fix the compensation of comptrollers and other related employes in The General State Authority the State Public School Building Authority and the State Highway and Bridge Authority.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1876, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) further regulating the removal of wrecked and abandoned automobiles.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1905, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) by changing registration fees for certain motor buses and motor omnibuses.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1934, entitled:

An Act amending the "Vital Statistics Law of 1953" approved June 29, 1953 making it unlawful for unauthorized persons to copy duplicate or issue certificates of birth death or fetal death.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1945, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177) changing requirements in promulgating rules and regulations by the Department of Health.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1946, entitled:

An Act amending the act of May 5, 1921 (P. L. 374) entitled "An act providing for the licensing and regulation of corporations co-partnerships associations and individuals engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment ***" authorizing deposit of bonds of authorities created by the State or political subdivisions as security for licensure

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1970, entitled:

An Act amending the "Local Tax Enabling Law" approved June 25, 1947 (P. L. 1145) authorizing the use of certified mail when tax ordinances and statements are filed.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1972, entitled:

An Act amending the act of September 26, 1951 (P. L. 1505) entitled "An act to authorize the revival of judgments entered in favor of the Commonwealth of Pennsylvania by filing a suggestion of nonpayment" authorizing the giving of notice by certified mail return receipt requested.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1976, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177) changing the Brandywine Battlefield Park Commission from an independent administrative commission to a departmental administrative commission in the Department of Forests and Waters.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2041, entitled:

An Act relating to the distribution sale or transportation of adulaterated or misbranded insecticides fungicides rodenticides and other pesticides regulating traffic therein providing for registration and examination of such materials and imposing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Mr. SNIDER offered the following amendment:

Amend Sec. 2, page 3, line 15, by striking out "economic poison" and inserting in lieu thereof "pesticide."

It was agreed to.

The section was agreed to as amended.

The third to the fourteenth sections inclusively and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2072, entitled:

An Act regulating rights and duties of teachers in schools for the teaching and training of the mentally retarded functioning within the Department of Welfare

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2082, entitled:

An Act amending the "Second Class County Code" of July 28, 1953 (P. L. 723) authorizing employes of departments of health of the Commonwealth of Pennsylvania cities of the second and third class boroughs and townships upon application to become members of the county retirement system upon becoming county employes providing for payments by the employes and former employers into the county retirement fund

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2087, entitled:

An Act amending"The Vehicle Code" approved May 1, 1929 (P. L. 905) further regulating applications for registration changing annual registration fees for certain commercial motor vehicles truck tractors trailers and semi-trailers * * *

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 420, entitled:

An Act amending "The Vehicle Code" * * *" providing additional enforcement procedures on traffic violations in first second and second class A cities

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 600, entitled,

An Act to amend "Liquor Code" * * *" by permitting sales on credit of liquor malt or brewed beverages by railroad or pullman companies in dining club or buffet cars to passengers for consumption while enroute holding authorized credit cards issued by railroad or railroad credit bureaus

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 906, entitled:

An Act amending the Act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary merchantile license tax on persons engaging in certain occupations and businesses therein providing for its levy and collection for the issuance of mercantile licenses upon the payment of fees therefor conferring and imposing powers and duties on boards of public education receivers of school taxes and school treasurers in such districts saving certain ordinances of council of certain cities and providing compensation for certain officers and employes and imposing penalties" as amended by changing the penalties on taxes not paid when due

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for third reading.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 30

An Act amending the act of June 19, 1913 (P. L. 534) entitled "An act relating to appointment of deputy constables" defining the jurisdiction of deputy constables

Referred to the Committee on Judiciary.

SENATE BILL No. 335.

An Act amending the act of June 22, 1937 (P. L. 1987) entitled as amended "An act to preserve and improve the purity of the waters of the Comonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation * * *" authorizing certain corporations to acquire interests in land bv eminent domain

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 474.

An Act making an appropriation to the Trustees of the Pennsylvania State University for the use of the School of Agriculture for the erection of experimental mushroom houses and research in the communicable diseases of mushrooms and other phases of the mushroom industry

Referred to the Committee on Appropriations.

SENATE BILL No. 562.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire two tracts of land containing 2.42 acres more or less in the city of Lock Haven for the use of the Lock Haven State Teachers College and making an appropriation

Referred to the Committee on State Government.

SENATE BILL No. 563.

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire sixty-two acres more or less of land in the City of Lock Haven for the use of the Lock Haven State Teachers College and making an appropriation

Referred to the Committee on State Government

SENATE BILL No. 971.

An Act amending the act of December 22, 1955 (Appropriation Acts No. 29A) entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and demaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five and making appropriations to the Department of Public Instruction for reimbursements to school districts" increasing the amount of the appropriation for state teachers colleges

Referred to the Committee on Appropriations.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1176

Mr. TOLL. Mr. Speaker, I move that the vote by which House Bill No. 1176, Printer's No. 1415, entitled "An act defining and relating to installment land contracts, and providing for and regulating the rights and obligations between parties to such contracts under certain terms and conditions," was defeated on final passage on Tuesday, March 13, 1956, be reconsidered.

Mr. McCORMACK. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Toll vote on the final passage of this bill?

Mr. TOLL. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Philadelphia, Mr. McCormack vote on the final passage of this bill?

Mr. McCORMACK. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. TOLL. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. VERONA asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

PERMISSION TO ADDRESS HOUSE

Mr. HOCKER asked and obtained unanimous consent to address the House.

Mr. Speaker, day before yesterday Mr. Wescott and I introduced an amendment to the Sales Tax Act to take out fuel oil, gas and steam. Today we have an amendment to the same Act to take out household supplies which will take care of soap powders, mops, brooms, wax, and so forth, which are very essential to the housewife in this Commonwealth.

We think most of the articles we are trying to amend out of the bill are not luxury items, they are necessities in every home.

We are not doing this just as a gesture, we are doing it in all sincerity. If I am incorrect, and I may be incorrect on my figures, the two items that we are trying to take out of the bill will amount to about $22 million.

We are not just hollering take this out and curb the Democratic administration on the Hill. We do not want them to lose a dime. So in lieu of those two items Mr. Wescott, the gentleman from Susquehanna, and myself are introducing a tax measure which will give the administration $5 to $10 million more than they would get out of these two items.

We are introducing a tax measure, a soft drink tax, which has been proven in this state. It is no guesswork. You know how much money you will get out of it in a biennium, because we have already had it and for some unknown reason it was taken off the books.

I want it definitely understood that we are not trying to take anything away from you people on the other side. We are going to give you back more than you are going to lose.

With that, Mr. Speaker, I offer these following bills and ask you to give them consideration.

SUSPENSION OF RULE

Mr. READINGER. Mr. Speaker, I move that the special rule adopted by this House some months ago forbidding the further introduction of bills be suspended in order that two House bills may be introduced.

On the question,

Will the House agree to the motion?

On a rising vote, one hundred and six Members, or more than a majority, having voted in the affirmative, the motion was agreed to.

Mr. READINGER. Mr. Speaker, I move that the special rule adopted by the House forbidding the further introduction of bills be suspended in relation to the bills which were just introduced by Mr. Hocker and one other bill which is being submitted.

On the question,

Will the House agree to the motion?

Mr. CHARLES C. SMITH. Mr. Speaker, I would like to interrogate the Majority Leader.

The SPEAKER pro tempore. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. CHARLES C. SMITH. Mr. Speaker, we are perfectly willing to go along with the gentleman's suggestion. The bill that was just put in by Mr. Hocker, I would interpret as being a tax bill. Would we need suspension of the Rule for that one bill?

The other is to amend the present sales tax. Would that come under the classification of a tax bill?

Mr. READINGER. It probably would. I just wanted to clear away any doubt about it so there would not be any question about its being allowed to be introduced.

Mr. VARNER. Mr. Speaker, about a week ago I went over to the Reference Bureau and I asked them to draw up a bill for me, a world-shaking bill, a bill I know all of you would have voted for, and the Reference Bureau informed me that we could no longer have bills prepared. So I am distressed here this morning when I find that bills are still being introduced. I do not think it is fair. I do not want to paraphrase the gentleman from Westmoreland, but I feel that perhaps other Members have been faced with the same problem.

I believe we should have some explanation. If I want a bill introduced now I feel I should have that opportunity because I believe it would only be fair to me and to the others.

The SPEAKER pro tempore. The Chair is of the opinion that the bills come under the Rule. They were introduced by Mr. Hocker and filed with the Clerk.

On the question recurring,

Will the House agree to the motion?

On a rising vote, one hundred and six Members, or more than a majority, having voted in the affirmative the motion was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

I think the gentleman has a justifiable complaint.

The instructions which I gave to the Bureau a short time ago were that no bills were to be prepared for Members any longer during this session, unless either the Minority Leader or myself sent a note to them directing them to prepare the bills. We did not want the Bureau kept busy preparing bills if they did not relate to a situation which had arisen recently and which the Member was seeking to correct. If it was something which could have been done prior to the deadline we fixed we thought it should have been done before.

Because of the fact that conditions do arise, through court decisions, perhaps, or change of circumstances, it sometimes becomes necessary at this late date to introduce bills.

So if the gentleman would see his Floor Leader I am sure he will be perfectly happy after consulting with him about it and perhaps get his bill drawn.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from McKean and the Chair desires to make a statement.

Many weeks ago this House adopted a resolution fixing the last day for the introduction of bills. It is a customary and traditional resolution.

The Chair for weeks has been very, very lenient both with the folks in the so-called front office, who did not seem to be able to arrive at any terminal facilities with regard to the introduction of bills, and with the Members of this House. We must some time have a date when we no longer introduce bills, if we are ever going to have a sine die resolution.

I drew the line yesterday when the administration presented a bill which in my opinion should have been presented some time back. I notified the Majority Leader that the Chair had concluded that the time had come to operate under the Rule. Of course, any Rule the House makes the House is at liberty to rescind, or amend, or lay aside temporarily.

It is a matter of indifference to the Chair personally whether we go on introducing bills from now until the time Christmas looms. The Chair wants to cooperate with the Members of this chamber and the Members of the other chamber in trying to create a calendar which eventually can be terminated. It is within the jurisdiction of the House how far they want to go in the matter of introducing bills, but the Chair will insist when bills are introduced that this House by a constitutional majority suspend the Rule.

PERMISSION TO ADDRESS HOUSE

Mr. LOPRESTI asked and obtained unanimous consent to address the House.

Mr. Speaker, one of the bills introduced this morning as a result of the suspension of the Rules was sponsored by myself. I want to explain the reason for introducing that bill and asking for the suspension of the Rules.

Senate Bill 215 provided that all applications for new construction or projects by the General State Authority would have to be taken in order. It was discovered later, and the Conference Committee of the House and the Senate both agreed this change should be made, that it would be advisable to permit the Authority to make exceptions in cases of fire or acts of God where undue hardship might be created in a particular school district. Inasmuch as the Conference Committee report on the Senate bill had not been accepted, had not been filed, it was impossible to introduce the bill to amend the law prior to that particular action.

That is the reason why the bill was not introduced and could not have been introduced before this morning.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LEONARD asked and obtained permisson for the Committee on Judiciary Special to meet during the session of the House.

PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, while this has nothing to do with bills, I thought while we did have a fairly full House I would like to see what the consensus of opinion might be.

I believe yesterday we sat here through quite a lengthy day, whether it was warranted or not is beside the point. I note now we are getting into the closing days of the session. You and I and many Members have sat around here for many hours, going into 10:00, 11:00 and 12:00 o'clock at night. I was wondering if it might be wise and if it would meet with the approval of the Chair and the Majority Leader—I only bring it up as a suggestion, not a motion at this time to see how the Members feel—to try to adjourn in the future at 6:00 or 6:30 every night rather than go into these lengthy sessions.

I do believe that by extending the session without a time limit we get into a lot of wrangles that are unnecessary. I wonder if the Members themselves—as the Senate now does, adjourn every night at 6:00 o'clock—would agree that we do make it a ruling that from now on out, particularly in view of the fact that we will have lengthy sessions. it might be advisable to adjourn at 6:00 or 6:30, whatever would meet with the approval of the membership.

It is merely a suggestion, Mr. Speaker, and not a motion. I wonder what the Majority Leader would be thinking in that respect and what the Members would be thinking.

Mr. READINGER. Mr. Speaker, does the gentleman want to know what I am thinking now or what I will be thinking at 6:30, because if he is thinking about 6:30 I will be thinking about eating too.

I think the remarks made by the Minority Leader are very appropriate, and I would like to assure the membership that it is our intention, as it was in the past, to not hold the membership here beyond 6:30 on any day. Even though the Speaker said we are young and vigorous and virile, we still get hungry. I think it is better for us to eat at a normal time than to eat at 9:00 or 10:00 o'clock at night.

Yesterday was an unusual situation, and I do not believe we will have many instances where that will reoccur. We are planning and intending to run the sessions so they will terminate at either 6:00 or 6:30 every day.

The SPEAKER. The Chair might observe that perhaps a night session would be less exhausting than some of the evening activities in which various Members indulge.

Incidentally, the Chair regrets the fact that night sessions seem to have gone out of fashion. When the Chair first became acquainted with the functioning of this House, night sessions during the closing months of the session were a daily occurrence. The House a number of years back during the last month of a session had no idea of trying to conclude its business and arrive at a sine die date with day sessions, they worked days and they worked nights and there were always a constitutional

majority in the Hall of the House. The majority party in those days managed to have a majority on the floor.

While the recommendations of the Chair have small weight the Chair would earnestly advise when business can be expedited that we return to that tradition.

Mr. CHARLES C. SMITH. I just rise to notify the Speaker that I know his statements do not apply to anybody in the House, but yesterday several Members came to me with a suspicious gleam in their eye and wanted to know why the Speaker had a haircut, a new suit and used perfume. There was considerable attention directed to that fact. I said I knew the Speaker was going on television and that he had no other reason to get his hair cut and look as pretty as he did.

So I would assume, Mr. Speaker, those statements you made do not apply to any Members of the House, because be careful, "People who live in glass houses shouldn't throw stones."

The SPEAKER. The Speaker was simply streamliniing for action on the floor of this House. He claims the privilege of getting a haircut at least once a year.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. FILO asked and obtained permission for the Committee on Boroughs to meet during the session of the House.

REPORTS FROM COMMITTEE

Mr. POLEN from the Committee on Appropriations, reported as Committed, House Bill No. 505, entitled:

An Act amending the "Public School Employes Retirement Law * * *," by defining "final salary".

Mr. POLEN from the Committee on Appropriations, reported as amended, House Bill No. 890, entitled:

An Act amending the "Public School Employes Retirement Law * * *," by further providing for return to service with full retirement rights.

Mr. POLEN from the Committee on Appropriations, reported as amended, House Bill No. 895, entitled:

An Act amending the "Public School Employes Retirement Law * * *," by permitting disability annuitants who withdraw from school service to elect to become members of the one one-hundred-fortieth (1/140) class upon restoration to school service.

Mr. POLEN from the Committee on Appropriations, reported as amended, House Bill No. 1130, entitled:

An Act to further amend the "Public School Employes Retirement Law * * *," by permitting employes to make up back payments to the retirement system from the time they enter school service and securing to such employes the full benefits of the retirement system from the time they entered school service.

Mr. POLEN from the Committee on Appropriations, reported as amended, House Bill No. 1253, entitled:

An Act amending the "Public School Employes Retirement Law" approved July 18, 1917 (P. L. 1043) authorizing contributors in the one one-hundred-sixtieth class to transfer to the one one-hundred-fortieth class.

Mr. POLEN from the Committee on Appropriations, reported as amended House Bill No. 1935, entitled:

An Act amending the act of May 31, 1947 (P. L. 377), a supplement to the State Employes' Retirement Laws, providing for credit of time spent by employes of the Bureau of Unemployment Security in the Department of Labor and Industry as employes of the United States Government.

Mr. POLEN from the Committee on Appropriations, reported as amended, Senate Bill No. 160, entitled:

An Act amending the "State Employes' Retirement Law * * *," changing the provisions as to contributors who died before retirement.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 503, entitled:

An Act amending the "Public School Employes Retirement Law * * *," by authorizing the election of options by certain contributors at any time prior to retirement or death and providing a presumption of an election in certain cases.

Mr. POLEN from the Committee on Appropriations, reported as amended, House Bill No. 563, entitled:

An Act amending the "Public School Employes Retirement Law * * *," providing credit for retirement purposes for out-of-state service, in certain cases.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 879, entitled:

An Act to further amend the "Public School Employes Retirement Law * * *," by further defining "employe" and extending the time for officers and employes of the Pennsylvania State University to withdraw from the retirement system and receive reimbursement for moneys paid in.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 880, entitled:

A Supplement to the "State Employes' Retirement Law * * *," by permitting any State employe, as a contributor under the provisions of the State employes' retirement system, and who was an employe under the public school system of the Commonwealth and made contributions to the Public School Employes' Retirement Fund on account of such public school service, to obtain credit for such service in the State employes' retirement system under certain conditions.

Mr. POLEN from the Committee on Appropriations, reported as committed House Bill No. 881, entitled:

A Supplement to the "Public School Employes Retirement Law * * *," by permitting former contributors who have become State employes and members of the State Employes' Retirement Association to restore membership in the Public School Employes' Retirement Association, and authorizing the transfer of monetary credits in the Public School Employes' Retirement Association to the State Employes' Retirement Association under certain conditions.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 882, entitled:

A supplement to the "Public School Employes Retirement Law * * *," by permitting any school employe, as a contributor under the provisions of the School Employes' Retirement System, and who was an employe under the State Employes' Retirement System of the Commonwealth and made contributions to the State Employes' Retirement Fund on account of such State service, to obtain credit for such service in the School Employes' Retirement System under certain conditions.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 883, entitled:

A supplement to the "State Employes' Retirement Law * * *," by permitting former contributors who have become public school employes and members of the Public School Employes' Retirement System to restore membership in the State Employes' Retirement Association, and authorizing the transfer of mometary credits in the State Employes' Retirement Association under certain coditions.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 1433, entitled:

An Act amending the act of January 14, 1952 (P. L. 2015) entitled "A supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled 'An act establishing a public school employes' retirement system, * * *' by extending certain benefits heretofore granted to school employes entering the armed forces of the United States to certain other similarly qualified school employes," extending the provisions of the act to employes reemployed by any school district or vocational school district after service with the American Red Cross and other service organizations.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 2055, entitled:

An Act to further amend section 9 of the act approved the 18th day of July, 1917 (P. L. 1043) by providing for payments by the Commonwealth into the public school employes' retirement fund in lieu of reimbursement by the Department of Public Instruction, State Teachers Colleges, Thaddeus Stevens Trade School, Pennsylvania State Oral School for the Deaf, Scotland School for Veteran's Children, and Pennsylvania State University.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 2056, entitled:

An Act to further amend the "State Employes' Retirement Law * * *," by defining certain officers and employes of the Pennsylvania State University who enter such service prior or subsequent to July 1, 1956, as State employes.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 2057, entitled:

A Supplement to the "Public School Employes Retirement Law" * * *, by permitting any State employe who is a contributor under the provisions of the State Employes' Retirement System and who was an employe under the Public School Employes' Retirement System and made contributions to the Public School Employes' Retirement Fund on account of such public school service to obtain credit for such service to become a member of and a contributor in the Public School Employes' Retirement Fund and to receive credit for such State service under certain conditions.

Mr. POLEN from the Committee on Appropriations, reported as committed, House Bill No. 2058, entitled:

A Supplement to the "State Employes Retirement Law" * * *, by permitting any State employe as a contributor under the provisions of the State Employes' Retirement System and who was an employe under the Public School Employes' Retirement System of the Commonwealth and made contributions to the Public School Employes' Retirement Fund on account of such public school service to become a member of and a contributor in the Public School Employes' Retirement Fund and to obtain credit for service in the State Employes' Retirement System under certain conditions.

Mr. POLEN from the Committee on Appropriations, reported as committed, Senate Bill No. 209, entitled:

An Act amending the "Vehicle Code" * * *, providing for an annual registration fee for issuance of special registration plates to certain persons.

Mr. POLEN from the Committee on Appropriations, reported as committed, Senate Bill No. 221, entitled:

An Act amending the "State Employes Retirement Law" * * *, by permitting certain contributors to change from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class and defining the benefits to be obtained thereby.

Mr. POLEN from the Committee on Appropriations, re-reported as committed, House Bill No. 7, entitled:

An Act to provide for an additional law judge of the court of common pleas in the nineteenth judicial district.

Mr. POLEN from the Committee on Appropriations, re-reported as committed, House Bill No. 297, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number eight and providing for the appointment and election of judges for the court.

Mr. POLEN from the Committee on Appropriations, re-reported as committed, House Bill No. 889, entitled:

An Act providing for an additional law judge of the court of common pleas in the thirty-eighth judicial district.

Mr. POLEN from the Committee on Appropriations, re-reported as committed, House Bill No. 1217, entitled:

An Act amending the act of July 12, 1913 (P. L. 711) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" increasing the number of judges of the Municipal Court of Philadelphia.

Mr. POLEN from the Committee on Appropriations, re-reported as amended, Senate Bill No. 317, entitled:

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associated judges not learned in the law certain State officers and the salary and expenses of the members of the General Assembly and repealing certain inconsistent acts.

Mr. POLEN from the Committee on Appropriations, re-reported as amended, Senate Bill No. 318, entitled:

An Act pertaining to the payment of compensation to judges upon retirement under certain conditions and imposing duties on certain State officers.

Mr. POLEN from the Committee on Appropriations, re-reported as committed, Senate Bill No. 802, entitled:

An Act to provide for an additional law judge of the orphan's court in the fifth judicial district.

Mr. O'NEIL from the Committee on Boroughs, reported as committed, House Bill No. 1474, entitled:

An Act amending "The Borough Code" approved May 4, 1927 (P. L. 519), further regulating the power of boroughs to levy and collect the annual tax for general borough purposes.

Mrs. ANDERSON from the Committee on Municipal Corporations, reported as committed, House Bill No. 1504, entitled:

An Act reenacting and amending the act of April 11, 1899 (P. L. 37), entitled "An act relating to the keepers of junk shops, and second hand dealers, in cities of this Commonwealth," extending its provisions to municipalities and townships.

Mr. HELM from the Committee on Judiciary Special, reported as committed, House Bill No. 1842, entitled:

An Act amending the "County Institution District Law," approved June 24, 1937 (P. L. 2017), changing the amount the institution district may pay for burial costs in each case.

Mr. HELM from the Committee on Judiciary Special, reported as committed, House Bill No. 1843, entitled:

An Act amending the act of June 13, 1883 (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," regulating the burial costs for unclaimed bodies unfit for anatomical purposes and making provisions conform to existing law.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 503, entitled:

An Act amending the "Public School Employes Retirement Law * * *" by authorizing the election of options by certain contributors at any time prior to retirement or death and providing a presumption of an election in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 505, entitled:

An Act amending the "Public School Employes Retirement Law" * * *, defining "final salary."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 879, entitled:

An Act to further amend the "Public School Employes Retirement Law" * * *, by further defining "employe" and extending the time for officers and employes of the Pennsylvania State University to withdraw from the retirement system and receive reimbursement for moneys paid in.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 880, entitled:

A Supplement to the "State Employes' Retirement Law" * * *, by permitting any State employe, as a contributor under the provisions of the State employes' retirement system, and who was an employe under the public school system of the Commonwealth and made contributions to the Public School Employes' Retirement Fund on account of such public school service, to obtain credit for such service in the State employes' retirement system under certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 881, entitled:

A Supplement to the "Public School Employes Retirement Law" * * *, by permitting former contributors who have become State employes and members of the State Employes' Retirement Association to restore membership in the Public School Employes' Retirement Association, and authorizing the transfer of monetary credits in the Public School Employes' Retirement Association to the State Employes' Retirement Association under certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 882, entitled:

A Supplement to the "Public School Employes Retirement Law * * *" by permitting any schol employe, as a contributor under the provisions of the School Employes' Retirement System, and who was an employe under the State Employes' Retirement System of the Commonwealth and made contributions to the State Employes' Retirement Fund on account of such State service, to obtain credit for such service in the School Employes' Retirement System under certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 883, entitled:

A supplement to the "State Employes' Retirement Law * * *" by permitting former contributors who have become public school employes and members of the Public School Employes' Retirement System to restore membership in the State Employes' Retirement Association, and authorizing the transfer of monetary credits in the State Employes' Retirement Association under certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1433, entitled:

An Act amending the act of January 14, 1952 (P. L. 2015) entitled "A supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled 'An act establishing a public school employes' retirement system, * * *' by extending certain benefits heretofore granted to school employes entering the armed forces of the United States to certain

other similarly qualified school employes," extending the provisions of the act to employes reemployed by any school district or vocational school district after service with the American Red Cross and other service organizations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2055, entitled:

An Act to further amend section 9 of the act approved the 18th day of July, 1917 (P. L. 1043) by providing for payments by the Commonwealth into the public school employes' retirement fund in lieu of reimbursement by the Department of Public Instruction, State Teachers Colleges, Thaddeus Stevens Trade School, Pennsylvania State Oral School for the Deaf, Scotland School for Veterans' Children, and Pennsylvania State University.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2056, entitled:

An Act to further amend the "State Employes' Retirement Law * * *" by defining certain officers and employes of the Pennsylvania State University who enter such service prior or subsequent to July 1, 1956, as State employes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2057, entitled:

A Supplement to the "Public School Employes Retirement Law" * * *, by permitting any State employe who is a contributor under the provisions of the State Employes' Retirement System and who was an employe under the Public School Employes' Retirement System and made contributions to the Public School Employes' Retirement Fund on account of such public school service to obtain credit for such service to become a member of and a contributor in the Public School Employes' Retirement Fund and to receive credit for such State service under certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2058, entitled:

A Supplement to the "State Employes Retirement Law" * * *, by permitting any State employe as a contributor under the provisions of the State Employes' Retirement System and who was an employe under the Public School Employes' Retirement System of the Commonwealth and made contributions to the Public School Employes' Retirement Fund on account of such public school service to become a member of and a contributor in the Public School Employes' Retirement Fund and to obtain credit for service in the State Employes' Retirement System under certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 209, entitled:

An Act amending the "Vehicle Code" * * *, providing for an annual registration fee for issuance of special registration plates to certain persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 221, entitled:

An Act amending the "State Employes Retirement Law" * * *, by permitting certain contributors to change from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class and defining the benefits to be obtained thereby.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 7, entitled:

An Act to provide for an additional law judge of the court of common pleas in the nineteenth judicial district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 297, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number eight and providing for the appointment and election of judges for the court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 889, entitled:

An Act providing for an additional law judge of the court of common pleas in the thirty-eighth judicial district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1217, entitled:

An Act amending the act of July 12, 1913 (P. L. 711) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officials of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" increasing the number of judges of the Municipal Court of Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 802, entitled:

An Act to provide for an additional law judge of the orphan's court in the fifth judicial district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1474, entitled:

An Act amending "The Borough Code" approved May 4, 1927 (P. L. 519), further regulating the power of boroughs to levy and collect the annual tax for general borough purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1504, entitled:

An Act reenacting and amending the act of April 11, 1899 (P. L. 37), entitled "An act relating to the keepers of junk shops, and second hand dealers, in cities of this Commonwealth," extending its provisions to municipalities and townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1842, entitled:

An Act amending the "County Institution District Law," approved June 24, 1937 (P. L. 2017), changing the amount the institution district may pay for burial costs in each case.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1843, entitled:

An Act amending the act of June 13, 1883 (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," regulating the burial costs for unclaimed bodies unfit for anatomical purposes and making provisions conform to existing law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Royer for Mr. WOOD because of illness.
Mr. Haas for Mr. LAWYER because of illness.
Mr. Lippincott for Mr. CONNELLY because of illness.
Mr. Willaredt for Mr. LAFORE because of illness.
Mr. Kolankiewicz for Mr. PETTIGREW because of illness.
Mr. Kolankiewicz for Mr. GELFAND because of illness in the family.
Mr. Kolankiewicz for Mr. DOUGHERTY because of illness.
Mr. Charles C. Smith for Mr. KENT because of illness.
Mr. Charles C. Smith for Mr. MAHAN because of illness.
Mr. Readinger for Mr. STEPHENS because of illness.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,
The House proceeded to the consideration on final passage of House Bill No. 620, entitled:

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating magistrates' reports speed in certain political subdivisions further prescribing enforcement and penal provisions and imposing duties on certain pedestrians.

On the question,
Shall the bill pass finally?

Mr. ISAACS. Mr. Speaker, I would like to read this bill before I vote on it. We passed a number of bills on second reading this morning which were not on the Members' desks which seems irregular to me. I would like to know what is in House Bill 620 before the Members vote on it.

The SPEAKER. Is the bill on file?

Mr. ISAACS. The last Printer's No. we have, Mr. Speaker, is 1518. This is Printer's No. 1527.

The SPEAKER. The Chair thanks the gentleman from Delaware. The bill is not yet in the possession of the Members and will be passed over until the bill is available.

BILL PASSED OVER

There being no objection
House Bill No. 620, Printer's No. 1527
was passed over at the request of the SPEAKER.

BILLS ON FINAL PASSAGE

Agreeably to order,
The House proceeded to the consideration on final passage of House Bill No. 217, entitled:

An Act amending the act of April fourteen one thousand eight hundred sixty-eight (P. L. 1083) entitled "A supplement to an act entitled 'An act appropriating ground for public purposes in the city of Philadelphia' approved the twenty-sixth day of March Anno Domini one thousand eight hundred and sixty-seven" permitting sale of liquor in a restaurant in Fairmount Park

On the question,
Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote

by which this bill passed third reading be reconsidered.

Mr. STANK. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the third reading of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Northumberland, Mr. Stank vote on the third reading of this bill?

Mr. STANK. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

Mr. McCORMACK. Mr. Speaker, I do not want to be in the position of asking for any further delay on this bill, but I rise at this time for the purpose of asking that the bill be passed over until next week without any change because of two facts: 1. There are several Members who would like to vote on the bill but are not here today due to illness and leave of absence has just been requested for them; 2. There was an objection by the A. F. of L. Union. That objection was cleared up yesterday.

I would like the benefit of a caucus on Monday to decide finally on the disposition of the bill and I assure the House that on Monday without any further delay the bill will, as far as I am concerned, be disposed of one way or the other.

Mr. READINGER. Mr. Speaker, I suggest that we vote on the motion to reconsider and bring it back to third reading. Then if the gentleman desires to make a motion to place it on the third reading postponed calendar, I would not have any objection.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

Mr. READINGER. Mr. Speaker, I suggest that temporarily we pass over any House Printer's numbers beyond 1518, as they are not on the Member's desks.

The SPEAKER. The Chair thanks the gentleman from Berks, Mr. Readinger.

BILL PASSED OVER

There being no objection

House Bill No. 1865, Printer's No. 1526

was passed over at the request of Mr. READINGER.

APPROPRIATION BILL ON THIRD READING

BILL PASSED OVER

There being no objection

House Bill No. 1675, Printer's No. 1526

was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1037, entitled:

An Act authorizing the Department of Property and Supplies to sell at public sale a plot of ground presently a part of acreage administered at the Polk State School Venango County Pennsylvania containing 1.46 acres more or less

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. At the request of Mr. Gramlich and Mr. Polaski, I move that this bill be placed on the third reading postponed calendar for further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1891, as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" authorizing the board to investigate and cause the prosecution of unlicensed establishments authorizing the confiscation of certain property with certain limitations and changing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 207 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" is amended by adding at the end thereof a new clause to read

Section 207 General Powers of Board Under this act the board shall have the power and its duty shall be

* * *

(j) To investigate whenever any person complains or when the board is aware that there is reasonable grounds to believe liquor or malt or brewed beverage is being sold on premises not licensed under the provisions of this act If the investigation produces evidence of the unlawful sale of liquor or malt or brewed beverage or of any other violation of the provisions of this act the board shall cause the prosecution of the person or persons believed to have been criminally liable for the unlawful acts Any equipment or appurtenances actually used in the commission of the unlawful acts may be confiscated upon direction of the board The confiscation by or under the direction of the board shall not in any manner divest or impair the rights or interest of any bona fide lien holder in the equipment or appurtenances who had no knowledge that the same was being used in violation of this act

Section 2 Section 494 of the act is amended to read

Section 494 Penalties (a) Any person who shall violate any of the provisions of this article except as otherwise specifically provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of [not less than one hundred dollars ($100) nor more than three hundred dollars ($300)] five hundred dollars ($500) and on failure to pay such fine to imprisonment for not less than one month or more than three months and for any subsequent offense shall be sentenced to pay a fine of [not less than three hundred dollars ($300) nor more than] five hundred dollars ($500)

and to undergo imprisonment for a period not less than three months nor more than one year

(b) The right of the board to suspend and revoke licenses granted under this article shall be in addition to the penalty set forth in this section

On the question,

Will the House agree to the bill on third reading?

MOTION TO RECOMMIT

Mr. MULLEN. Mr. Speaker, I move that House Bill 1891, Printer's No. 1427, be recommitted to the Committee on Law and Order for further study.

On the question,

Will the House agree to the motion?

Mr. READINGER. Mr. Speaker, I rise to oppose the motion to recommit this bill. It has been in Law and Order was reported out, was returned and reported out again.

In my opinion there is no further study necessary. It is a matter of whether the Members want to vote for the bill or against the bill. Therefore, I ask the Members to vote down this motion in order that this bill may be voted upon.

Mr. MULLEN. Mr. Speaker, this bill was originally in the Liquor Control Committee and was reported out. Then it was recommitted to the Committee on Law and Order. When it was brought up in the Committee on Law and Order it really was not given any serious consideration at all. There were a number of factors involved in this bill that were not even brought up in Committee.

Unfortunately, those Members who did oppose the bill and who were interested in the veterans' groups never had an opportunity to present their views to the Committee because of the speed with which this bill was reported out of Committee.

The purpose of recommitting this bill would be to give those groups who oppose the bill an opportunity to present their views to the Committee.

Therefore, I ask all the Members of the House to support my motion to send the bill back to Committee for further consideration and study.

On the question recurring,

Will the House agree to the motion?

The SPEAKER. The Chair is unable to decide.

Whereupon, a division was called for, thirty-five Members having voted in the affirmative and seventy-seven in the negative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MULLEN. Mr. Speaker, I would like to call attention to the very important provisions of this bill. First of all, it is called the bootleggers bill, but, actually it does not affect bootleggers at all.

There are adequate laws on the books at present which take care of bootleggers. This particular bill is aimed directly at the veterans' groups and it provides for the confiscating of property belonging to unlicensed establishments. The unlicensed establishments this bill refers to are unquestionably the veterans' groups, who are scattred throughout the state and are unable to purchase licenses because of the quota system.

It could also be applicable to many local organizations such as fire house associations, local athletic clubs, and other such groups, who are unlicensed.

Furthermore, it increases the penalties for violation of the liquor laws. No one has any objection to the increase of penalties, but we certainly do object to the confiscation of veterans' properties in situations of this kind.

Therefore, I think if you feel inclined towards veterans and veterans' groups you will vote against the passage of this particular piece of legislation.

Mr. GOLDSTEIN. Mr. Speaker, this bill is designed to make it as hard as possible for speakeasies to operate in the state of Pennsylvania. In fact, the penalties are too light. Those who are familiar with the Liquor Control Law know that a licensed establishment is subject to the same fine as an unlicensed establishment.

In this respect this law provides for the confiscation of equipment used in an unlicensed establishment. It is sound legislation. There are many establishments throughout the state of Pennsylvania operating ornately which are nothing but speakeasies of the prohibition era competing with properly licensed businesses which are subject to the scrutiny of the Liquor Control Board.

Any person who is in favor of good, sound liquor law enforcement in this state will vote for this bill. The only people, I think, who are against the bill are people who are operating illegally.

Mr. READINGER. Mr. Speaker, the gentleman from Philadelphia is in error when he makes the statement that this bill is designed to reach veterans' organizations. That is absolutely untrue. If it affects any veterans' organizations which are illegally selling beer and liquor, then it should affect them. There is certainly no undue penalty being imposed upon them when we amend the law to provide that the bar equipment, or whatever else might be used in the illegal sale of beer and liquor, should be confiscated or could be confiscated.

The increase in the fine from a maximum of $300 under the present law to $500 is certainly no great imposition on anybody.

The gentleman from Allegheny has very well stated that it is designed to help crack down on speakeasies. That does not mean veterans' organizations either, that means anybody who sees fit to violate the laws of Pennsylvania.

I would like to read a very brief comment from the Liquor Control Board in relation to this bill. It states as follows:

> The Board's enforcement officers now have sufficient power under the provisions of the present Liquor Code to prosecute persons engaged in the illegal sale of liquor and beer, and to confiscate property. This is presently being done. There is no objection to this bill as it merely increases the amount of the fine and provides protection to lien holders in the confiscated equipment and appurtenances.

This bill was amended the other day at my request to read as follows in part:

"Any equipment or appurtenances actually used in the commission of the unlawful acts may be confiscated.

There was some question as to whether all property in a club, or another establishment, whether it was used in the sale of beer and liquor, or not. could be taken by the enforcement offiers and confiscated. This restricts it to only the property that might be used in connection with such illegal act.

It also protects the lien holder who might have sold a piece of bar equipment, or whatever they use to sell beer and liquor.

I think it is a good bill the way it is and I think we should vote for it.

Mr. TOMPKINS. Mr. Speaker, I would like to interrogate the Majority Leader, if I may?

The SPEAKER. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, will the Majority Leader tell me whether or not this bill would strike at socalled bottle clubs or an outfit that operates on what they call a bottle basis? There are a number of legitimate operations in the state where the members of the club bring their own bottles to the club, have them marked, and so forth, and they dispense their own bottle to themselves or their friends at that place. Will this affect that type of club, what they call the bottle club?

Mr. READINGER. Mr. Speaker. I thank the gentleman for his explanation of a bottle club. I must confess I have heard of them before.

My answer to him would be that if the organizations of which he speaks were found to be operating illegally under the bottle system, then they would be under the terms of this bill. If the manner in which they operated did not constitute a violation of the law, then this would have no application to that organization whatsoever.

Mr. PETROSKY. Mr. Speaker, I rise to oppose this bill, and not for the purpose of condoning illegal acts upon the part of any person, or persons, that engage in the traffic of liquor.

The gentleman from Berks, Mr. Readinger, has stated that the Liquor Control Board has sufficient power as the Act is drawn today and the only added penalty provision in this bill is to raise the fine from $300 to $500.

If it came before the Assembly with a raise in the fine from $300 to $1,000 or $2,000, I would support it because then I believe you would be striking sufficiently hard at the persons you are trying to reach.

However, due to the composition of many of our veterans' organizations as they are set up under charter. you will find there are possibilities under this where a particular post may be operating in a social manner with its members only, but due to extenuating circumstances we have brought about by our Liquor Control Act and the quota system we find in areas that are highly populated now these organizations cannot get licenses.

Several weeks ago we voted upon a bill to allow an official census to be taken in those areas with an influx of population wherein veterans of the military service established new posts as a social order for that community and today cannot procure a license.

Certainly this will be an imposition on those posts because under the written section of this act on page 3 it sets forth that their equipment can be confiscated.

Now if we want to hit at the speakeasies, if we want to hit at the bootleggers, let us raise the fine up to about $5,000, then we con accomplish the purpose.

However, I see no purpose whatsoever to be accomplished by this bill since the Liquor Control Board does have sufficient power today to take care of those cases of speakeasies and bootleggers.

Mr. LOVETT. Mr. Speaker, there is one question about this bill that puzzles me somewhat.

Under the American Legion's set up, the American Legion does not condone being in the liquor business. Neverthless, we have a number of posts of the American Legion throughout the state that do dispense liquor and have a liquor license.

I am fearful of this bill due to the fact that the equipment is possibly owned by the American Legion, but the organization's setup within the American Legion may be responsibile for some violations. Therefore, if I understand the bill correctly, the equipment which belongs to the American Legion could then be properly confiscated by the enforcement officers. That is the one problem which worries me in this bill.

Mr. JUMP. Mr. Speaker, this bill has nothing to do with any of the veterans' organizations or any licensed dealer in liquor or beer. The only thing I can see wrong with this bill is the increase in the fine from $300 to $500.

If we are going to stop these speakeasies from serving liquor and beer to our 'teenagers in Pennsylvania, we should raise this up to $5,000, I agree with Mr. Petrosky. At least, we are getting a little more fine by raising it from $300 to $500.

Mr. READINGER. Mr. Speaker, I think we are overlooking one thing here, and that is that any organization or individual who now does these things is subject to a penalty and after the first offense can be put in jail as well as fined.

I think too much stress has been laid on the fact that the veterans are involved, and to me that is sort of insulting to the veterans because in a sense you are accusing them of doing illegal acts. Veterans have no more right to commit an illegal act than anybody else.

It seems to me we should not vote on a bill on the basis of whether some veterans' organization, which has been unfortunate enough not to be able to get a license, should be protected by our laws or should be allowed to flaunt our laws.

I presume the liquor agents have been performing their duties as they should, and where they thought it was proper to investigate and arrest they did so. This will not make any difference in the enforcement of the law, because if the laws are not going to be enforced this will not be enforced either. If they are going to be enforced, then it should be done properly and the equipment used should be taken away from them.

Mr. MULLEN. Mr. Speaker, I will just take a moment to answer the Majority Leader.

First of all, I think he is incorrect in his interpretation of the present law. The law at present does not provide for confiscation of property of unlicensed establishments.

It is true under the present law if it is a bootlegging establishment the Liquor Control Board can confiscate the property, but this is not dealing with bootleggers as

such. A bootlegger is a person who manufactures his own stuff and then sells it without paying the state license fees and the tax on the stuff.

This is referring specifically to unlicensed establishments and it is providing something new in the law to provide for the confiscation of property in those unlicensed establishments, even though they may be selling or may be using beer or liquor that has paid the state tax.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—145

Adam,	Gibson,	McInroy,	Rubin,
Agnew,	Goldstein,	McKeever,	Rudisill,
Amarando,	Gramlich,	McLaughlin,	Sarraf,
Anderson, M. S.,	Guss,	McWherter,	Scarcelli,
Ashton,	Guthrie,	Meholchick,	Schuster,
Auker,	Hass,	Metz,	Smith, C. C.,
Barnatovich,	Haudenshield,	Mihm,	Smith, Wm. B.,
Bazin,	Heavey,	Mikula,	Snider,
Bell,	Helm,	Miller,	Stank,
Blair,	Henzel,	Mills,	Stebbins,
Boles,	Hewitt,	Monroe,	Stevenson,
Bonner,	Hocker,	Moody,	Stone,
Boory,	Houk,	Moran,	Strausser,
Brenninger,	Isaacs,	Moscrip,	Stroup,
Breth,	Jenkins,	Muldowney,	Swartz,
Brown,	Johnson,	Munley,	Thomas,
Bucchin,	Jones, G. E.,	Murphy,	Thompson,
Bullen,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Capano,	Jump,	Murray, J. J.,	Tompkins,
Curwood,	Kamyk,	Murray, P. G.,	Varner,
Donahue,	Kehler,	Needham,	Vaughan,
Donaldson,	Keller,	Olsen,	Verona,
Ehrgood,	Knecht,	O'Neil,	Wall,
Erb,	Kooker,	Pacchioli,	Walsh,
Eshleman,	Kromer,	Parry,	Wargo,
Ewing,	Leiby,	Paulhamus,	Waterhouse,
Filo,	Leisey,	Polaski,	Weidner,
Fineman,	Leonard,	Pomeroy,	Wescott,
Flint,	Leven,	Price,	Wheeler,
Flynn,	Limper,	Readinger,	Whitenight,
Frank,	Lippincott,	Reibman,	Willaredt,
Frascella,	Lutty,	Reidenbach,	Williams,
Frost,	Markley,	Renwick,	Wilt,
Gaffney,	Maxwell,	Rigby,	Worley,
Garlock,	McCann,	Rosen,	Yetzer,
Gibb,	McGee,	Rovansek,	Andrews,
		Royer,	Speaker

NAYS—26

Anderson, S. A.,	Eilberg,	Lopresti,	Petrosky,
Banker,	Farabaugh,	Lovett,	Sherman,
Branca,	Hamilton, R. K.,	Mullen,	Stoner,
Breisch,	Holt,	Musto,	Taylor,
Cianfrani,	Kolankiewicz,	Ogilvie,	Toomey,
Comer,	Light,	Pashley,	Wallace,
Davis,			Ziegler,

NOT VOTING—36

Bower,	Floyd,	Kratz,	Pursley,
Brennan, A. P.,	Foster,	Lafore,	Sigman,
Brennan, J. J.,	Gelfand,	Lawyer,	Steckel,
Cioffi,	George,	Magee,	Stephens,
Cochran,	Greenwood,	Mahan,	Varallo,
Connelly,	Herst,	McCormack,	Welsh,
Cooper,	Kent,	Naugle,	Wood,
Dougherty,	Kline,	Pettigrew,	Yetter,
Down,	Kornick,	Polen,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1894, as follows:

An Act amending the act of June 24, 1939 (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it unlawful to listen into deliberations of juries and for unauthorized persons to be present in grand jury rooms

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 24, 1939 (P. L. 872) known as "The Penal Code" is amended by adding after section 305 two new sections to read

Section 305.1 Unlawfully Listening Into Deliberations of Jury Whoever by any scheme or device or in any manner for any purpose listens into or attempts to listen into the deliberations of any jury grand petit or traverse shall be guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or undergoing imprisonment not exceeding ten (10) years or both

Section 305.2 Unauthorized Presence in Grand Jury Room When a grand jury is in session no person shall be allowed to appear before it or to be present in the room where it is assembled except those authorized by law or required by proper order or process to be present Whoever violates the provisions of this section or who aids or abets the violation of this section shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding one hundred dollars ($100) and in default of payment of the fine and costs shall be sentenced to imprisonment not exceeding sixty (60) days

On the question,

Will the House agree to the bill on third reading?

MOTION TO RECOMMIT

Mr. McCORMACK. Mr. Speaker, I move that this bill be recommitted to the Judiciary Committee for further study.

On the question,

Will the House agree to the motion?

Mr. TOMPKINS. Mr. Speaker, the gentleman from Philadelphia, Mr. McCormack, has moved that House Bill 1894 be recommitted to the Committee on Judiciary for further study.

This bill was released from the Committee on Judiciary on December 13, 1955, without, as I recall it, any particular objection being made in the Committee. It passed second reading on December 19, 1955. It has been on the third reading calendar since that time, a period of almost three months.

I suggest that the bill has been on the calendar long enough for everybody to have had plenty of opportunity to make all the study of it they want. I feel the bill is important enough that it should be voted upon by the entire House membership and not returned to Judiciary for any further study.

I will ask for a division on the motion.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. McCormack.

Mr. McCORMACK. Mr. Speaker, I am a Member of the Judiciary Committee and I want to say to the gentleman from Cameron that I was not present at that particular meeting when the bill was brought up and reported out.

I think the bill has some merit, but I think at this particular time it deserves further study because of the fact that at about the same time this bill was introduced another bill sponsored by Messrs. Goldstein and Davis,

House Bill 1903, was also introduced covering the same subject matter.

This bill makes it a felony to unlawfully intercept or listen to a jury's deliberations, and the bill to which I just referred makes it a misdemeanor. The latter bill sponsored by Messrs. Goldstein and Davis also provides for the removal from office of public officials who have anything to do with the tampering and also the dismissal from office of any public employes involved.

I think these bills should be considered together and that is my reason for suggesting that it be recommitted.

Mr. AUKER. Mr. Speaker, I would like to rise to object to the motion made to recommit the bill and to second the remarks made by Mr. Tompkins.

We have been in session now almost fifteen months and this bill has been on the calendar for four months. It was considered thoroughly in the Judiciary Committee. I was there when the bill was considered and there were no special objections made to it at that time. It has never been asked before that it be recommitted.

The Judiciary Committee, so we have been informed by its Chairman, is practically winding up its work, and so it should after being in session this long. It seems to me very untimely now to ask to have a bill to go back to that Committee.

I would ask all of the Members to oppose the motion.

On the question recurring,

Will the House agree to the motion?

A division having been requested, fifty-six voting in the affirmative and seventy-one in the negative, the question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

It was agreed to.

Mr. TOMPKINS. Mr. Speaker, I am not going to give any lengthy dissertation on this bill, I think the membership of the House is fully aware of what the bill is intended to do.

I might say in brief that the bill makes its a felony punishable by fine and imprisonment for anybody to eavesdrop on the deliberation of a jury. That is one of the most sacred fundamentals we have in our American system of jurisprudence and in our American system of democracy. When you and I, or our friends, or our families, or anybody, is summoned for jury duty, if he has the feeling he is not protected in being able to speak his mind freely in connection with the duty he is performing as a juror, without being listened in upon and without being subjected to pressures and threats from those who might find out what he said, then we are very rapidly going to break down our system of government and we will come to anarchy.

We all know what happened in several of the Federal Courts out west during the past year or so. We might say there is plenty of penalty provided for this situation today. I might call your attention to the fact that there are plenty of penalties provided for anybody who tries to bribe a juror, or tries to tamper with a juror, and every other conceivable act except a person listening in on the juror.

When it is done with the connivance and the approval of the courts, such as was done in the cases in the Federal Courts in the west, what protection have we in anything except that of laws. After all, this nation is a nation that was built upon laws and not upon men.

The intention of this bill is to forbid any such activities in the Commonwealth of Pennsylvania and to forbid even judges from doing so.

I have prepared a considerable brief in connection with this, and in this brief there is reference to judges who have been chastised by our higher courts for trying to go into jury rooms, or district attorneys have been chastised for trying to stay in the grand jury room during deliberation. I am not going to read the brief, I am going to ask permission to submit it for the record.

I feel the bill is sufficiently important for the safety of our country and of our democracy to have a bill of this kind on our statute books.

Mr. Tompkins extended his remarks as follows on the record:

THE SACRED CURTAIN

An incomprehensible contradiction occurred in the year 1955. While there was much agitation to enact laws to curb and prevent wire-tapping of individuals, including suspected and known criminals and subversives[1]; there was at the same time wire-tapping being done under the guise of reform (maybe), exploitation (perhaps), which threatened the very foundations of American Jurisprudence, and the freedom and liberty of our people.

We have often heard it said "It can't happen here," but as summarized in U.S. News & World Report[2], "The latest "reform" movement involves "wire tapping" of Jury Rooms.

"Tapped wires and wire recordings gave interested professors, judges and lawyers all of the conversations, arguments and decisions of Juries in six federal cases—without the Jurors' being aware of it.

"The idea has been to tap in on jurors in every State, find out how the system might be "improved."

"Then the lid blew off, when Senators learned about it. Now Juries, at least in Federal Courts, probably will be protected by federal law against eavesdropping."

The wire tapping of the Juries was all the more reprehensible because it had the prior approval of the Court.

Grand Jurors in Pennsylvania must take the following oath: "that you will diligently inquire and true presentment make of such articles, matters, and things as shall be given you in charge, or otherwise come to your knowledge in the present service. That the Commonwealth's counsel, your fellows, and your own, you will keep secret. That you will present no one from hatred or malice, neither will you leave any one unpresented for fear, favor, affection, hope of reward or gain, but will present all things truly, as they come to your knowledge, according to the best of your understanding."[3]

Sadler says "The form of oath is of ancient origin, and is preserved at least in substance."

The Superior Court of Pennsylvania however in Commonwealth v. Kirk, et al,[4] states the oath to be of statutory origin in Pennsylvania:

"We may further state that the statutory authority for the secrecy of the Grand Jury proceedings in this Commonwealth goes back to an Act of the Provincial Assembly

passed in 1696, entitled "The Frame of the Government," which is found in "Charter to William Penn and Laws of the Province of Pennsylvania." * * * It is sometimes erroneously entitled "The Duke of Yorke's Book of Laws." * * * "The Form of the Grand Inquest's Attest shall be in these words, viz:

> "Thou shalt diligently inquire and true presentment make of all such matters and things, as shall be given thee in charge, or come to thy knowledge, touching this present service. The Kings Counsel, (thy) fellows and thy own, thou shalt keep secret, & in all things thou shalt present the truth, the whole truth & nothing but the truth to the best of thy knowledge."

Numerous reasons have been assigned for this rule of secrecy.

The Superior Court in Commonwealth v. Kirk, supra cites Professor Wigmore on the reasons for the rule: "(a) The Grand Jurors themselves are to be secured in freedom from the apprehension that their opinions and votes may be subsequently disclosed by compulsion.

(b) The complainants and the witnesses summoned are to be secured in freedom from the apprehension that their testimony may be subsequently disclosed by compulsion, and this in order that the State may secure willing witnesses. (c) The guilty accused is not to be provided with such clues as will enable him to flee from arrest or to suborn false testimony or tamper with witnesses.

"(d) The innocent accused, who is charged by complaint before the Jury, but is exonerated by their refusal to indict, is entitled to be protected from the compulsory disclosure of the fact that he had been groundlessly accused." In his discussion, Professor Wigmore shows that the third and fourth reasons have no application to a purely investigating Grand Jury, as distinguished from a regular or indicting Grand Jury, for in the former there is no accused, guilty or innocent; and as respects the action of a regular Grand Jury upon the innocent accused, the public character of our records discloses all persons who are accused, and a return of "ignoramus" or "not a true bill," is the very best vindication one can have."

Other reasons have been stated as follows[5]: To promote freedom of deliberation and opinion among the Grand Jury, which would be impaired, if it were known that the part taken by each, might be disclosed to the accused or his friends."

"If the oath of secrecy were honestly observed, it would save the Grand Jury from the importunities (to say nothing more), of the accused and his friends, to dismiss the complaint or reconsider the finding. This "ploughing" with the Grand Jury, at least in some localities, has assumed alarming frequency and boldness."

Another compelling reason is stated by Chief Justice Stern[6], citing United States v. American Medical Association, D. C., 26 F. Supp. 429, 431, "where defendants moved for an investigation of proceedings before the Grand Jury, inter alia, improper conduct on the part of the government attorneys and stating that some members of the Grand Jury had indicated a willingness to talk with defendants' counsel concerning such matters, it was held by the Court," * * * in refusing the motion, "The effect of granting such a motion would be to break down all legal checks against technical, dilatory tactics. The strong presumption of the regularity of Grand Jury proceedings would no longer prevail. * * * Every accused could upon the filmiest pretext enlist the Court's aid in a 'fishing expedition,' to discover some supposed irregularity to use as a basis for dilatory action; to call over the evidence and get the government's case against him in advance of trial; to divert and turn back the course of a criminal case from a trial of himself to a trial of the Grand Jury and the prosecuting officers. * * * There could be no effective way of guarding against the manifold abuses that such a practice would encourage. * * * It must be remembered that sound reasons of public policy in the administration of justice lie back of the rules which forbid free access to these channels of information."

It is true that some inroads have been made upon the rule of secrecy, with a resulting number of established exceptions. Thus a Grand Juror has been held to be a competent witness to prove who the prosecutor was. Huidekoper v. Cotton, 3 Watts 56. Or to contradict the testimony of a witness as to what she testified to before the Grand Jury. Gordon v. Commonwealth, 92 Pa. 216; Commonwealth v. Carr, 137 Pa. Super 546, 10 A2nd 133. Or to testify that the indictment was based solely upon testimony heard by the Grand Jury in another case against another person. Commonwealth v. Green, 126 Pa. 531; Commonwealth v. McComb 157 Pa. 611; Commonwealth v. Ross 58 Pa. Super. 412.

Irrespective as to the number of exceptions to the secrecy rule, the Courts[7] have said it must be conceded that exceptions to the rule shall not be carried so far as to conflict with the Juror's oath. "He shall not testify (a) how he or any member of the Jury voted, (b) nor what opinion any of them expressed in relation thereto, (c) nor to the act of either which might invalidate the finding of the Jury. His action, and the action of his fellow-jurors, must be shown only by the returns which they make to the Court."

Where the District Attorney remained in the Grand Jury Room during deliberations the Court[8] said: "The District Attorney is the attendant of the Grand Jury; it is his duty as well as his privilege to lay before them matters upon which they are to pass, to aid them in their examination of witnesses, and to give them such general instruction as they may require. But it is his duty during the discussion of the particular case, and whilst the Jurors are deliberating upon it, to remain silent. It is for the Jury alone to consider the evidence and to apply it to the case in hand; any attempt on the part of the District Attorney to influence their action or to give effect to the evidence adduced, is in the highest degree improper and impertinent. Indeed, it is the better practice, and the Jurors have an undoubted right to require, that he should retire from the room during their deliberations upon the evidence and when the vote is taken whether or not an indictment shall be found or a presentment made."

The rule of secrecy for Jury deliberations applies also to Petit and Traverse Juries and civil cases.

In Hunsicker v. Waidelich, et al[9] where the Judge entered the Jury Room in the absence of counsel and, while the Jury were deliberating, said "How are you getting along?", and one of the Jury said "All right," and the Judge then said "All right, I will wait"; altho

the Court held the circumstances of this particular occurrence was not a reversible error, it did say:

"We cannot, however express too forcibly our disapproval of his action in invading the secrecy of the Jury Room. Instructions to the Jury must be given in open Court in the presence of the parties or their counsel. There may be no private communication of any kind or character between the Judge and the Jury, and if additional instructions are needed they must be given in open Court. The trial Judge should not, under any circumstances, enter the Jury room, however innocent and proper the purpose may be: Sommer v. Huber 183 Pa. 162. There is no way of determining the influence which such act might have on the minds of the Jury, and the only safe course is to avoid all questions by strictly adhering to the long established practice which requires all deliberations by the Jury to be conducted in the utmost privacy."

In Cluggage V. Swan,[10] where an attempt was made to impeach the verdict by the testimony of the Jurors themselves, Mr. Justice Yeats said: (September 23, 1811)

"I frankly confess that I feel the utmost repugnance to such testimony. By admitting it (testimony of Jurors to impeach their verdict) I as readily perceive, that I should open a door to the exercise of the most pernicious arts, and tampering with Jurors; and that the practice would be replete with dangerous consequences. Jurors, who have been sworn or solemnly affirmed to give a verdict according to the evidence, come with a bad grace into a tribunal of justice to prove their own dishonorable conduct, and affix a stigma on their companions who may be unheard in their defense. Besides, in the language of some of the cases, I cannot see how such testimony could be heard by the Court, without proceeding against the Jurors criminally. * * * But above all, I greatly fear that the practice if adopted, would tend to an inquisition over the consciences of Jurors, as the grounds and reasons of their verdict, and being questions of fact more frequently before the Court for their decision, than is consistent with sound policy. I am opposed to penetrating into the recesses of a Jury Room, through the instrumentality of Jurors, who are kept together until they have agreed upon their verdict. * * * I am of opinion, that the testimony of Jurors ought not to be admitted to invalidate their verdicts."

This ruling was re-affirmed in Redmond V. Pittsburg Rys. Co.[11] (March 21, 1938), with Mr. Justice Schaffer continuing:

"Speaking through the present Chief Justice (Kephart) in Friedman V. Ralph Bros., Inc., 314 Pa. 247, we repeated the thought and reaffirmed the policy so long ago announced by saying: "What is more important, we cannot accept the statement of Jurors as to what transpired in the Jury Room as to the propriety or impropriety of a Juror's conduct. To do so, would destroy the security of all verdicts and go far toward weakening the efficacy of trial by Jury, so well grounded in our system of jurisprudence. Jurors cannot impeach their own verdict. Their deliberations are secret and their inviolability must be closely guarded."

So when the 1874 and all prior Constitutions of the Commonwealth of Pennsylvania[12] says: "Trial by Jury shall be as heretofore," certainly one of the elements of "heretofore" must be that Jury deliberations be secret, and that they be kept secret.

And beyond both the State and Federal Constitutions we hear the patron Saint of the Common Law, Blackstone[13] referring to trial by Jury as "a trial that hath been used time out of mind in this Nation (England) and seems to have been coeval with the first civil government thereof."

And Repp, a Danish Jurist[14] observes: "Respecting the antiquity of Juries, perhaps we ought to say nothing more than this, that their origin lies beyond the age of clear history."

It can't happen here! Well it did happen here in America, and all because certain Judges whom we commissioned as sentinels to stand guard over our delicate and priceless fabric of freedom saw fit to desert their post of duty, aided and abetted by certain reformers (maybe), exploiters (perhaps), who for the first time since the memory of man runneth not to the contrary, saw fit to penetrate the sacred curtain of secrecy of the Jury Room.

Their idea was to try it in every state in the Union. Well, they have not tried it in Pennsylvania, as yet, and in an attempt to make sure that they can't do it or even try it in this Commonwealth, I introduced House Bill No. 1894, which at the time of this writing is on the third reading calendar in the House of Representatives which provides:

> "Whoever by any scheme or device or in any manner, for any purpose, listens into or attempts to listen into the deliberations of any Jury, Grand, Petit or Traverse shall be guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding $10,000 or undergo imprisonment not exceeding 10 years or both."

In this connection it is interesting to note[15] that "anciently it was held that if one of the Grand Jury disclosed to any person indicted the evidence that appeared against him, he was thereby made accessory to the offense, if felony, and in treason a principal."

This might be a just punishment for those who eavesdrop.

As to the reasons advanced for the tapping of Jury deliberations; Reform (maybe), Exploitation (perhaps). Improvement—In this I must confess full agreement with the statement of G. K. Chesterton[16] that:

> "Our civilization has decided, and very justly decided, that determining the guilt or innocence of men is a thing too important to be trusted to trained men. It wishes for light upon that awful matter, it asks men who know no more law than I know, but who can feel the things I felt in the Jury box. When it wants a library catalogued, or the solar system discovered, or any trifle of that kind, it uses its specialists. But when it wishes anything done which is really serious, it collects 12 of the ordinary men standing around. The same thing was done, if I rembember right, by the Founder of Christianity."

Permit me to conclude with the words of Representative Israel Washburn of Maine, spoken in the House of Representatives on March 14, 1856, In Re Kansas Contested Election[17]:

> "Trial by Jury, the palladium of civil right and personal security, born of the conflicts of liberty

with despotism, and baptised in the blood of men struggling to be free, consecrated in our hearts as the ancient and indefeasible heritage of the people * * *, stands against all assaults."

Let's keep it that way.

FOOT NOTES

[1] See House Bill No. 726—Penna. General Assembly—1955—Already passed the House 135-33 and now in the Senate.
[2] October 21, 1955, page 28 et seq.
[3] Sadler-Criminal Procedure in Pa. Second Edition, Para. 219, Page 265.
[4] 141 Pa. Super. 123; 14 A2nd 914.
[5] Winfield's Grand Jury, Second Edition (1928) edited by Charles W. Parker, Pages 22 and 23.
[6] Commonwealth V. Smart Et Al, 368 Pa. 630, 84 A2nd 782.
[7] Gordon V. Commonwealth, 92 Pa. 216; Commonwealth V. Kirk, 141 Pa. Super. 123, 14 A2nd 914; Commonwealth V. Grestman (1) and (2), 64 Pa. Super. 484.
[8] Commonwealth V. Bradney, Et Al, 126 Pa. 199.
[9] 302 Pa. 224.
[10] 4 Binney 150.
[11] 329 Pa. 302.
[12] Article I, Section 6.
[13] Bl. Com. Vol. 3, P. 349.
[14] Referred to in Moschzisker, "Trial By Jury" Page 13-14.
[15] Winfield's Grand Jury, Second Edition (1928) edited by Charles W. Parker, Pages 23-24.
[16] Essay—"The Twelve Men", in "Tremendous Trifles".
[17] Great Debates in American History, Vol. IV, Page 326.

Mr. McCORMACK. Mr. Speaker, I would like to interrogate the gentleman from Cameron.

The SPEAKER. Will the gentleman from Cameron permit himself to be interrogated?

Mr. TOMPKINS. I shall, Mr. Speaker.

Mr. McCORMACK. The gentleman mentioned, Mr. Speaker, that there were several cases in the Federal District Courts, I believe out West. Would the gentleman state what particular courts out west and how many specifically?

Mr. TOMPKINS. I do not have that in my brief. I have reference to the reports which came out on that in the U. S. News and World Reports and other publications. My recollection is that they listened in on five different cases in the Federal Courts, some grand jury, some traverse jury in civil cases.

Mr. McCORMACK. As a matter of fact, it was one Federal District Court, was it not?

Mr. TOMPKINS. No, as I understand it, there were five different cases where they listened in on them.

Mr. McCORMACK. The gentleman said also, I believe, that there is nothing in the law to prevent such eavesdropping now?

Mr. TOMPKINS. Not to my knowledge, Mr. Speaker.

Mr. McCORMACK. The gentleman was a district attorney, or an assistant district attorney, was he not, for Cameron Country?

Mr. TOMPKINS. Will the gentleman restate his question?

Mr. McCORMACK. The gentleman was a district attorney, I believe, in Cameron County, was he not?

Mr. TOMPKINS. I was, Mr. Speaker.

Mr. McCORMACK. Did this ever occur to the gentleman before to prevent any tampering with the jury while he was in office?

Mr. TOMPKINS. No one was tampering with jurors. This was something which was done without the knowledge of the jurors that it was being done.

Mr. McCORMACK. But prior to the article covering that story in the paper this legislation never occurred to the gentleman, did it?

Mr. TOMPKINS. That is right, it never did because I thought our judges were at least honorable enough not to permit any such things as this to go on.

Mr. McCORMACK. Would the gentleman say that the judge today does not have power to cite anyone for contempt of court who attempts to tamper or in any way interfere with the deliberations of the petit jury or the grand jury?

Mr. TOMPKINS. I would say, yes, the judge would have the power to cite for contempt, but suppose the judge joins in on the proceedings, such as happened in the cases out in the west?

Mr. McCORMACK. Was the gentleman's answer yes or no to that?

Mr. TOMPKINS. I would answer he would have the power to cite for contempt, but suppose the judge makes himself a party to it.

Mr. McCORMACK. Is that what the gentleman fears?

Mr. TOMPKINS. Yes, it has happened before, it could happen again.

Mr. McCORMACK. Mr. Speaker. I think, although there are some possible merits to this bill, that there is a greater possibility that it might interfere in some way with later ideas and thoughts on how we can get better juries possibly, or any number of suggestions that might help in the judicial system. I think to unduly hamper that possibility by this legislation at the present time might be unwise.

As was pointed out today, the court clearly has the right to punish for contempt any interference by anyone in trying to intercept jury communications or grand jury deliberations. I think there is really plenty of law to support what I say, and I think the sponsor will agree with me. If we read that story coming out of Illinois, I believe there was some attempt to listen in on a jury's deliberations. I think this bill was hastily devised and if it had been thought over it might not have been brought up today. I ask the House to vote against it.

Mr. LOPRESTI. Mr. Speaker. I rise to support this particular bill. As to the question of whether or not it was hastily gone over, I would suggest to the gentleman that if he attended the meetings of our Committee he would know that nothing is hastily gone over when there is any question about the merits.

This is a very important piece of legislation. There has been some reference made to what happened out in the midwest, but it has not been explained to the Members of this House. I feel for those of you who did not read the article, did not follow through on it, you should know what actually took place.

A midwestern university, I believe it was the University of Chicago, decided they would have a project to find out and inquire as to how efficient and how good the jury system was. They decided as part of the project they would request permission from the court to listen in to jury deliberations. They then went to the judges and the judges granted permission to this board of inquiry, or group of investigators, to find out and listen in on

the deliberations of a jury without the members of that judy knowing they were being listened to.

One of the most important things we must protect if we are going to continue to enjoy freedom in this country is the sacredness of the jury. Every juror should be permitted to deliberate without any fear, without any thought whatsoever, that someone might be listening in or that someone previously has tapped the jury room.

As it has been pointed out, it probably will not happen too often and no judge will permit it to be done without his consent, but I do not know of any place in the statute books where there is anything which says the judge cannot agree to it. That is what we are trying to do this morning. We are trying to put on the statute books of Pennsylvania. a law which says that a judge himself cannot permit it to be done. While he has the right to cite for contempt of court any person who would do it without his permission, under the present law there is no way to punish the man that does it with permission. What we are attempting to do this morning is to see that that permission will never be granted by any court in the state of Pennsylvania.

Mr. READINGER. Mr. Speaker, I had intended to vote against this bill, also thinking it was completely unnecessary. However, after listening to the debate on the matter, I believe both the gentlemen speaking for it know what they are talking about and I have changed my mind. If it is necessary, if there is a defect in our law, even though the possibility of this happening is very remote, I will vote for it because I do not like to see the possibility even remain.

I do not think it should be done, I do not think anybody should be allowed to listen in on these deliberations, and if this fills the gap, I am going to vote for it.

Mr. McCORMACK. Mr. Speaker, it might not be correct. I do not know, but nevertheless there was an implication in what Mr. Readinger said that the two gentleman who spoke on behalf of the bill knew what they were talking about. Therefore, the fellow who spoke against it did not know what he was talking about. If that implication is correct, I feel it is not a correct one. It is erroneous despite the fact that Mr. Lopresti, the Chairman of the Judiciary Committee, spoke on behalf of it and Mr. Tompkins, a former District Attorney, spoke on behalf of it. I feel as though I know just as much about the present laws affecting eavesdropping and any other tampering with juries as the two flattered gentlemen.

Insofar as attending Judiciary Committee meetings, I think . . .

The SPEAKER. It is hardly pertinent. Attendance at Judiciary Committee meetings is not relevant.

Mr. McCORMACK. Well, if the Speaker would wait until I finish the sentence. I think I have a right to correct the inference that I do not attend meetings, since it was raised by the Chairman. I want to say to this House—

The SPEAKER. Any discussion regarding attendance at committee meetings is not revelant to this question.

Mr. McCORMACK. May I interrogate the Chairman of the Judiciary Committee, Mr. Lopresti?

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. LOPRESTI. I shall, Mr. Speaker.

Mr. McCORMACK. In the debate on this bill, Mr Speaker. the gentleman mentioned the fact that if I had been in attendance at the Committee meetings I would know that every bill was discussed thoroughly with respect to the merits of it.

In that connection I will ask the gentleman whether or not House Bill 1903 was considered at the time this bill was reported out?

Mr. LOPRESTI. Mr. Speaker, I will say to the gentleman from Philadelphia that this bill was discused in the Judiciary Committee and I feel it was discussed thoroughly by the Judiciary Committee.

Mr. McCORMACK. Is the gentleman talking about House Bill 1903?

Mr. LOPRESTI. I am talking about the bill before the House at the present moment.

Mr. McCORMACK. I ask the gentleman again, Mr. Speaker, whether or not House Bill 1903 concerning the same subject was dicussed with this bill?

The SPEAKER. The Chair wants to give the widest possible latitude, but the questions of the gentleman are not revelant to the matter under discussion. The deliberations, who was at committee meetings and who was not at committee meetings has no revelance in this discussion.

Mr. McCORMACK. Is that debatable?

The SPEAKER. That is not debatable. That is a decision of the Chair from which the gentleman is at liberty to appeal at any time.

Mr. McCORMACK. Well, I would certainly like to appeal that, Mr. Speaker.

The SPEAKER. Is the appeal seconded?

The SPEAKER. The Chair hears no second.

Mr. McCORMACK. There is a second right here, Mr. Comer.

The SPEAKER. The gentleman will proceed.

Mr. McCORMACK. Is the Speaker going to remain in the Chair?

The SPEAKER. The Chair hears no second.

QUESTION OF PERSONAL PRIVILEGE

Mr. McCORMACK. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. If this is considered a democratic process I do not like it, Mr. Speaker, and I will go on record as saying that today. I am trying to get an intelligent discussion on this bill.

The SPEAKER. The gentleman is distinctly out of order. The Chair will read the rule:

> "A Member shall not relate in debate what was done or said in committee except such as is contained in the written report or is authorized by the committee."

If the gentleman, Mr. Lopresti, raised the question, he was out of order as to who was at the meeting and who was not.

The Chair is ruling correctly because if what happened in Committee became a matter of discussion upon this floor it would violate every rule of parliamentary procedure.

The Speaker is quite well acquainted with the Rules of this House, as is the gentleman from Philadelphia.

Mr. McCORMACK. I am well aware of that Rule, Mr. Speaker.

Mr. LOPRESTI. Mr. Speaker—

The SPEAKER. Will the gentleman from Philadelphia yield to the gentleman from Cambria?

Mr. McCORMACK. Yes, Mr. Speaker.

Mr. LOPRESTI. I wish to state, Mr. Speaker, that the question first came about by the statement of the gentleman from Philadelphia to the effect that this bill was hastily considered in Committee. To which I replied that if he would have attended those meetings he would know that we do not consider bills hastily.

The SPEAKER. The discussion from the first was out of order.

Mr. McCORMACK. That is not a correct . . . Well, I don't want to go into that any further, Mr. Speaker.

I will again request permission to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. McCORMACK. I think, Mr. Speaker, I should have the latitude to discuss another bill in connection with this.

The SPEAKER. The gentleman will confine his remarks to the bill under discussion.

The Chair wants to be as lenient as possible, but the Chair is going to administer its functions as Speaker in accordance with the Rules of this House.

Mr. READINGER. Mr. Speaker—

The SPEAKER. Will the gentleman from Philadelphia yield to the Majority Leader?

Mr. McCORMACK. I shall, Mr. Speaker.

Mr. READINGER. I was about to ask whether the gentleman would yield for just a moment before he starts to discuss the bill to allow me to remove the unfortunate implications which arose a minute ago when I said that after listening to the two proponents of the bill I became convinced that perhaps it was necessary to have it and therefore was going to vote for it.

I certainly did not mean to imply that the gentleman from Philadelphia does not know what he is talking about. Unfortunately, I did not hear very much of what he had said. He may be right and he may be wrong, but at least I have been convinced by the proponents that it is necessary. I certainly do not want him to even suspect that I think he does not know what he is talking about.

The SPEAKER. The Chair would state for the benefit of the gentleman from Philadelphia that if the Chair strictly enforced the Rules the gentleman, having spoken twice, would not again be entitled to the floor. The Chair has not enforced that Rule, and the gentleman will proceed.

Mr. McCORMACK. That would be a novel enforcement of the Rule. The first time since I have been sitting in this House, I will say that.

The SPEAKER The gentleman is out of order. The gentleman has the floor and is not in position to engage in an argument.

If the gentleman desires to appeal from the decision of the Chair, he is entitled to do so, otherwise, he will observe the rulings of the Chair.

The gentleman is in order to debate the bill. He was recognized for that purpose. He has debated the bill at considerable length, and is again recognized.

Mr. McCORMACK. It was brought out here that this bill was designed to correct even judges, or to protect juries against judges, who might be involved in tampering with the jury or listening in on their deliberations.

I say this bill as drawn will not do the job thoroughly, and I think for that reason there should be provisions that would expressly say that a judge who in any way attempts to tamper, or to connive in tampering, with the jury should be removed from office. The bill does not say that. I think that is one of its shortcomings since this does have a drastic effect.

I think we should vote it down at this time and perhaps at some later date come up with a bill which will take care of that defect.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—136

Agnew,	Haudenshield,	Mikula,	Snider,
Amarando,	Heavey,	Miller,	Stank,
Ashton,	Helm,	Mills,	Stebbins,
Auker,	Henzel,	Moody,	Stevenson,
Banker,	Hewitt,	Moran,	Stoner,
Bazin,	Hocker,	Moscrip,	Strausser,
Bell,	Horst,	Muldowney,	Stroup,
Blair,	Houk,	Munley,	Swartz,
Bower,	Isaacs,	Murphy,	Thomas,
Breisch,	Jenkins,	Murray, H. P.,	Thompson,
Brennan, A. P.,	Johnson,	Murray, J. J.,	Toll,
Brenninger,	Jones, G. E.,	Murray, P. G.,	Tompkins,
Breth,	Jones, T. H. W.,	Musto,	Toomey,
Brown,	Jump,	Ogilvie,	Varallo,
Bullen,	Kamyk,	Olsen,	Varner,
Curwood,	Kehler,	O'Neil,	Vaughan,
Davis,	Keller,	Pacchioli,	Verona,
Donahue,	Kooker,	Parry,	Wall,
Donaldson,	Kratz,	Paulhamus,	Wallace,
Ehrgood,	Kromer,	Polaski,	Walsh,
Erb,	Leiby,	Pomeroy,	Wargo,
Eshleman,	Leisey,	Price,	Waterhouse,
Ewing,	Leonard,	Pursley,	Weidner,
Farabaugh,	Light,	Readinger,	Wescott,
Filo,	Limper,	Reibman,	Wheeler,
Fineman,	Lippincott,	Renwick,	Whitenight,
Frost,	Lopresti,	Rigby,	Willaredt,
Gaffney,	Markley,	Royer,	Williams,
Gibb,	Maxwell,	Rubin,	Wilt,
Gibson,	McGee,	Rudisill,	Worley,
Goldstein,	McInroy,	Sarraf,	Yetter,
Gramlich,	McWherter,	Scarcelli,	Yetzer,
Guthrie,	Meholchick,	Schuster,	Ziegler,
Hass,	Mihm,	Smith, C. C.,	Andrews, Speaker

NAYS—41

Adam,	Cioffi,	Holt,	Mullen,
Anderson, M. S.,	Comer,	Kornick,	Needham,
Anderson, S. A.,	Eilberg,	Leven,	Pashley,
Barnatovich,	Flint,	Lovett,	Petrosky,
Boles,	Flynn,	Lutty,	Polen,
Bonner,	Frank,	McCann,	Rosen,
Boory,	Frascella,	McCormack,	Rovansek,
Branca,	Garlock,	McKeever,	Sherman,
Bucchin,	Guss,	McLaughlin,	Smith, Wm. B.,
Capano,	Hamilton, R. K.,	Monroe,	Stone,
			Taylor,

NOT VOTING—30

Brennan, J. J.,	Floyd,	Knecht,	Pettigrew,
Cianfrani,	Foster,	Kolankiewicz,	Reidenbach,
Cochran,	Gelfand,	Lafore,	Sigman,
Connelly,	George,	Lawyer,	Steckel,
Cooper,	Greenwood,	Magee,	Stephens,
Dougherty,	Kent,	Mahan,	Welsh,
Down,	Kline,	Metz,	Wood,
		Naugle,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECESS

The SPEAKER. There will be a meeting of the Ways and Means Committee at 2:00 o'clock in Room 522.

At the request of the Majority and Minority Leaders, if there is no objection upon the part of the House, the Chair will declare a recess until 2:00 o'clock. The Chair hears no objection. A recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

The SPEAKER. The Chair requests the gentleman from Armstrong, Mr. Helm, to preside temporarily.

Mr. HELM IN THE CHAIR

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1792.

An Act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the bill, page 3, line 1, by striking out lines 1 to 19 inclusive, page 4, by striking out lines 1 to 4 inclusive, as follows:

Section 1 It shall be unlawful for any person to sell offer for sale attempt to sell exhibit give away keep in his possession with intent to sell or give away or in any way furnish or attempt to furnish to anyone under the age of eighteen years any comic book magazine or other publication which read as a whole is concerned with an account of crime which may incite to violence and depraved acts against the person and which depicts by the use of drawings the following crimes as defined in "The Penal Code" of the Commonwealth of Pennsylvania

(1) Aggravated assault and battery
(2) Assault with intent to kill
(3) Robbery
(4) Assault with intent to maim
(5) Administering drugs
(6) Rape
(7) Murder
(8) Assault with intent to ravish
(9) Burglary
(10) Larceny
(11) Arson

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one year or both.

Page 4, line 5, by striking out after the word "Section" the figure "2" and inserting in lieu thereof the figure "1"; line 15, by striking out after the word "Section" the figure "3" and inserting in lieu thereof the figure "2"; line 18, by striking out after the word "publication" the following: "reasonably believed by the purchaser or consignee to be" and inserting in lieu thereof the following: "which is"; line 20, by inserting after the word "indecent" the word "or"; line 20, by striking out after the word "profane" the following: "or disgusting";

Page 5, line 5, by striking out after the word "Section" the figure "4" and inserting in lieu thereof the figure "3"; line 7, by striking out after the word "Section" the figure "5" and inserting in lieu thereof the figure "4".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

LEAVE OF ABSENCE

Mr. LEONARD. Mr. Speaker, for the first time since I have been a Member of this House I ask for a leave of absence effective at 3:00 o'clock this afternoon.

By unanimous econsent, leave of absence was granted.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM GOVERNOR NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 53.

An Act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting throwing of certain material from motor vhicles and further limiting and regulating certain actions

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the House and the bill amended, in which amendments the Senate has non-concurred.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 53

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. SWARTZ, LEONARD and STRAUSSER.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 235

The Clerk of the Senate being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 235, entitled:

An Act amending the act of June 21, 1939 (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by including tuberculosis within the meaning of the term occupational disease

And has appointed Messrs. SCOTT, PECHAN, LANE a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 235 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 235

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. CAPANO, LOPRESTI and HOCKER.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 305

The Clerk of the Senate being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 305, entitled:

An Act to add Section 1201.1 to the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing for traffic courts in cities of the third class.

And has appointed Messrs. KOPRIVER, VAN SANT, HALUSKA a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 305 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 305

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House. Messrs. PETROSKY, FILO and LIPPINCOTT.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 530

The Clerk of the Senate being introduced, informed that the Senate insists on its noncurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 530, entitled:

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land property or material or any interest therein by political subdivisions by authorities created by political subdivisions or by corporations in the exercise of their power of eminent domain

And has appointed MESSRS. FLEMING, KOPRIVER, BARR a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 530 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 530

The SPEAKER. The Chair appoints as a Committee of

Conference on the part of the House, Messrs. LOPRESTI, MIHM and COOPER.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 729

The Clerk of the Senate being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 729, entitled:

A Joint Resolution proposing an amendment to article two section four of the Constitution of the Commonwealth of Pennsylvania by providing for annual sessions of the General Assembly

And has appointed Messrs. KESSLER, McPHERSON, SEYLER a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 729 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 729

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. READINGER, POLASKI and WOOD.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 173, Printer's No. 1398 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 173.

An Act providing for the establishment of police pension pension funds or pension annuities in certain boroughs towns and townships and the regulation and maintenance thereof providing for continuance of existing funds or transfer thereof to funds herein established prescribing rights of beneficiaries and repealing certain acts

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, line 2, by inserting after the word "in" the word "certain."

Amend Section 1, page 2, line 2 by inserting after the word "force" the' following: "of four or more members"; line 11 by inserting after the word "policemen" the following: "to the extent not appropriated in any year by the borough town or township to another pension fund or plan heretofore established by the borough town or township or by the citizens thereof or both"; page 3, line 7 by inserting after the figure in parenthesis "(1)" the following: "match the aggregate payments made by the members of the police force during such year and in addition (2) a further appropriation shall"; line 11 by inserting after the word "year" the following: "and the matching appropriation as aforesaid and the"; line 15 by inserting after the word "policemen" the following: "(unless paid by the borough town or township to another pension fund or plan heretofore established)"; page 4, line 1, by inserting after the word "full" the following: "the share of the borough town or township"; line 3 by inserting after the word "year" the following: "to the extent required under the provisions of section 5 of this act."

Amend Section 3, page 4, line 15 by striking out after the word "of" the word "fifty-five" and inserting in lieu thereof the word "sixty."

Amend Section 5, page 5, line 14, by striking out after the word "for" the following: "The basis of the apportionment of the pension shall be determined by the rate of the monthly pay of the member at the date of death honorable discharge or retirement and shall not in any case be less than one-half the highest pay of such member during any period of twelve months within the last sixty months of employment computed at such monthly rate and insert in lieu thereof the following:" The basis for determining any pension payable under this act following retirement of any member of the force meeting the service qualifications of the ordinance establishing a police pension fund shall be as follows

Monthly pension or retirement benefits shall be not less than one-half the monthly average of the highest pay of such member during any period of twelve consecutive months within the last sixty months of employment such pension or retirement benefits for any month shall be computed as the sum of (I) any pension benefits from pension plans heretofore established by the borough town or township and by citizens thereof or both (II) primary benefits under federal social security laws for which the officer may be eligible because of age and (III) benefits from the police pension fund established pursuant to this act to the extent necessary to bring the total benefits in any month up to one-half the aforesaid monthly average

Amend section 6, page 7, line 4, by striking out after the word "fund" the following: "shall continue as constituted only upon the following terms and conditions" and inserting in lieu thereof the following:" may be continued as constituted and the pensions paid by such established fund shall be credited in determining the annual appropriations of the borough town or township as provided in Section 1 hereof

Line 10 by striking out the following:

(1) The amount paid in pensions to each beneficiary under the established fund shall be in excess of any amount so payable from the fund established pursuant to this act and

(2) If the borough town or township in which such an established fund exists undertakes to annually appropriate sufficient moneys to compensate the existing fund for any deficit in the amount of money needed to pay pension obligation during any calendar year and

(3) If not over two-thirds of the beneficiaries and dues paying membership of the existing organization or association vote to transfer its funds into a pension fund established by a borough town or township pursuant to this act

Amend Section 10, page 9, line 8 by striking out after the word "repealed" the following "as particularly set forth" and inserting in lieu thereof the following "in so far as they apply to boroughs towns and townships maintaining a police force of four or more members"; line 15 by striking out after the word "amendments" the word

"absolutely"; page 10, line 1, by striking out after the part word "ments" the word "absolutely"; line 6 by striking part word "ments" the word "absolutely"; line 11 by striking out after the word "States" the following: "in so far as it relates to boroughs towns and townships"; line 15 by striking out after the word "thereto" the word "absolutely"

Amend Section 11, page 10, line 17 by inserting after the words "fifty-six" the following: "but no payments shall be made from the fund established by this act until January first one thousand nine hundred fifty-seven".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Royer,
Amarando,	Gibb,	McCormack,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, B. K.,	Meholchick,	Smith, C. C.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boles,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Oglivie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz	O'Neil,	Wall,
Davis,	Kooker,	Pacchioli,	Wallace,
Donahue,	Kornick,	Parry,	Walsh,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Eilberg,	Leiby,	Petrosky,	Weidner,
Erb,	Leisey,	Polaski,	Wescott,
Eshleman,	Leonard,	Polen,	Wheeler,
Ewing,	Leven,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresto,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 1736, Printer's No. 1255 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1736.

An Act amending the act of May 5 1933 (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" removing the right of appeal to the Governor in cases of incorporation merger consolidation and conversion of building and loan associations and Federal savings and loan associations and authorizing appeals to the court of common pleas of Dauphin County.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 2, line 5, by striking out after the third word "and" the following: "making the decision of the Department of Banking conclusive" and inserting in lieu thereof the following: "authorizing appeals to the court of common pleas of Dauphin County";

Amend Section 1, page 3, line 5, by striking out after the word "Governor" the following: ") Department of Banking"; line 6, by striking out the bracket before the word "The"; line 7, by inserting after the word "therewith" the following: "Department of Banking may be appealed to the court of common pleas of Dauphin County";

Amend Section 2, page 4, line 7, by striking out the bracket after the word "Banking"; line 7, by inserting after the word "The" the following: ") An appeal may be taken from the"; line 8, by striking out after the word "Governor" the following: ") Department of Banking"; line 9, by striking out the bracket before the word "The"; line 10, by inserting after the word "therewith" the following: "Department of Banking to the court of common pleas of Dauphin County."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Royer,
Amarando,	Gibb,	McCormack,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, C. O.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boies,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wall,
Davis,	Kooker,	Pacchioli,	Walsh,
Donahue,	Kornick,	Parry,	Wallace,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Eilberg,	Leiby,	Petrosky,	Weidner,
Erb,	Leisey,	Polaski,	Wescott,
Eshleman,	Leonard,	Polen,	Whitenight,
Ewing,	Leven,	Pomeroy,	Wheeler,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Foster,	Lafore,	Steckel,
Connelly,	Gelfand,	Lawyer,	Stephens,
Cooper,	George,	Mahan,	Welsh,
Dougherty,	Greenwood,	Naugle,	Wood,
Down,	Kent,	Pettigrew,	Young,
Floyd,	Kline,	Sigman,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that House Bill No. 856, Printer's No. 1370 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 856, entitled:

An Act amending the act of March 30, 1917 (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making cerain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," further regulating the refusal, cancellation, revocation and suspension of licenses, providing for rules and regulations, and eliminating repealed provisions.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 856

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. BOIES, KOLANKIEWICZ and KENT.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER. Mr. Speaker, I move that Senate Bill No. 835, Printer's No. 413 together with communication from the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 835

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 835, entitled:

An Act amending the act of August 9, 1955 (Act No. 130) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of solicitors by clerks of the court of quarter sessions and oyer and terminer in third fourth and fifth class counties and prescribing their duties.

An has appointed Messrs. MALLERY, MADIGAN and HARP a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 835

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. WHEELER, BRETH and TOMPKINS.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. HASS from the Committee on Ways and Means, reported as committed, House Bill No. 1845, entitled:

An Act amending the "Transfer Inheritance Tax Law, approved June 20, 1919 (P. L. 521), changing the tax rate on property transferred to lineal descendants of adopted children.

Mr. THOMAS from the Committee on Ways and Means, reported as committed, House Bill No. 1941, entitled:

An Act to further amend "The Liquid Fuels Tax Act * * *," by reducing the amount of tax on fuels used for the generation of power in aircraft and aircraft engines; further regulating the collection, deposition and refund thereof, and the licensing of distributors.

Mr. THOMAS from the Committee on Ways and Means, reported as committed, House Bill No. 1942, entitled:

An Act to amend the "Fuel Use Tax Act * * *," by imposing a tax on fuels used in aircraft or aircraft engines; fixing the amount thereof; and changing definitions of dealer-users, fuels and use.

Mr. McLAUGHLIN from the Committee on Ways and Means re-reported as committed, House Bill No. 1785, entitled:

An Act to further amend section one of the act approved the eighth day of June one thousand nine hundred twenty-three (Pamphlet Laws 685) entitled "An act prescribing the fees for the office of Secretary of the Commonwealth" by further regulating the fees to be charged and collected.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1845 entitled:

An Act amending the "Transfer Inheritance Tax Law, approved June 20, 1919 (P. L. 521), changing the tax rate on property transferred to lienal descendants of adopted children.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1941 entitled:

An Act to further amend "The Liquid Fuels Tax Act * * *," by reducing the amount of tax on fuels used for the generation of power in aircraft and aircraft engines; further regulating the collection, disposition and refund thereof, and the licensing of distributors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1942 entitled:

An Act to amend the "Fuel Use Tax Act * * *," by imposing a tax on fuels used in aircraft or aircraft engines; fixing the amount thereof; and changing definitions of dealer-users, fuels and use.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1785 entitled:

An Act to further amend section one of the act approved the eighth day of June one thousand nine hundred twenty-three (Pamphlet Laws 685) entitled "An act prescribing the fees for the office of Secretary of the Commonwealth" by further regulating the fees to be charged and collected.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS INTRODUCED AND REFERRED

The SPEAKER pro tempore. The Speaker has referred the following bills:

By Messrs. SNIDER, WHEELER, WOOD and BOWER. HOUSE BILL No. 2091.

An Act amending the act of August 16, 1951 (P. L. 1240), entitled "A supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws 858), entitled 'An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties,' by permittting certain members to obtain credit for military service who were not eligible members at time of entry into military service," extending its provisions to present and future cases.

Referred to the Committee on Rules.

By Messrs. ROBERT K. HAMILTON and WILLAREDT. HOUSE BILL No. 2092.

An Act to further amend section seven of the act, approved the fourteenth day of May, one thousand nine hundred fifteen (Pamphlet Laws 524), entitled "An act creating a fund for the purpose of rebuilding, restoring, and replacing buildings, structures, equipment, or other property of the Commonwealth of Pennsylvania, damaged or destroyed by fire or other casualty, and regulating the placing of insurance thereon, and providing penalties for any violation of the provisions of this act," by providing that the Department of Revenue be empowered to purchase insurance in certain enumerated cases.

Referred to the Committee on Rules.

By Messrs. WESCOTT and HOCKER. HOUSE BILL No. 2093.

An Act to provide revenue by imposing an excise tax, payable by those herein defined as manufacturers and bottlers of bottled soft drinks, and syrups as herein defined, prepared, used, sold, transported or delivered within the Commonwealth and by others; requiring persons as herein defined engaged in the manufacture, bottling, distribution, sale and transportation of syrup and bottled soft drinks to secure permits; prescribing the method and manner of evidencing the payment and collection of such tax or assessing the tax; conferring powers and imposing duties on the Department of Revenue and those

manufacturing, bottling, distributing, selling and transporting syrup or bottled soft drink and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. LOPRESTI. HOUSE BILL No. 2094

An Act amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," changing the provisions for the determination of projects in hardship cases.

Referred to the Committe on Education.

By Messrs. WESCOTT and HOCKER.
HOUSE BILL No. 2095

An Act amending the act of March 6, 1956 (Act No. 381), entitled "An act to provide revenue for Commonwealth purposes by imposing a tax on the purchase, use, storage or other consumption of certain tangible personal property and utility services herein defined as tangible personal property; providing for licenses, reports, payment and collection of tax, interest and penalties, assessments, collections, liens, reviews and appeals; conferring powers, and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, corporations, partnerships, associations and individuals; and making an appropriations," excluding certain articles from taxation.

Referred to the Committee on Ways and Means.

BILLS ON THIRD READING

The SPEAKER pro tempore. If there is no objection, the Chair will take up out of order House Bill No. 2051 on page 14 of today's calendar. The Chair hears none.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2051, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" removing certain merger provisions and changing the procedure in the formation of union districts.

On the question,

Will the House agree to the bill on third reading?

Mr. McCANN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 1, fourth line of Title, by inserting after "thereto" changing the powers and duties of the county board of school directors.

Amend Sec. 5 (Sec. 262) page 7, lines 13 and 14 by striking out "and the county superintendent of such" in line 13 and all of line 14.

Amend Sec. 6 (Sec. 925) page 9, lines 11 and 12 by inserting brackets before "in" in line 11 and after "intendent" in line 12.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

The SPEAKER pro tempore. If these is no objection, the Chair will take up out of order House Bills Nos. 1979, 1980 and 1981 on page 12 of today's calendar. The Chair hears none.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1979, entitled:

An Act amending the act of May 27, 1937 (P. L. 901) entitled "An act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm products as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties" by inserting therein a section 6 providing for bonding of dealers in farm produce redefining dealers in farm produce and defining cash.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture and Dairy Industries for the purpose of amendment.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1980, entitled:

An Act to amend section ten of the act approved the thirtieth day of April one thousand nine hundred twenty-nine (P. L. 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" providing for bonding of such associations.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture and Dairy Industries for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1981, entitled:

An Act to further amend section eleven of the act approved the twelfth day of June one thousand nine hundred nineteen (P. L. 466) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations not having a capital stock and not conducted for profit and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising beekeeping and horticulture" providing for bonding of such associations.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. McCANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture and Dairy Industries for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1984, entitled:

An Act requiring bonds issued by Authorities to be offered for sale at open and competitive bidding and specifying the procedure therefor.

On the question,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 4, page 4, lines 2 and 3, by striking out "in the presence of the officer of the" in line 2 and all of line 3, and inserting "by an officer or agent of the Authority."

Amend Section 5, page 4, line 6, by striking out "least" and inserting "lowest net."

Amend Section 5, page 4, line 7, by striking out "deducting from" and inserting "ascertaining."

Amend Section 5, page 4, lines 8 to 17, by striking out "to be paid on account of the bonds during the life thereof the" in line 8, and all of lines 9 to 17, and inserting "computed from the date of the bonds to the maturities thereof at the rates named in the proposal plus the amount of any discount from the principal amount of the bonds or less the amount of any premium in excess of the principal amount of the bonds named in the proposal."

Amend Section 5, page 5, lines 1 and 2, by striking out all of said lines.

Amend the bill, page 5, lines 8 to 12, by striking out all of said lines.

Amend Section 8, page 5, line 13, by striking out "8" and inserting "7."

Amend Section 8, page 5, lines 14 and 15, by striking out "or any part" in line 14 and "thereof" in line 15.

Amend Section 8, page 5, line 15, by striking out "for not less than par and accrued interest."

Amend Section 9, page 6, line 1, by striking out "9" and inserting "8."

Amend Section 10, page 6, line 11, by striking out "10" and inserting "9."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 885

Mr. McGEE. Mr. Speaker, I move that the vote by which House Bill No. 885, Printer's No. 1488, entitled:

"An Act relating to plumbing providing for certification registration and regulation of persons engaged in plumbing creating a State Public Health Plumbing Board in the Department of Health prescribing its powers and duties and those of local governments with respect thereto and making an apropriation."

was defeated on final passage, Tuesday, March 13, 1956.

Mr. READINGER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. McGee vote on the final passage of this bill?

Mr. McGEE. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. McGEE. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. JOHNSON asked and obtained unanimous consent to address the House.

Mr. Speaker, Governor Leader last night in Pittsburgh, after attacking the sales tax which he had just signed, said, and I quote: "Imagine what we will be able to do when we get a Democratic Senate."

It is very easy to imagine, as the Governor asks us to do, if the people of this state are tricked again by wild promises to turn over complete control of the Legislature to Governor Leader, what is going to happen. It is not hard to imagine we will have a wage and income tax with the rates running from one to ten per cent because with the legislation going through this year the Governor will be back in the next session asking for an additional half billion dollars over and above what he is getting this year.

It is not hard to imagine that the appropriations which have been reduced this year will be back double and triple what have been proposed this year.

It is not hard to imagine that the Governor will ask for a one hundred per cent increase in the appropriation for his own office instead of the 65 per cent he asked for this year and has received.

It is not hard to imagine that instead of the present braintrust we will see the whole Capitol crawling with starry-eyed theorists and no one to stop them.

I am afraid the Governor is not going to get his wish. The people have been fooled once too often and they are not going to be fooled again. They have had it during the last fourteen months and they certainly are not going to ask for more of the same confusion, the same broken promises that have been dished out to them so far under the present administration.

The Governor says he signed the sales tax with bitterness in his heart. I suppose, too, he kept the Sales Tax Bureau up to full strength during the last six months, when we had no sales tax and the Governor was saying he was going to veto it, with bitterness in his heart.

We are beginning to suspect, and the people are beginning to suspect, that the Governor has felt all along it would finally be a sales tax, but he wanted to keep up the suspense just long enough so that when a sales tax would finally have to be passed, it would be a three per cent sales tax and not the two per cent that was possible last May or June.

After all, did not the Governor tell us in his budget message that it would be either a wage tax or a three and three-quarter per cent sales tax? Has it not been clear for the last twelve months that the people would never stand for a wage tax?

When I am asked, "Why did you urge a sales tax," I say, "I did not urge a sales tax. I wanted the Governor to keep his promise of no tax, but when he gave us no choice except a wage or a sales tax, I chose a sales tax because it was fairer than a wage tax."

When we passed the new corporation taxes here the other day, that made the total of taxes on the books the sum of a little better than $1 billion. This sum would just about equal the budget of Governor Fine in the last two years of his term.

When we passed the sales tax, we gave Governor Leader $320 million in new money for him to spend.

Who is not playing fair? Who does the Governor think he is kidding now?

Mr. READINGER. Mr. Speaker, I am afraid I was a little inattentive when the gentleman began his remarks. I missed his announcement of the office for which he is running.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1939, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" authorizing use of money from resident hunter's fees for controlled burning of marginal and submarginal game land.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. BRETH. Mr. Speaker, due to the fact that there are a number of our Members sick and others who are not in their seats at this time, rather than poll the House or resort to some other measure, I move at this time that House Bill 1939 be placed on the third reading postponed calendar.

On the question,

Will the House agree to the motion?

The Speaker. The Chair is unable to decide.

Whereupon a division was called for. 73 Members having voted in the affirmative, 64 in the negative, the question was determined in the affirmative and the motion was agreed to.

The SPEAKER pro tempore. The Chair recognizes the Majority Leader.

Mr. READINGER. Mr. Speaker, I desire to continue through the calendar.

The SPEAKER pro tempore. The Chair thanks the gentleman.

MOTION TO POSTPONE BILLS

Mr. VAUGHAN. Mr. Speaker, I move to put the rest of the bills on the third reading postponed calendar.

POINT OF ORDER

Mr. READINGER. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. READINGER. I believe it is necessary to make a separate motion for each separate bill the gentleman desires to put on the postponed calendar as it is called up.

The SPEAKER pro tempore. The gentleman is correct. The point of order is well taken.

MOTION TO ADJOURN

Mr. EHRGOOD. Mr. Speaker, I would like to make a motion to adjourn.

The SPEAKER pro tempore. The gentleman is in order. A motion for adjournment is always in order.

The motion was not agreed to.

Mr. EHRGOOD. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman's request comes too late. The Chair has ruled that the noes have it.

Mr. EHRGOOD. Mr. Speaker, may I ask for a roll call vote?

The SPEAKER pro tempore. The gentleman is too late.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, yesterday we voted to have a working day and we are working. What causes this great unrest all of a sudden I would not know.

There are quite a few non-controversial bills on the calendar which we would like to dispose of today and it would have been unfortunate if the motion to adjourn had carried so prematurely.

Judging from the voice vote I just heard, the men who voted yesterday to have a working day are still willing to work.

It is our intention not to go beyond about 5:00 o'clock, if that meets with the approval of the membership. Perhaps it will not be necessary to continue that long.

I do hope we can continue with the calendar and dispose of a lot of these bills whether they are controversial or non-controversial.

PERMISSION TO ADDRESS HOUSE

Mr. EHRGOOD asked and obtained unanimous consent to address the House.

Mr. Speaker, last night we spent practically an hour or an hour and a half making a grandstand play to the Press. I think it was useless. We wasted our time last night and we are wasting time today.

I hope the Press rips apart the grandstand play of yesterday and tells the people of Pennsylvania the facts. We are wasting our time today and I hope we will all try to live up to what we really believe in and not speak mere words.

PERMISSION TO ADDRESS HOUSE

Mr. PETROSKY asked and obtained unanimous consent to address the House.

Mr. Speaker, the Majority Leader has said the Mem-

bers voted for a working session and we are doing that today.

There are legislative processes that contain a time element which are very necessary and essential. setting up the conference committees, setting up concurrences or non-concurrences in amendments from one House as it affects the other House, and so forth. All this comes in to the proper legislative processes, and it does take an element of time in order to dispatch these items in the Hall of the House. All of the older Members know that.

I do not believe the Press will want to consider ripping the House apart for the grandstand play of yesterday. We are working and we will continue to work to dispatch the business of the day that is before us on the calendar.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1940 as follows:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" requiring use of certain fees for removing overshadowing tree growth to produce underbrush sprouts and saplings for deer food and cover

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1401 act of June 3, 1937 (P. L. 1225) known as "The Game Law" is amended by adding at the end thereof a new clause to read

Section 1401 Continuance of Game Fund Appropriation All license fees fines permit fees and other moneys received and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as the Game Fund or (b) that may be hereafter paid into the State Treasury under the provisions of any act so repealed or replaced or (c) that may be paid into the State Treasury under the provisions of this act shall be placed in the separate fund known as "The Game Fund" and shall be held separately and apart solely for the following purposes

* * *

(z.1) The sum of one dollar of the one dollar and fifteen cents ($1.15) fee collected for issuing resident and nonresident hunters' licenses and tags for antlerless deer shall be used solely for cutting or otherwise removing overshadowing tree growth to produce underbrush sprouts and saplings for deer food and cover on game land

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—137

Adam,	**Flynn,**	McWherter,	**Rudisill,**
Agnew,	**Frank,**	**Meholchick,**	Sarraf,
Amarando,	**Frascella,**	**Mihm,**	Scarcelli,
Anderson, M. S.,	**Frost,**	Mikula,	**Schuster,**
Anderson, S. A.,	**Gaffney,**	Miller,	Sherman,
Auker,	**Gibb,**	**Mills,**	Smith, C. C.,
Barnatovich,	**Gibson,**	**Monroe,**	**Smith, Wm. B.,**
Bazin,	**Goldstein,**	Moody,	**Snider,**
Blair,	**Guss,**	Moran,	**Stank,**
Boies,	**Guthrie,**	Muldowney,	**Stebbins,**
Bonner,	**Hamilton, R. K.,**	Munley,	**Stoner,**
Boory,	**Hass,**	Murphy,	**Stroup,**
Bower,	**Haudenshield,**	**Murray, P. G.,**	**Swartz,**
Branca,	**Helm,**	**Musto,**	**Thomas,**
Breisch,	**Hewitt,**	**Needham,**	**Thompson,**
Brennan, A. P.,	**Hocker,**	**Ogilvie,**	**Toll,**
Brennan, J. J.,	**Holt,**	**Olsen,**	**Toomey,**
Brenninger,	**Johnson,**	**O'Neil,**	**Varallo,**
Breth,	Jones, G. E.,	**Pacchioli,**	**Varner,**
Bucchin,	**Jump,**	Parry,	**Vaughan,**
Bullen,	**Kamyk,**	Pashley,	**Verona,**
Capano,	**Keller,**	Paulhamus,	**Wallace,**
Cianfrani,	**Knecht,**	**Petrosky,**	**Walsh,**
Cioffi,	Kolankiewicz,	Polaski,	**Wargo,**
Curwood,	**Kooker,**	**Polen,**	**Waterhouse,**
Donaldson,	**Leiby,**	**Pomeroy,**	**Weidner,**
Ehrgood,	**Leven,**	**Price,**	**Wescott,**
Eilberg,	**Lopresti,**	**Readinger,**	**Wheeler,**
Eshleman,	**Lovett,**	**Reibman,**	**Whitenight,**
Ewing,	**Markley,**	**Reidenbach,**	**Willaredt,**
Farabaugh,	**Maxwell,**	**Renwick,**	**Worley,**
Filo,	**McGee,**	**Rosen,**	**Yetzer,**
Fineman,	**McKeever,**	**Rovansek,**	**Ziegler,**
Flint,	**McLaughlin,**	**Royer,**	**Andrews,**
		Rubin,	**Speaker**

NAYS—22

Ashton,	**Gramlich,**	**Jones, T. H. W.,**	**Moscrip,**
Bell,	**Henzel,**	**Kehler,**	**Murray, H. P.,**
Brown,	**Horst,**	**Kratz,**	**Pursley,**
Davis,	**Houk,**	**Leisey,**	**Stevenson,**
Donahue,	**Isaacs,**	**Light,**	**Strausser,**
		McInroy,	**Wall,**

NOT VOTING—48

Banker,	**George,**	**Lippincott,**	**Sigman,**
Cochran,	**Greenwood,**	**Lutty,**	**Steckel,**
Comer,	**Heavey,**	**Magee,**	**Stephens,**
Connelly,	**Jenkins,**	**Mahan,**	**Stone,**
Cooper,	**Kent,**	**McCann,**	**Taylor,**
Dougherty,	**Kline,**	**McCormack,**	**Tompkins,**
Down,	**Kornick,**	**Metz,**	**Welsh,**
Erb,	**Kromer,**	**Mullen,**	**Williams,**
Floyd,	**Lafore,**	**Murray, J. J.,**	**Wilt,**
Foster,	**Lawyer,**	**Naugle,**	**Wood,**
Garlock,	**Leonard,**	**Pettigrew,**	**Yetter,**
Gelfand,	**Limper,**	**Rigby,**	**Young,**

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. McINROY asked and obtained unanimous consent to address the House.

While I fully intended to debate this bill, I was busy at the time and about ten names had been called before I knew on which bill the roll was being called. So I would just like to make this statement for the record and for the benefit of those who are listening.

Personally, I think it is a bad bill. I think the purpose of it is to tie the hands of the Game Commission. It must be that the sponsors of this bill do not have confidence in the Game Commission, or they would not earmark this money to be used for cutting.

This other bill which is ahead of it I fully intend to debate next week.

As far as the cutting is concerned, I do not object to it, but I do object to this idea of tying the hands of the Game Commission.

I have a letter here from Doctor Goddard, who is the head of the Department of Forests and Waters and a man who I think both sides of the House admire not only for his honesty but for his ability. I have a letter also from the head of the Game Commission objecting to this bill.

I guess we will have to say we had a "fast one" pulled

on us this afternoon, because the vote was started before I knew what was going on. I had specifically asked to debate this bill. However, I will have to graciously step aside and say this, that I think it is a bad bill, I think it is wrong to go against Dr. Goddard and I think it is wrong to go against the head of the Game Commission, Mr. Bennett.

I am going to do my best to defeat the bill in another method. You can figure out what method that may be. I will do my best, and Mr. Breth and the others who are in favor of controlled burning had better pull out their big guns next week. We will see whether that one passes or not.

Thank you, Mr. Speaker, for the time and indulgence of the House.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

The SPEAKER. I have such implicit confidence in the gentleman from Armstrong that from the Chair I must express regret that anyone should have presumed that the Chair would pull a "fast one."

I hope the gentleman realizes that the phrase was not quite in order. I have implicit faith, and I believe this House has, in the integrity of the gentleman from Armstrong.

Mr. HELM IN THE CHAIR.

Mr. McINROY. Mr. Speaker, just to make another short statement.

I certainly did not intend to say in any way that I lacked confidence or that the Speaker pulled a "fast one." Perhaps I was at fault. I was busy at the time, but I had my name down to debate it. We will say there was a mistake made.

I will graciously step aside, as I said. Although I think the bill is a bad bill, it passed and we bow to the majority temporarily.

Again, I apologize if I have said anything against the Speaker, which I certainly did not mean to do. I think a lot of the Speaker, I think he is a very fine man and I did not do it intentionally.

The SPEAKER pro tempore. The Chair thanks the gentleman for his statement and wishes to say that the Chair purposely paused for a considerable time before putting the question. The Chair apologizes for not having seen the gentleman's name on the calendar to debate the bill. I offer that apology to him.

PERMISSION TO ADDRESS HOUSE

Mr. BRETH asked and obtained unanimous consent to address the House.

Mr. Speaker, I am very sorry that any gentleman in this House is ever denied his right to speak on any bill. I do not regard his remarks as reflecting upon me or the cosponsors of the bill. Mr. Smith and Mr. Wilt.

It was not my intention and I know not the intention of the cosponsors, of anyone over here, or of anyone who voted for the bill, to shut off debate or to "pull" anything. This is not the place those things can be done.

We are all Members of an honorable body. I think our procedures are on a honorable basis and that is the way I will strive to maintain them.

BILLS ON THIRD READING

The SPEAKER pro tempore. The Chair will now return, without objection, to page 6 of today's calendar. House Bill 1644, Printer's No. 1198 was incorrectly placed on the second reading calendar. It is a bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1644 entitled:

An Act providing for the construction transportation installation maintenance marking use and inspection of tanks and containers for liquefied compressed gases except liquefied petroleum gas prohibiting the filling or refilling of the tanks and containers unless designed for the purpose authorizing the Department of Labor and Industry to prescribe uniform regulations for the carrying out of the provisions of this act requiring fees for permits and providing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. EWING. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 1, line 1 of Title, by striking out "transportation"

Amend Title, page 1, line 2 of Title, by inserting after "of" storage

Amend Title, page 1, line 2 of Title, by inserting after "and" where it appears the second time "storage."

Amend Title, page 1, line 5 of Title, by inserting after "the" where it appears the first time "storage."

Amend Title, page 1, line 5 of Title, by inserting after "and" storage

Amend Sec. 1, page 2, line 15, by striking out "handling" and inserting in lieu thereof: "storing."

Amend Sec. 1, page 2, line 15, by inserting after "dispensing" but not the transportation

Amend Sec. 1, page 2, line 16 by striking out "Tank" and inserting in lieu thereof: "Storage tank"

Amend Sec. 2, page 3, line 11, by inserting after "All" storage.

Amend Sec. 2, page 3, line 11, by striking out "handling or" and inserting in lieu thereof: "but not."

Amend Sec. 2, page 3, line 14, by striking out "The" and inserting in lieu thereof: "Such storage."

Amend Sec. 3, page 3, line 16, by inserting after "any" where it appears the second time "storage."

Amend Sec. 4, page 4, line 6, by inserting after "each" storage

Amend Sec. 4, page 4, line 7, by inserting after "each" storage

Amend Sec. 5, page 4, line 13, by striking out "transportation"

Amend Sec. 5, page 4, line 14, by inserting after "dispensing" but not the transportation.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1977 as follows:

An Act regulating the sale and distribution of mixed fertilizers and fertilizer materials imposing powers and duties on the Secretary of Agriculture and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Fertilizer Law of 1956"

Section 2 Definitions As used in this act

(1) "Fertilizer material" means any substance containing nitrogen phosphoric acid potash or any recognized plant nutrient element or compound which is used or sold for its plant nutrient content or claimed plant nutrients or for compounding mixed fertilizers except unmanipulated animal and vegetable manures

(2) "Mixed fertilizers" includes any combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth

(3) "Commercial fertilizer" includes mixed fertilizer or fertilizer materials

(4) "Specialty fertilizer" includes any fertilizer distributed primarily for use on crops grown for noncommercial purposes such as home gardens and lawns and may include fertilizers used for research or experimental purposes

(5) "Bulk fertilizer" includes commercial fertilizer delivered to the purchaser in the solid or liquid state in a nonpackaged form to which a label cannot be attached

(6) "Brand" includes any term design or trade mark used in connection with one or several grades of fertilizer

(7) "Grade" means the minimum percentage of total nitrogen available phosphoric acid and soluble potash stated in the order given in this definition and when applied to mixed fertilizers shall be in whole numbers only

(8) "Official sample" means any sample of commercial fertilizer taken by the secretary or his agent

(9) "Secretary" includes the Secretary of Agriculture or his duly authorized deputy or representative

(10) "Ton" means a net weight of two thousand pounds avoirdupois

(11) "Percent" or "Percentage" means the percentage by weight

(12) "Distributor" includes any person who offers for sale sells barters or otherwise supplies commercial fertilizers

(13) "Sell" or "Sale" includes exchange

Section 3 Registration (a) Each brand and grade of commercial fertilizer shall be registered before being offered for sale sold or distributed in this State The application for registration shall be submitted to the secretary on forms furnished by the secretary and shall be accompanied by a fee of fifteen dollars ($15) per brand The secretary may require a sample label to be submitted before registering any fertilizer Upon approval by the Secretary a copy of the registrations shall expire on June 30 of each year The application shall include the following information in the following order

(1) The name and address of the person guaranteeing the fertilizer

(2) The brand and grade

(3) The guaranteed analysis showing the minimum percentage of plant food claimed in the following order and form

Total Nitrogen	percent
Available Phosphoric Acid	percent
Soluble Potash	percent

Unacidulated mineral phosphatic materials and basic slag shall be guaranteed as to both total and available phosphoric acid and the degree of fineness In the case of bone tankage and other natural organic phosphate materials only the total phosphoric acid need be guaranteed Additional plant food elements determinable by chemical methods may be guaranteed only by permission of the secretary by and with the advice of the Director of the Agricultural Experiment Station When any such additional plant foods are claimed they shall be included in the guarantee and shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the secretary The secretary may permit the potential basicity or acidity (expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton) to be registered and guaranteed

(b) A distributor shall not be required to register any brand of commercial fertilizer which is already registered under this act by another person

(c) The plant nutrient content of each and every brand of commercial fertilizer must remain uniform for the period of registration and in no case even at a subsequent registration shall the percentage of any guaranteed plant food element be changed in such a manner that the crop-producing quality of the commercial fertilizer is lowered

Section 4 Labeling (a) Any commercial fertilizer offered for sale or sold or distributed in this State in bags barrels or other containers shall have placed on or affixed to the container in written or printed from the net weight and the information required by clauses (1) (2) and (3) of subsection (a) of section 3 either (1) on tags affixed to the end of the package between the ears or on the sewed end or (2) directly on the package in which case for bags containing fifty pounds or more the grade shall appear also on the end or on the face of the package in type that is plainly legible

(b) If distributed in bulk a written or printed statement of the weight and the information required by clauses (1) (2) and (3) of subsection (a) of section 3 shall accompany delivery and be supplied to the purchaser

Section 5 Inspection Fees Reports (a) There shall be paid to the secretary for all commercial fertilizers offered for sale sold or distributed in this State an inspection fee at the rate of five cents ($.05) per ton Inspection fees shall not be paid for sales to manufacturers or exchanges between them Fees so collected shall constitute a fund for the payment of the costs of inspection sampling and analysis and other expenses necessary for the administration of this act

(b) Payment of the inspection fee shall be evidenced by a statement of commercial fertilizer distributed together with documents showing that fees corresponding to the tonnage were received by the secretary

(c) Every person who distributes commercial fertilizer in this State shall file not later than the last day of January and July of each year a semi-annual statement setting forth by counties the number of net tons of commercial fertilizer distributed in this State during the preceding six-months period and upon filing such statement shall pay the inspection fee at the rate stated in subsection (a) of this section When more than one person is involved in the distribution of a commercial fertilizer the person who distributes to the ultimate dealer or consumer shall be responsible for reporting the tonnage and paying the inspection fee

Section 6 Inspection Sampling Analysis (a) It shall be the duty of the secretary or his authorized agent to sample inspect make analysis of and test commercial fertilizers distributed within this State at times and places and to such an extent as he may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of this act The secretary individually or through his agent may enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers subject to the provisions of this act and the rules and regulations pertaining thereto

(b) The methods of sampling inspection and analysis shall be those adopted in the year 1955 by the Association of Official Agricultural Chemists

(c) The secretary in determining for administrative purposes whether any commercial fertilizer is deficient in plant food shall be guided solely by the official sample as defined in clause (8) of section 2 and obtained and analyzed as provided for in subsection (b) of section 6

(d) The results of official anlysis of any commercial

fertilizer which has been found to be subject to penalty or other legal action shall be forwarded by the secretary to the registrant at least ten days before the report is submitted to the purchaser If during that period no adequate evidence to the contrary is made available to the secretary the report shall become official Upon request the secretary shall furnish to the registrant a portion of any sample found subject to penalty or other legal action

Section 7 Plant Nutrient Deficiency (a) If the analysis shows that any commercial fertilizer falls short of the guaranteed analysis in any one ingredient a penalty shall be assessed by the secretary against the manufacturer in accordance with the following

(1) Total Nitrogen A penalty of three times the value of the deficiency if such deficiency is in excess of two-tenths of one percent on goods that are guaranteed two percent twenty-five one-hundredths of one percent on goods that are guaranteed three percent thirty-five one-hundredths of one percent on goods that are guaranteed four percent four-tenths of one percent on goods that are guaranteed five percent up to and including eight percent five-tenths of one percent on goods guaranteed above eight percent up to and including thirty percent and seventy-five one-hundredths of one percent on goods guaranteed over thirty percent

(2) Available Phosphoric Acid A penalty of three times the value of the deficiency if such deficiency exceeds four-tenths of one percent on goods that are guaranteed up to and including ten percent five-tenths of one percent on goods that are guaranted above ten percent up to and including twenty-five percent and seventy-five one-hundredths of one percent on goods guaranteed over twenty-five percent

(3) Soluble Potash A penalty of three times the value of the deficiency if such deficiency is in excess of two-tenths of one percent on goods that are guaranteed two percent three-tenths of one percent on goods that are guaranteed three percent four-tenths of one percent on goods guaranteed four percent five-tenths of one percent on goods guaranteed above four percent on goods guaranteed above eight percent up to and including twenty percent and one percent on goods guaranteed over twenty percent

(4) Deficiencies in any other constituent except those covered under this section which the registrant is required to or may guarantee shall be evaluated by the secretary and penalties therefor shall be prescribed by the secretary

(b) All penalties assessed under this section shall be paid to the purchaser of the lot of commercial fertilizer represented by the sample analyzed within three months after the date of notice from the secretary to the registrant and receipts evidencing payment shall be promptly forwarded to the secretary by the registrant If said purchaser cannot be found the amount of the penalty shall be paid to the State Treasurer who shall deposit the same into the General Fund

Section 8 Commercial Value For the purpose of determining the commercial values to be applied under the provisions of section 7 the secretary shall determine and publish annually the values per pound of nitrogen phosphoric acid and potash in commercial fertilizer in this State The values so determined and published shall be used in determining and assessing penalties

Section 9 Minimum Plant Nutrient Content No superphosphate containing less than eighteen percent available phosphoric acid nor any mixed fertilizer in which the sum of the guarantees for the nitrogen available phosphoric acid and soluble potash totals less than twenty percent shall be distributed in this State except for complete fertilizers containing twenty-five percent or more of their nitrogen in water- insoluble form of plant or animal origin in which case the total nitrogen available phosphoric acid and soluable potash shall not total less than eighteen percent The provisions of this section shall not apply to specialty fertilizers

Section 10 False or Misleading Statements A commercial fertilizer is misbranded if it carries any false or misleading statement upon or attached to the container or if false or misleading statements concerning its agricultural value are made on the container or in any advertising matter accompanying or associated with the commercial fertilizer It shall be unlawful to distribute a misbranded commercial fertilizer

Section 11 Each person registering commercial fertilizers under this act shall furnish the secretary with a confidential written statement of the tonnage of each grade of commercial fertilizer sold by him in this State The statement shall include all sales for the periods of July 1 to and including December 31 and of January 1 to and including June 30 of each year A statement shall not be required when the reporting system in subsection (a) of section 5 is used The secretary may in his discretion cancel the registration of any person failing to comply with this section if the above statement is not made within thirty days from the date of the close of each period The secretary however may grant a reasonable extension of time No information furnished under this section shall be disclosed in such a way as to divulge the operation of any person

Section 12 Publications The secretary shall publish at least annually in such forms as he may deem proper information concerning the sales of commercial fertilizers together with such data on their production and use as he may consider advisable and a report of the results of the analysis based on official samples of commercial fertilizers sold within the State as compared with the analyses guaranteed under sections 3 and 4 The information concerning production and use of commercial fertilizers shall be shown separately for the periods July 1 to December 31 and January 1 to June 30 of each year and that no disclosure shall be made of the operations of any person

Section 13 Rules and Regulations The secretary is authorized to prescribe and after public hearing following due public notice to enforce such rules and regulations relating to the distribution of commercial fertilizers as he may find necessary to carry into effect the provisions of this act

Section 14 Short Weight If any lot of commercial fertilizer in the possession of the purchaser is found by the secretary to be short in weight the registrant of said commercial fertilizer shall within thirty days after official notice from the secretary pay to the purchaser a penalty equal to twice the value of the actual shortage

Section 15 Cancellation of Registrations The secretary is authorized and empowered to cancel the registration of any brand of commercial fertilizer or to refuse to register any brand of commercial fertiziler as herein provided upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of this act or any rules and regulations promulgated thereunder No registration shall be revoked or refused until the registrant has been given the opportunity to appear for a hearing by the secretary

Section 16 "Stop Sale" Orders The secretary may issue and enforce a written or printed "stop sale use or removal" order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when the secretary finds the commercial ftrtliizer is being offered or exposed for sale in violation of any of the provisions of this act The order shall be effective until the law has been complied with and the commercial fertilizer is released in writing by the secfetary or the violation has been otherwise legally disposed of by written authority The secretary shall release the commercial fertilizer so withdrawn when the requirements of the provisions of this act have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid

Section 17 Seizure Condemnation and Sale Any lot of commercial fertilizer not in compliance with the provisions of this act shall be subject to seizure on complaint

of the secretary to a court of competent jurisdiction in the area in which the commercial fertilizer is located In the event the court finds the commercial fertilizer to be in violation of this act and orders the condemnation of the commercial fertilizer it shall be disposed of in any manner consistent with the quality of the commercial fertilizer and the laws of the State but in no instance shall the disposition of the commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the commercial fertilizer or for permission to process or relabel the commercial fertilizer to bring it into compliance with this act

Section 18 Penalties Any person who violates any of the provisions of this act or any rule regulation or order made pursuant to this act shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) and costs of prosecution and in default of payment thereof shall be sentenced to undergo imprisonment for not more than thirty days and for a third or subsequent offense if three offenses including the last offense are committed within one year shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both

Section 19 Exchange Between Manufacturers Nothing in this act shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers manufacturers or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizers to manufacturers or manipulators who have registered their brands as required by the provisions of this act

Section 20 Appeals Any action of the secretary with respect to the registration of brands or the assessment of penalties shall be subject to appeal and review in accordance with the provisions of the act of June 4, 1945 (P. L. 1388) known as the "Administrative Agency Laws"

Section 21 Repeal The act of May 1, 1909 (P. L. 344) entitled "An act to regulate the manufacture and sale of commercial fertilizers prescribing penalties for its violation and repealing an act entitled "An act to regulate the manufacture and sale of commercial fertilizers providing for its enforcement and prescribing penalties for its violation" approved the twenty-fifth day of March Anno Domini one thousand nine hundred and one" is repealed

Section 22 Effective Date This act shall take effect July 1, 1956 but the registration of fertilizers registered prior thereto shall not expire until June 30, 1957 Statements shall be filed and payments made for the period from January 1, 1956 in accordance with the provisions of subsection (c) of section 5 of this act

Section 23 Violations Committed Prior to the Effective Date of this Act The provisions of this act shall not apply to violations committed prior to its effective date but the violations shall be prosecuted and prosecutions concluded under the provisions of law in force at the time the violation occurred For such purpose the laws repealed by this act shall be deemed to remain in effect

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MOSCRIP. Mr. Speaker, yesterday I rose to interrogate, but as an alternative today I will ask permission of the House to make a brief statement.

The SPEAKER. The gentleman will proceed.

Mr. MOSCRIP. Mr. Speaker, yesterday when I rose on this bill there were a number of items in my mind which were not clear after reading the bill. I had intended to interrogate one or more of the sponsors, but since they were not in the House the bill was postponed. Since that time I have conferred with those gentleman, and they have explained some of the points I had in mind.

Basically I think this bill is aiming at a condition which probably needs some remedial action. There are some items in it I feel are not too well drawn, but I feel they are overcome by the benefits in the bill.

I intend to vote for the bill and ask all the Members to vote for it.

Mr. LIGHT. Mr. Speaker, in this bill the penalties are severe. I was wondering whether one of the sponsors could explain the basis for these severe penalties on page 15 of the bill Section 18.

> Penalties. Any person who violates any of the provisions of this act or any rule regulation or order made pursuant to this act shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) and costs of prosecution and in default of payment thereof shall be sentenced to undergo imprisonment for not more than thirty days and for a third or subsequent offense if three offenses including the last offense are committed within one year shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) or to undergo imprisonment not exceeding one year or both.

I was wondering whether one of the sponsors of the bill could explain why the penalties are so severe.

The SPEAKER pro tempore. Will one of the sponsors of the bill answer the interrogation of the gentleman? Will the gentleman from Berks, Mr. Readinger, permit himself to be interrogated?

Mr. READINGER. Mr. Speaker, I will volunteer as a lawyer not as a farmer.

I certainly believe it to be good policy, if somebody wants to commit as many as three offenses within one year, that he should be given a severe penalty. That seems to be the intention of the amendment the gentleman is referring to.

The prior law provided for a lesser penalty for three offenses, but they could be committed at different times not all within one year.

I believe the object of this whole section is to prevent offenses from being committed. Apparently the present law is not severe enough to prevent them from being committed.

Mr. WATERHOUSE. You know, we have to have something like this because these city slickers have been taking advantage of us poor farmers for many years. We just have to have something to protect us. This is based sort of on a uniform fine, or whatever you might call it, a penalty bill, Mr. Speaker, and I understand it is the same thing in the feed bill.

We farmers are very thankful for anything you fellows will do for us.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Markley,	Rovansek,
Agnew,	Garlock,	Maxwell,	Royer,
Amarando,	Gibb,	McCann,	Rubin,
Anderson, M. S.,	Gibson,	McCormack,	Rudisill,
Anderson, S. A.,	Goldstein,	McGee,	Sarraf,
Ashton,	Gramlich,	McInroy,	Scarcelli,
Auker,	Guss,	McKeever,	Schuster,
Banker,	Guthrie,	McLaughlin,	Sherman,
Barnatovich,	Hamilton, R. K.,	McWherter,	Smith, C. C.,
Bazin,	Hass,	Meholchick,	Smith, Wm. B.,
Bell,	Haudenshield,	Metz,	Snider,
Blair,	Heavey,	Mihm,	Stank,
Boles,	Helm,	Mikula,	Stebbins,
Bonner,	Henzel,	Miller,	Stevenson,
Boory,	Hewitt,	Mills,	Stone,
Bower,	Hocker,	Monroe,	Stoner,
Branca,	Holt,	Moody,	Strausser,
Breisch,	Horst,	Moran,	Stroup,
Brennan, A. P.,	Houk,	Moscrip,	Swartz,
Brennan, J. J.,	Isaacs,	Muldowney,	Taylor,
Brenninger,	Jenkins,	Mullen,	Thomas,
Breth,	Johnson,	Munley,	Thompson,
Brown,	Jones, G. E.,	Murphy,	Toll,
Buechin,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Murray, P. G.,	Varallo,
Cianfrani,	Kehler,	Musto,	Varner,
Cioffi,	Keller,	Needham,	Vaughan,
Comer,	Knecht,	Ogilvie,	Verona,
Curwood,	Kolankiewicz,	Olsen,	Wall,
Davis,	Kooker,	O'Neil,	Wallace,
Donahue,	Kornick,	Pacchioli,	Walsh,
Donaldson,	Kratz,	Parry,	Wargo,
Ehrgood,	Kromer,	Pashley,	Waterhouse,
Eilberg,	Leiby,	Paulhamus,	Weidner,
Erb,	Leisey,	Petrosky,	Wescott,
Eshleman,	Leonard,	Polaski,	Wheeler,
Ewing,	Leven,	Polen,	Whitenight,
Farabaugh,	Light,	Pomeroy,	Willaredt,
Filo,	Limper,	Price,	Williams,
Fineman,	Lippincott,	Pursley,	Wilt,
Flint,	Lopresti,	Readinger,	Worley,
Flynn,	Lovett,	Reibman,	Yetter,
Frank,	Lutty,	Reidenbach,	Yetzer,
Frascella,	Magee,	Renwick,	Ziegler,
Frost,		Rigby,	Andrews,
		Rosen,	Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1983 as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" clarifying provisions relating to the right to participate in the election of county boards of school directors associate district superintendents suspension of professional employes on consolidation of schools rule making power in reference to medical and dental examinations status of State teachers college graduates and incurring penalty for employing teachers with only emergency certificate

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 921 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" amended July 27, 1953 (P. L. 629) August 19, 1953 (P. L. 1136) and August 21 1953 (P. L. 1223) is amended to read

Section 921 Election Vacancies Qualifications Removals (a) In every county having a county superintendent of public schools there shall be a county board of school directors consisting of five (5) members except in counties of the second class where the board shall consist of seven (7) members All members shall be elected at the annual convention of the school directors of the county next preceding the expiration of their respective terms of office by majority vote of the [following] school directors of the districts of the county attending such annual convention [(1) directors of districts under the supervision of the county superintendent (2) directors of union and merged districts of the third class employing district superintendents and (3) districts of the third and fourth class employing district superintendents to operate joint school systems Immediately after their election they shall meet and qualify by taking an oath of office] They shall serve for terms of six years from the first day of July following their election or until their successors are chosen The terms of the members shall be staggered so that two members shall be elected in the year one thousand nine hundred fifty-two two in the year one thousand nine hundred fifty-four and one in the year one thousand nine hundred fifty-six and thereafter two members or one member as is required to fill the expiring terms In counties of the second class the two additional members shall be elected in the year one thousand nine hundred fifty-six and each six years thereafter Prior thereto the vacancies shall be filled as herein provided in the case of other vacancies All vacancies occurring by reason of death resignation removal from the county or otherwise shall be filled by a majority vote of the remaining members of the county board of school directors The person elected to fill such vacancy shall hold his office until the next annual convention at which a successor shall be elected for the remainder of the unexpired term

* * *

Section 2 Section 1079 1080 1124 1422 and 2007 of the act are amended to read

Section 1079 Vacancies Acting and Substitute Superintendents and Assistants Any vacancy in the position of district superintendent associate district superintendent or assistant district superintendent shall be filled by the board of school directors for the remainder of the term

Whenever a board of school directors finds it impossible or impracticable to fill immediately any vacancy occuring in the position of district superintendent associate district superintendent or assistant district superintendent the board may appoint an acting district superintendent an acting associate district superintendent or an acting assistant district superintendent to serve not longer than one year from the time of his appointment

When a leave of absence has been granted to any district superintendent associate district superintendent or assistant district superintendent and it is deemed necessary or desirable the board of school directors may appoint a substitute district superintendent associate district superintendent or assistant district superintendent to serve for such period of time as the regular district superintendent associate district superintendent or assistant district superintendent is absent on leave

Section 1080 Removal District superintendents associate district superintendents and assistant district superintendents may be removed from office after hearing by a majority vote of the board of school directors of the district for neglect of duty incompetency intemperance or immorality of which hearing notice of at least one week has been sent by mail to the accused as well as to each member of the board of school directors

Section 1124 Causes for Suspension Any board of school directors may suspend the necessary number of professional employes for any of the causes hereinafter enumerated

(1) Substantial decrease in pupil enrollment in the school district

(2) Curtailment or alteration of the educational program on recommendation of the superintendent concurred in by the board of school directors approved by the Department of Public Instruction as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of Public Instruction

(3) Consolidation of schools whether within a single district through a merger of districts or as a result of joint board agreements when such consolidation makes it unnecessary to retain [the full staff of professional employes] all professional employes under contract at the time of the consolidation

Section 1422 Sight and Hearing Tests Medical examiners of the several school districts shall make sight and hearing tests of the pupils in such schools at least once in each school year Such tests for hearing shall be made with audiometers or with other scientific devices approved and provided by the Department of Public Instruction for use in the various school districts The Department of Public Instruction shall prescribe to the board of school directors and medical examiners of schools suitable rules [of] and instructions as to the tests and examinations to be made as provided in this section together with test cards and blanks deemed necessary for carrying out the purposes of this section The Department of Public Instruction shall provide in the State teachers' colleges instruction and practice in the best methods of testing the sight and hearing of children and shall prescribe the scientific appliances which shall be used by State teachers' colleges to provide such instruction

Section 2007 [Examinations] Certificates Diplomas Degrees [The Superintendent of Public Instruction shall prescribe and conduct such examinations of students in the several colleges as he may deem necessary to determine and fix the standards of instruction in and of graduation from any of the curriculums of the colleges] Each graduate from a State teachers' college shall receive such a certificate [or] diploma or degree as the State Council of Education shall prescribe

Section 3 Section 2518 of the act amended August 21, 1953 (P. L. 1223) is amended to read

Section 2518 Forfeitures for Employing Certain Teachers In the event that after the first day of July one thousand nine hundred fifty-one any school district or county board of school directors with respect to area technical schools for a period of [two successive years] more than one year employs the same teacher who holds only an emergency certificate for any grade or subject which he teaches or for a period of [two successive years] more than one year employs in the same position teachers who hold only an emergency certificate for any grades or subjects which they teach such school district or board shall forfeit the sum of three hundred dollars ($300) for each teachers so employed or for each position so filled No such penalty shall be imposed for any violation of the foregoing provision during the biennium one thousand nine hundred forty-seven one thousand nine hundred forty-nine Any school district or county board of school directors with respect to area technical schools that now or hereafter employs any teacher who does not hold any form of teacher certification to teach in the public schools of this Commonwealth valid for the subjects or grades in which the teacher is giving instruction shall forfeit one reimbursement unit for each such teacher employed Any school district or county board of school directors with respect to area technical schools that employs a substitute after July first one thousand nine hundred fifty-two in a position where a vacancy exists for a full year or more without the specific written approval of the Superintendent of Public Instruction shall forfeit one reimbursement unit for each substitute so employed The Superintendent of Public Instruction shall deduct such sum or sums from the amount of the Commonwealth appropriation otherwise due such district or board under the provisions of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—181

Adam,	Gaffney,	Markley,	Royer,
Agnew,	Garlock,	Maxwell,	Rubin,
Amarando,	Gibb,	McCann,	Rudisill,
Anderson, M. S.,	Gibson,	McCormack,	Sarraf,
Anderson, S. A.,	Goldstein,	McGee,	Scarcelli,
Ashton,	Gramlich,	McInroy,	Schuster,
Auker,	Guss,	McKeever,	Sherman,
Banker,	Guthrie,	McLaughlin,	Smith, C. C.,
Barnatovich,	Hamilton, R. K.,	McWherter,	Smith, Wm. B.,
Bazin,	Hass,	Meholchick,	Snider,
Bell,	Haudenshield,	Metz,	Stank,
Blair,	Heavey,	Mihm,	Stebbins,
Boles,	Helm,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stone,
Boory,	Hocker,	Mills,	Stoner,
Bower,	Holt,	Monroe,	Strausser,
Branca,	Henzel,	Moody,	Stroup,
Breisch,	Horst,	Moran,	Swartz,
Brennan, A. P.,	Houk,	Muldowney,	Taylor,
Brennan, J. J.,	Isaacs,	Mullen,	Thomas,
Brenninger,	Jenkins,	Munley,	Thompson,
Breth,	Johnson,	Murphy,	Toll,
Brown,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Bullen,	Jump,	Murray, P. G.,	Varallo,
Capano,	Kamyk,	Musto,	Varner,
Cianfrani,	Kehler,	Needham,	Vaughan,
Cioffi,	Keller,	Ogilvie,	Verona,
Comer,	Knecht,	Olsen,	Wall,
Curwood,	Kolankiewicz,	O'Neil,	Wallace,
Davis,	Kooker,	Pacchioli,	Walsh,
Donahue,	Kornick,	Parry,	Wargo,
Donaldson,	Kratz,	Pashley,	Waterhouse,
Eilberg,	Kromer,	Paulhamus,	Weidner,
Erb,	Leiby,	Petrosky,	Wescott,
Eshleman,	Leisey,	Polaski,	Wheeler,
Ewing,	Leonard,	Polen,	Whitenight,
Farabaugh,	Leven,	Pomeroy,	Willaredt,
Filo,	Light,	Price,	Williams,
Fineman,	Limper,	Readinger,	Wilt,
Flint,	Lippincott,	Reibman,	Worley,
Flynn,	Lopresti,	Reidenbach,	Yetter,
Frank,	Lovett,	Renwick,	Yetzer,
Frascella,	Lutty,	Rigby,	Ziegler,
Frost,	Magee,	Rosen,	Andrews, Speaker
		Rovansek,	

NAYS—3

Ehrgood,	Moscrip,	Pursley,

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mrs. Markley for Mr. STECKEL because of illness.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1988 as follows:

An Act to further amend clause seven of section two thousand four hundred one of the act approved the tenth day of March one thousand nine hundred forty-nine (Pamphlet Laws 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further regulating the appointment of auditors in union school districts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause seven of section two thousand four hundred one of the act approved the tenth day of March one thousand nine hundred forty-nine (Pamphlet Laws 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" as last amended by the act approved the twenty-ninth day of September one thousand nine hundred fifty-one (Pamphlet Laws 1634) is further amended to read as follows

Section 2401 By Whom Audited The finances of every school district in every department thereof together with the accounts of all school treasurers school depositories teachers' retirement funds teachers' institute funds directors' association funds sinking funds and other funds belonging to or controlled by the district shall be properly audited as follows

* * * * * *

(7) In union school districts the court of common pleas of the county in which the district is located upon petition of the board of school directors of such union school district shall as soon as convenient after the creation of the district appoint three persons to audit the financial accounts of the district The auditors so appointed shall on the first Monday of July at the time of organization or within five days thereafter and within thirty days carefully audit and adjust the financial accounts of the school district for the preceding school year At the first municipal election after a union school district is created there shall be elected three school auditors one for a term of two years one for a term of four years and one for a term of six years and their successor thereafter shall be elected for terms of six years each When a vacancy occurs in the office of auditor in any union school district by reason of death resignation removal from the school district or otherwise the court of common pleas of the county in which the district is located upon petition of the board of school directors of such union school district shall appoint a person to hold such office for the unexpired term of the person whose place he is appointed to fill The compensation of both the appointed and elected auditors shall be five dollars ($5) per day for each day necessarily spent by each auditor The total expense of such auditing including the cost of filing the report advertising and other necessary costs shall be paid by the union school district.

The board of school directors of any union school district may employ a certified public accountant to audit the finances of such school district for such fiscal year instead of the auditors hereinabove referred to and such certified public accountant shall have all the powers and duties of said auditors and shall receive the compensation fixed by the board of directors of the union school district and shall be paid by the said district

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Royer,
Amarando,	Gibb,	McCormack,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boles,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wall,
Davis,	Kooker,	Pacchioli,	Wallace,
Donahue,	Kornick,	Parry,	Walsh,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Ellberg,	Leiby,	Petrosky,	Weidner,
Erb,	Leisey,	Polaski,	Wescott,
Eshleman,	Leonard,	Polen,	Wheeler,
Ewing,	Leven,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1990 as follows:

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an an interstate compact concerning mental health and for related purposes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Pennsylvania with any other state or states legally joining therein in form substantially as follows

INTERSTATE COMPACT ON MENTAL HEALTH

The contracting states solemnly agree that

Article I

The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can

be facilitated by cooperative action to the benefit of the patients their families and society as a whole Further the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that on the contrary the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them Consequently it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare

Article II

As used in this compact

(a) "Sending state" shall mean a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent

(b) "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that patient may be so sent

(c) "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency

(d) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state for institutionalization or other care treatment or supervision of this compact

(e) "After-care" shall mean care treatment and services provided a patient as defined herein on convalescent status or conditional release

(f) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare or the welfare of others or of the community.

(g) "Mental deficiency" shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs but shall not include mental illness as defined herein

(h) "State" shall mean any state territory or possession of the United States the District of Columbia and the Commonwealth of Puerto Rico

Article III

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reasons of mental illness or mental deficiency he shall be eligible for care and treatment in an institution in that state irrespective of his residence settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this article to the contrary notwithstanding any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family character of the illness and probable duration thereof and such other factors as shall be considered appropriate

(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient furnished all available medical and other pertinent records concerning the patient given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish and unless the receiving state shall agree to accept the patient

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient

(e) Pursuant to this compact the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient

Article IV

(a) Whenever pursuant to the laws of the state in which a patient is physically present it shall be determined that the patient should receive after-care or supervision such care or supervision may be provided in a receiving state If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the patient and would not jeopardize the public safety they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state and such investigation shall be made with all reasonable speed The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient the complete medical history of the patient and such other documents as may be pertinent

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby and if the public safety would not be jeopardized thereby the patient may receive aftercare or supervision in the receiving state

(c) In supervising treating or caring for a patient on after-care pursuant to the terms of this article a receiving state shall employ the same standards of visitation examination care and treatment that it employs for similar local patients

Article V

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy apprehension of the escapee Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient he shall be detained in the state where found pending disposition in accordance with law

Article VI

The duly accredited officers of any state party to this compact upon the establishment of their authority and the identity of the patient shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact without interference

Article VII

(a) No person shall be deemed a patient of more than one institution at any given time Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state

(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact but any two or more party states may by making a specific agreement for that purpose arrange for a different allocation of costs as among themselves

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments agencies and officers of and in the government of a party state or between a party state and its sub-

divisions as to the payment of costs or responsibilities therefor

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a non-party state relating to institutionalization care or treatment of the mentally ill or mentally deficient or any statutory authority pursuant to which such agreements may be made

Article VIII

(a) Nothing in this compact shall be construed to abridge diminish or in any way impair the rights duties and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment and upon the satisfactory completion of such accounting and other acts as such court may by law require relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances provided however that in the case of any patient having settlement in the sending state the court of competent jurisdiction in the sending state shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility whichever it shall deem advisable The court in the receiving state may in its discretion confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment

(b) The term "guardian" as used in paragraph (a) of this article shall include any guardian trustee legal committee conservator or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or property of a patient

Article IX

(a) No provision of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge or whose institutionalization is due to the commission of an offense for which in the absence of mental illness or mental deficiency said person would be subject to incarceration in a penal or correctional institution

(b) To every extent possible it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison jail or lockup but such patient shall with all expedition be taken to a suitable institutional facility for mental illness or mental deficiency

Article X

(a) Each party state shall appoint a "compact administrator" who on behalf of his state shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports correspondence and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact

Article XI

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services facilities or institutional care and treatment in the fields of mental illness or mental deficiency No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact

Article XII

This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein

Article XIII

(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states However the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact

(b) Withdrawal from any agreement permitted by Article VII (b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement

Article XIV

This compact shall be liberally construed so as to effectuate the purposes thereof The provisions of this compact shall be severable and if any phrase clause sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government agency person or circumstance is held invalid the validity of the remainder of this compact and the applicability thereof to any government agency person or circumstance shall not be affected thereby If this compact shall be held contrary to the constitution of any state party thereto the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters

Section 2 Pursuant to said compact the Governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who acting jointly with like officers of other party states shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact Said compact administrator shall serve subject to the pleasure of the Governor The compact administrator is hereby authorized empowered and directed to cooperate with all departments agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder

Section 3 The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states, pursuant to Articles VII and XI of the compact In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service

Section 4 The compact administrator subject to the ap-

proval of the Auditor General may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder

Section 5 Duly authenticated copies of this act shall upon its approval be transmitted by the Secretary of State to the Governor of each state the Attorney General and the Secretary of State of the United States and the Council of State Governments

Section 6 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Royer,
Amarando,	Gibb,	McCormack,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, C. O.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boles,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wall,
Davis,	Kooker,	Pacchioli,	Wallace,
Donahue,	Kornick,	Parry,	Walsh,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Eilberg,	Leiby,	Petrosky,	Weidner,
Erb,	Leven,	Polaski,	Wescott,
Eshleman,	Leisey,	Polen,	Wheeler,
Ewing,	Leonard,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1996, entitled:

An Act regulating arbitration of controversies between labor and management when arbitration is required by written contract or agreement providing a method of securing arbitration and the appointment of arbitrators or an umpire regulating hearings evidence and awards imposing duties on courts of common pleas.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2001, as follows:

An Act amending the act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein providing for its levy and collection for the issuance of mercantile licenses upon the payment of fees therefor conferring and imposing powers and duties on boards of public education receivers of school taxes and school treasurers in such districts saving certain ordinances of council of certain cities and providing compensation for certain officers and employes and imposing penalties" fixing a period of limitations for making assessments and for beginning suits for collection of unpaid taxes and reducing the penalty on unpaid taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (b) of section 8 act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein providing for its levy and collection for the issuance of mercantile licenses upon the payment of fees therefor conferring and imposing powers and duties on boards of public education receivers of school taxes and school treasurers in such districts saving certain ordinances of council of certain cities and providing compensation for certain officers and employes and imposing penalties" reenacted and amended May 12, 1949 (P. L. 1238) and amended July 6, 1951 (P. L. 999) is amended to read

Section 8 Powers and Duties of Collector

* * *

(b) The collector is hereby charged with the administration and enforcement of the provisions of this act and is hereby empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this act including provision for the re-examination and correction of returns and payments alleged or found to be incorrect or as to which an overpayment is claimed or found to have occurred No assessment may be made more than five years after the date on which such taxes should have been paid except where a fraudulent return or no return has been filed Any person aggrieved by any decision of the collector shall have the right of appeal to the county court of Allegheny County

* * *

Section 2 Section 9 of the act reenacted and amended May 12, 1949 (P. L. 1238) is amended to read

Section 9 Suit on Collection Penalty

(a) It shall be the duty of the board of public education or the collector if designated by the Board to sue for the recovery of all taxes due not paid when due Such

suits shall be begun within [sixty (60) days] one (1) year after such taxes [become due] have been assessed

(b) If for any reason the tax is not paid when due in each year interest at the rate of six per centum (6%) per annum on the amount of said tax and an additional penalty of one-half of one per centum [(1%)] (½%) of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected Where suit is brought for the recovery of any such tax the person shall be liable for and in addition to the tax assessed against such person the costs of such collection and the interest and penalties herein imposed shall be collected

(c) All penalty in excess of one-half of one per centum (½%) per month on unpaid taxes levied pursuant to the act for the year 1955 and all previous years are hereby abated if the unpaid taxes and penalty (not to exceed one-half of one per centum (½%) per month) and interest are paid on or before December 31 1956 provided the taxpayer's 1955 and 1956 taxes levied under this act are paid No refund of taxes interest or penalties paid prior to the date of the enactment of this act shall be made as a result of the amendments herein contained.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	**Gaffney,**	Maxwell,	Rovansek,
Agnew,	**Garlock,**	**McCann,**	Royer,
Amatando,	**Gibb,**	**McCormack,**	**Rubin,**
Anderson, M. S.,	**Gibson,**	**McGee,**	**Rudisill,**
Anderson, S. A.,	**Goldstein,**	**McInroy,**	**Sarraf,**
Ashton,	**Gramlich,**	**McKeever,**	**Scarcelli,**
Auker,	**Guss,**	**McLaughlin,**	**Schuster,**
Banker,	**Guthrie,**	**McWherter,**	**Sherman,**
Barnatovich,	**Hamilton, R. K.,**	**Meholchick,**	**Smith, C. C.,**
Bazin,	**Hass,**	**Metz,**	**Smith, Wm. B.,**
Bell,	**Haudenshield.**	**Mihm,**	**Snider,**
Blair,	**Heavey,**	**Mikula,**	**Stank,**
Boles,	**Helm,**	**Miller,**	**Stebbins,**
Bonner,	**Henzel,**	**Mills,**	**Stevenson,**
Boory,	**Hewitt,**	**Monroe,**	**Stone,**
Bower,	**Hocker,**	**Moody,**	**Stoner,**
Branca,	**Holt,**	**Moran,**	**Strausser,**
Breisch,	**Horst,**	**Moscrip,**	**Stroup,**
Brennan, A. P.,	**Houk,**	**Muldowney,**	**Swartz,**
Brennan, J. J.,	**Isaacs,**	**Mullen,**	**Taylor,**
Brenninger,	**Jenkins,**	**Munley,**	**Thomas,**
Breth,	**Johnson,**	**Murphy,**	**Thompson,**
Brown,	**Jones, G. E.,**	**Murray, H. P.,**	**Toll,**
Bucchin,	**Jones, T. H. W.,**	**Murray, J. J.,**	**Tompkins,**
Bullen,	**Jump,**	**Murray, P. G.,**	**Toomey,**
Capano,	**Kamyk,**	**Musto,**	**Varallo,**
Cianfrani,	**Kehler,**	**Needham,**	**Varner,**
Cioffi,	**Keller,**	**Ogilvie,**	**Vaughan,**
Comer,	**Knecht,**	**Olsen,**	**Verona,**
Curwood,	**Kolankiewicz,**	**O'Neil,**	**Wall,**
Davis,	**Kooker,**	**Pacchioli,**	**Wallace,**
Donahue,	**Kornick,**	**Parry,**	**Walsh,**
Donaldson,	**Kratz,**	**Pashley,**	**Wargo,**
Ehrgood,	**Kromer,**	**Paulhamus,**	**Waterhouse,**
Eilberg,	**Leiby,**	**Petrosky,**	**Weidner,**
Erb,	**Leisey,**	**Polaski,**	**Wescott,**
Eshleman,	**Leonard,**	**Polen,**	**Wheeler,**
Ewing,	**Leven,**	**Pomeroy,**	**Whitenight,**
Farabaugh,	**Light,**	**Price,**	**Willaredt,**
Filo,	**Limper,**	**Pursley,**	**Williams,**
Fineman,	**Lippincott,**	**Readinger,**	**Wilt,**
Flint,	**Lopresti,**	**Reibman,**	**Worley,**
Flynn,	**Lovett,**	**Reidenbach,**	**Yetter,**
Frank,	**Lutty,**	**Renwick,**	**Yetzer,**
Frascella,	**Magee,**	**Rigby,**	**Ziegler,**
Frost,	**Markley,**	**Rosen,**	**Andrews,**
			Speaker

NAYS—0

NOT VOTING—23

Cochran,	**Floyd,**	**Kline,**	Sigman,
Connelly,	**Foster,**	**Lafore,**	**Steckel,**
Cooper,	**Gelfand,**	**Lawyer,**	**Stephens,**
Dougherty,	**George,**	**Mahan,**	**Welsh,**
Down,	**Greenwood,**	**Naugle,**	**Wood,**
	Kent,	**Pettigrew,**	**Young,**

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2011 as follows:

An Act amending the act of May 1, 1929 (905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing penalties for failure to stop in the event of an accident

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) and the penalty clause of section 1025 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended June 29, 1937 (P. L. 2329) are amended to read

Section 1025 Duty to Stop in Event of Accident (a) The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident

* * *

Penalty Any person violating any of the provisions of [subsections (a)] subsections (a) of this section shall be guilty of a misdemeanor and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of not more than one thousand ($1000) dollars and costs of prosecution and to undergo imprisonment for not less than one (1) year or more than five (5) years Any person violating any of the provisions of subsections (b) or (e) of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of not more than two hundred ($200) dollars and costs of prosecution or undergo imprisonment for not more than three (3) years or suffer both such fine and imprisonment

Penalty Any person violating any of the provisions of subsection (c) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. STROUP. Mr. Speaker, I wish to call the attention of the House to the fact that the penalty in this bill is certainly very heavy. There is a $1,000 fine and I think imprisonment from one to five years.

I think we should realize there are circumstances under which an individual may be found guilty, and may even plead guilty, to hit-and-run where property only may be concerned.

The penalty at the present time can be very expensive insofar as our courts are concerned, and many have been penalized under that law. I would not object if the penalty were more reasonable. I think we are becoming very expensive and certainly very severe in the penalty that is imposed for this type of crime.

Mr. AMARANDO. Mr. Speaker, with the hit-and-run record so far this year in Pennsylvania, I do not think the penalty is strong enough in this particular bill.

We have lost some twenty-three lives by hit-and-run in the past ninety days in the Commonwealth of Pennsylvania and I think it is time we do something about stopping it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—90

Amarando,	Flint,	McWherter,	Schuster,
Anderson, M. S.,	Flynn,	Mihm,	Sherman,
Anderson, S. A.,	Frank,	Miller,	Smith, C. C.,
Barnatovich,	Frascella,	Mills,	Smith, Wm. B
Bazin,	Gaffney,	Monroe,	Snider,
Bell,	Goldstein,	Moran,	Stank,
Blair,	Guss,	Muldowney,	Stoner,
Bonner,	Hamilton, R. K.,	Munley,	Swartz,
Boory,	Jones, G. E.,	Oglivie,	Thomas,
Bower,	Jump,	Olsen,	Thompson,
Branca,	Kamyk,	O'Neil,	Toll,
Brennan, J. J.,	Kolankiewicz	Pacchioli,	Varallo,
Breth,	Kooker,	Pashley,	Vaughan,
Bucchin,	Kornick,	Paulhamus,	Verona,
Bullen,	Leiby,	Petrosky,	Walsh,
Capano,	Leven,	Polaski,	Wargo,
Cianfrani,	Limper,	Polen,	Waterhouse,
Cioffi,	Lovett,	Readinger,	Wheeler,
Donahue,	Markley,	Reibman,	Whitenight,
Ewing,	Maxwell,	Renwick,	Yetter,
Filo,	McGee,	Rosen,	Ziegler,
Fineman,	McKeever,	Sarraf,	Andrews,
	McLaughlin,	Scarcelli,	Speaker

NAYS—50

Adam,	Guthrie,	Kratz,	Rovansek,
Ashton,	Hass,	Leisey,	Rubin,
Auker,	Haudenshield,	Light,	Rudisill,
Brenninger,	Helm,	Lopresto,	Stebbins,
Brown,	Henzel,	McInroy,	Strausser,
Curwood,	Hocker,	Mikula,	Stroup,
Davis,	Holt,	Moody,	Toomey,
Ehrgood,	Horst,	Moscrip,	Varner,
Eilberg,	Isaacs,	Murphy,	Weidner,
Farabaugh,	Jones, T. H. W.,	Murray, H. P.,	Wescott,
Frost,	Keller,	Pomeroy,	Willaredt,
Gramlich,	Knecht,	Price,	Worley,
		Pursley,	Yetzer,

NOT VOTING—67

Agnew,	Garlock,	Leonard,	Reidenbach,
Banker,	Gelfand,	Lippincott,	Rigby,
Boles,	George,	Lutty,	Royer,
Breisch,	Gibb,	Magee,	Sigman,
Brennan, A. P.,	Gibson,	Mahan,	Steckel,
Cochran,	Greenwood,	McCann,	Stephens,
Comer,	Heavey,	McCormack,	Stevenson,
Connelly,	Hewitt,	Meholchick,	Stone,
Cooper,	Houk,	Metz,	Taylor,
Donaldson,	Jenkins,	Mullen,	Tompkins,
Dougherty,	Johnson,	Murray, J. J.,	Wall,
Down,	Kehler,	Murray, P. G.,	Wallace,
Erb,	Kent,	Musto,	Welsh,
Eshleman,	Kline,	Naugle,	Williams,
Floyd,	Kromer,	Needham,	Wilt,
Foster,	Lafore,	Parry,	Wood,
	Lawyer,	Pettigrew,	Young,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2018 as follows:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" authorizing the appointment of solicitors by certain county officials and limiting the duties of the county solicitor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 807 902 1213 1308 1311 and 1314 act of August 9, 1955 (P. L. 323) known as "The County Code" are amended to read

Section 807 Solicitor to County Treasurer in Third Fourth [and] Fifth Sixth Seventh and Eighth Class Counties In counties of the third fourth [and] fifth sixth seventh and eighth classes the county treasurer is authorized to appoint one person learned in the law as his solicitor The solicitor shall advise upon all legal matters that may be submitted to him and shall conduct any litigation when requested so to do by the treasurer

Section 902 Duties He shall commence and prosecute all suits brought or to be brought by the county wherein or whereby any rights privileges properties claims or demands of the county are involved as well as defend all actions or suits brought against the county and shall perform all duties now enjoined by law upon county solicitors and shall do all and every professional act and render legal advice incident to the office which may be required of him by the commissioners [He shall in addition perform all similar duties for each elected officer who is not authorized to appoint a solicitor or who has not appointed a solicitor although authorized to do so In case of any litigation impending or in progress between the commissioners and any other elected county officer the proper court may authorize such county officer to retain special counsel for the said purpose whose fee shall be fixed by the court and paid from the county treasury]

Section 1213 Solicitor in Third Fourth Fifth [and] Sixth Seventh and Eighth Class Counties In all counties of the third fourth fifth [and] sixth seventh and eighth classes the sheriff may appoint one person learned in the law as his solicitor Said solicitor shall advise the sheriff upon all legal matters that may be submitted to him and shall conduct any litigation in connection with the sheriff's office when requested so to do by the sheriff

Section 1308 Solicitor to Prothonotary in Third Fourth [and] Fifth Sixth Seventh and Eighth Class Counties In counties of the third fourth [and] fifth sixth seventh and eighth classes the prothonotary is authorized to appoint one person learned in the law as his solicitor The solicitor shall advise upon all legal matters that may be submitted to him and shall conduct any litigation when required so to do by the prothonotary

Section 1311 Solicitor to Register in Counties of the Third Fourth [and] Fifth Sixth Seventh and Eighth Classes In all counties of the third fourth [and] fifth sixth seventh and eighth classes the register of wills is authorized to appoint one person learned in the law as his soli-

citor Said solicitor shall advise upon all legal matters that may be submitted to him and shall conduct any litigation when requested so to do by the register of wills

Section 1314 Solicitor to Recorder of Deeds in Counties of the Third Fourth [and] Fifth Sixth Seventh and Eighth Classes In all counties of the third fourth [and] fifth sixth seventh and eighth classes the recorder of deeds may appoint one person as his solicitor Said solicitor shall advise the recorder of deeds upon all legal matters that may be submitted to him and conduct all litigation connected with the recorder of deed's office when requested so to do by the recorder of deeds

Section 2 Article XIII of the act is amended by adding at the end a new section to read

Section 1315 Solicitors to Clerk of Courts of Quarter Sessions and Oyer and Terminer in Counties of the Third Fourth Fifth Sixth Seventh and Eighth Classes In all counties of the third fourth fifth sixth seventh and eighth classes the clerk of court of quarter sessions and oyer and terminer may appoint one person as his solicitor The solicitor shall advise the clerk of court of quarter sessions and oyer and terminer upon all legal matters that may be submitted to him and conduct all litigation connected with the clerk's office when requested so to do by the clerk of court

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Royer,
Agnew,	Garlock,	McCann,	Rubin,
Amarando,	Gibb,	McCormack,	Rudisill,
Anderson, M. S.,	Gibson,	McGee,	Sarraf,
Anderson, S. A.,	Goldstein,	McInroy,	Scarcelli,
Ashton,	Gramlich,	McKeever,	Schuster,
Auker,	Guss,	McLaughlin,	Sherman,
Banker,	Guthrie,	McWherter,	Smith, C. C.,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, Wm. B.,
Bazin,	Hass,	Metz,	Snider,
Bell,	Haudenshield,	Mihm,	Stank,
Blair,	Heavey,	Mikula,	Stebbins,
Boies,	Helm,	Miller,	Stevenson,
Bonner,	Henzel,	Mills,	Stone,
Boory,	Hewitt,	Monroe,	Stoner,
Bower,	Hocker,	Moody,	Strausser,
Branca,	Holt,	Moran,	Stroup,
Breisch,	Horst,	Moscrip,	Swartz,
Brennan, A. P.,	Houk,	Muldowney,	Taylor,
Brennan, J. J.,	Isaacs,	Mullen,	Thomas,
Brenninger,	Jenkins,	Munley,	Thompson,
Breth,	Johnson,	Murphy,	Toll,
Brown,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Bullen,	Jump,	Murray, P. G.,	Varallo,
Capano,	Kamyk,	Musto,	Varner,
Cianfrani,	Kehler,	Needham,	Vaughan,
Cioffi,	Keller,	Ogilvie,	Verona,
Comer,	Knecht,	Olsen,	Wall,
Curwood,	Kolankiewicz,	O'Neil,	Wallace,
Davis,	Kooker,	Pacchioli,	Walsh,
Donahue,	Kornick,	Parry,	Wargo,
Donaldson,	Kratz,	Pashley,	Waterhouse,
Ehrgood,	Kromer,	Paulhamus,	Weidner,
Eilberg,	Leiby,	Petrosky,	Wescott,
Erb,	Leisey,	Polaski,	Wheeler,
Eshleman,	Leonard,	Polen,	Whitenight,
Ewing,	Leven,	Pomeroy,	Willaredt,
Farabaugh,	Light,	Price,	Williams,
Filo,	Limper,	Pursley,	Wilt,
Fineman,	Lippincott,	Readinger,	Worley,
Flint,	Lopresti,	Reibman,	Yetter,
Flynn,	Lovett,	Reidenbach,	Yetzer,
Frank,	Lutty,	Renwick,	Ziegler,
Frascella,	Magee,	Rigby,	Andrews,
Frost,	Markley,	Rosen,	Speaker
		Rovansek,	

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2021, as follows:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" providing for the fixing of compensation for officers whose salaries are not prescribed by law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of August 9, 1955 (P. L. 323) known as "The County Code" is amended by adding after section 403 a new section to read

Section 403.1 Compensation When Salary Not Fixed by Law In counties where no annual salary is fixed by law for the county treasurer he shall receive in full compensation for his services on behalf of the county a certain amount per centum on all moneys received and paid by him which rate shall be settled from time to time by the county commissioners with the approbation of the county auditors

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	Markley,	Royer,
Amarando,	Gibb,	McCann,	Rubin,
Anderson, M. S.,	Gibson,	McCormack,	Rudisill,
Anderson, S. A.,	Goldstein,	McGee,	Sarraf,
Ashton,	Gramlich,	McInroy,	Scarcelli,
Auker,	Guss,	McKeever,	Schuster,
Banker,	Guthrie,	McLaughlin,	Sherman,
Barnatovich,	Hamilton, R. K.,	McWherter,	Smith, C. C.,
Bazin,	Hass,	Meholchick,	Smith, Wm. B.,
Bell,	Haudenshield,	Metz,	Snider,
Blair,	Heavey,	Mihm,	Stank,
Boies,	Helm,	Mikula,	Stebbins,
Bonner,	Henzel,	Miller,	Stevenson,
Boory,	Hewitt,	Mills,	Stone,
Bower,	Hocker,	Monroe,	Stoner,
Branca,	Holt,	Moody,	Strausser,
Breisch,	Horst,	Moran,	Stroup,
Brennan, A. P.,	Houk,	Moscrip,	Swartz,
Brennan, J. J.,	Isaacs,	Muldowney,	Taylor,
Brenninger,	Jenkins,	Mullen,	Thomas,
Breth,	Johnson,	Munley,	Thompson,
Brown,	Jones, G. E.,	Murphy,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Murray, P. G.,	Varallo,
Cianfrani,	Kehler,	Musto,	Varner,
Cioffi,	Keller,	Needham,	Vaughan,
Comer,	Knecht,	Ogilvie,	Verona,
Curwood,	Kolankiewicz,	Olsen,	Wall,
Davis,	Kooker,	O'Neil,	Wallace,
Donahue,	Kornick,	Pacchioli,	Walsh,
Donaldson,	Kratz,	Parry,	Wargo,
Ehrgood,	Kromer,	Pashley,	Waterhouse,
Eilberg,		Paulhamus,	Weidner,

Erb,	Leiby,	Petrosky,	Wescott,
Eshleman,	Leisey,	Polaski,	Wheeler,
Ewing,	Leonard,	Polen,	Whitenight,
Farabaugh,	Leven,	Pomeroy,	Willaredt,
Filo,	Light,	Price,	Williams,
Fineman,	Limper,	Pursley,	Wilt,
Flint,	Lippincott,	Readinger,	Worley,
Flynn,	Lopresti,	Reibman,	Yetter,
Frank,	Lovett,	Reidenbach,	Yetzer,
Frascella,	Lutty,	Renwick,	Ziegler,
Frost,	Magee,	Rigby,	Andrews,
		Rosen	Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2045, as follows:

An Act amending the act of July 24, 1913 (P. L. 965) entitled "An act defining commodities regulating the sale thereof and providing penalties for violation hereof" clarifying enforcement provisions of the act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 9 act of July 24, 1913 (P. L. 965) entitled "An act defining commodities regulating the sale thereof and providing penalties for violation hereof" amended May 18, 1945 (P. L. 788) and May 2, 1949 (P. L. 818) is reenacted to read

Section 9 It shall be the duty of the department and the proper city and county inspectors of weights and measures to enforce the provisions of this act who may examine commodities sold or offered for sale and test or inspect them for correct weight measure or count Without formal warrant they may enter any place of business or stop any vendor peddler dealer or other person selling or offering commodities for sale for the purpose of ascertaining whether the provisions of this act have been complied with Such State city or county inspectors may seize for use as evidence and hold until final disposition by the court any commodity package or other article sold or offered for sale contrary to the provisions of this act No retailer shall be prosecuted for having in his possession or offering for sale any article of merchandise which he has purchased in good faith for resale and which is packed in sealed unbroken and undamaged original packages or containers because of a shortage in weight as marked thereon Provided That such shortage does not exceed twice the tolerance granted or permitted by the department under section seven of this act for such commodity except such articles of merchandise which have been packed or packaged by said retailer Said inspectors shall mark or seal as condemned any article commodity or package which does not comply with the tolerance specifications in section seven or any other provisions of this act and said commodity shall not be sold or offered for sale until it has been relabeled to comply with the provisions of this act and the condemnation mark or seal removed by the inspector who originally marked it condemned or a properly authorized official of the jurisdiction where the condemnation was made

Any State county or city inspector of weights and measures in whose presence a violation of this act has or is being committed by any person who has no established business location in this Commonwealth shall have power without warrant to arrest the offender and take him before an alderman magistrate or justice of the peace of the city or county where the offense was committed and there make information before such officer which shall be disposed of according to law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—168

Adam,	Frost,	McCann,	Royer,
Agnew,	Gaffney,	McCormack,	Rubin,
Amarando,	Garlock,	McGee,	Rudisill,
Anderson, M. S.,	Gitb,	McInroy,	Sarraf,
Anderson, S. A.,	Gibson,	McKeever,	Scarcelli,
Auker,	Goldstein,	McLaughlin,	Schuster,
Banker,	Gramlich,	McWherter,	Sherman,
Barnatovich,	Guss,	Meholchick,	Smith, C. O.,
Bazin,	Hamilton, R. K.,	Metz,	Smith, Wm. B.,
Bell,	Hass,	Mihm,	Snider,
Blair,	Haudenshield,	Mikula,	Stank,
Boles,	Heavey,	Miller,	Stebbins,
Bonner,	Helm,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Swartz,
Breisch,	Houk,	Muldowney,	Taylor,
Brennan, A. P.,	Isaacs,	Mullen,	Thomas,
Brennan, J. J.,	Jenkins,	Munley,	Thompson,
Brenninger,	Johnson,	Murphy,	Toll,
Breth,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Bucchin,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Bullen,	Jump,	Musto,	Varallo,
Capano,	Kamyk,	Needham,	Varner,
Cianfrani,	Kehler,	Ogilvie,	Vaughan,
Cioffi,	Kolankiewicz,	Olsen,	Verona
Comer,	Kornick,	O'Neil,	Wall,
Curwood,	Kratz,	Pacchioli,	Wallace,
Davis,	Kromer,	Parry,	Walsh,
Donaldson,	Leiby,	Pashley,	Wargo,
Ehrgood,	Leisey,	Paulhamus,	Waterhouse,
Eilberg,	Leonard,	Petrosky,	Weidner,
Erb,	Leven,	Polaski,	Wescott,
Eshleman,	Light,	Polen,	Wheeler,
Farabaugh,	Limper,	Pomeroy,	Whitenight,
Filo,	Lippincott,	Price,	Williams,
Fineman,	Lopresti,	Readinger,	Wilt,
Flint,	Lovett,	Reibman,	Worley,
Flynn,	Lutty,	Reidenbach,	Yetter,
Frank,	Magee,	Renwick,	Yetzer,
Frascella,	Markley,	Rigby,	Ziegler,
	Maxwell,	Rosen,	Andrews,
		Rovansek,	Speaker

NAYS—16

Ashton,	Guthrie,	Knecht,	Pursley,
Brown,	Henzel,	Kooker,	Strausser,
Donahue,	Horst,	Moscrip,	Stroup,
Ewing,	Keller,	Murray, H. P.,	Willaredt,

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

MOTION TO ADJOURN

Mr. MIKULA. Mr. Speaker, I think it is an imposition on the part of leadership of this House to keep us in

session with so few Members. It is not fair to the membership, it is not fair to us here at the present time.

At this point I make a motion that we do adjourn, until Monday, March 19, 1956.

Mr. EHRGOOD. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. Does the gentleman wish to amend his motion to fix the time of meeting on Monday?

Mr. MIKULA. Until the coming Monday at 1:00 o'clock.

On the question,

Will the House agree to the motion to adjourn until Monday, March 19, 1956 at 1:00 o'clock.

Mr. SARRAF. Mr. Speaker. I do not know whether the question is in order, but is the Senate still in session?

The SPEAKER pro tempore. That has nothing to do with the motion before the House and the motion is not debatable.

Mr. SARRAF. Therefore, the question is out of order?

The SPEAKER pro tempore. The question is out of order.

The yeas and nays were required by Mr. MIKULA and Mr. EHRGOOD and were as follows:

YEAS—10

Ashton,	Ehrgood,	Isaacs,	Pomeroy,
Brown,	Frank,	McWherter,	Rubin,
		Mikula,	Worley,

NAYS—114

Adam,	Goldstein,	McLaughlin,	Rudisill,
Amarando,	Gramlich,	Mihm,	Sarraf,
Anderson, S. A.,	Guss,	Miller,	Scarcelli,
Anderson, M. S.,	Guthrie,	Mills,	Schuster,
Auker,	Hamilton, R. K.,	Monroe,	Sherman,
Barnatovich,	Hass,	Moody,	Smith, C. C.,
Bazin,	Helm,	Moran,	Snider,
Blair,	Henzel,	Moscrip,	Stank,
Boles,	Hocker,	Munley,	Stebbins,
Bonner,	Holt,	Murphy,	Stoner,
Bower,	Horst,	Murray, H. P.,	Strausser,
Branca,	Jones, G. E.,	Murray, J. J.,	Stroup,
Brennan, A. P.,	Jones, T. H. W.,	Needham,	Swartz,
Brennan, J. J.,	Jump,	Ogilvie,	Thomas,
Breth,	Kamyk,	Olsen,	Thompson,
Bucchin,	Keller,	O'Neil,	Toll.
Bullen,	Knecht,	Pacchioli,	Toomey,
Capano,	Kolankiewicz,	Parry,	Varallo,
Cioffi,	Kooker,	Pashley,	Varner,
Davis,	Leiby,	Paulhamus,	Vaughan,
Donahue,	Leven,	Petrosky,	Verona,
Eilberg,	Light,	Polaski,	Walsh,
Ewing,	Lopresti,	Polen,	Wargo,
Farabaugh,	Lovett,	Price,	Waterhouse,
Filo,	Lutty,	Pursley,	Wescott,
Flint,	Markley,	Readinger,	Whitenight,
Flynn,	Maxwell,	Reibman,	Yetzer,
Gaffney,	McKeever,	Renwick,	Ziegler,
		Rovansek,	Andrews, Speaker

NOT VOTING—83

Agnew,	Frascella,	Lawyer,	Rosen,
Banker,	Frost,	Leisey,	Royer,
Bell,	Garlock,	Leonard,	Sigman,
Boory,	Gelfand,	Limper,	Smith, Wm. B.,
Breisch,	George,	Lippincott,	Steckel,
Brenninger,	Gibb,	Magee,	Stephens,
Cianfrani,	Gibson,	Mahan,	Stevenson,
Cochran,	Greenwood,	McCann,	Stone,
Comer,	Haudenshield,	McCormack,	Taylor,
Connelly,	Heavey,	McGee,	Tompkins,
Cooper,	Hewitt,	McInroy,	Wall,
Curwood,	Houk,	Meholchick,	Wallace,
Donaldson,	Jenkins,	Metz,	Weidner,
Dougherty,	Johnson,	Muldowney,	Welsh,
Down,	Kehler,	Mullen,	Wheeler,
Erb,	Kent,	Murray, P. G.,	Willaredt,
Eshleman,	Kline,	Musto,	Williams,
Fineman,	Kornick,	Naugle,	Wilt,
Floyd,	Kratz,	Pettigrew,	Wood,
Foster,	Kromer,	Reidenbach,	Yetter,
	Laiore,	Rigby,	Young,

So the question was determined in the negative and the motion was not agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, I do think a word of explanation possibly should go to some of the newer Members who do not know quite what it is all about as far as the dying days of a session are concerned.

I agree with that we are sitting here seemingly wasting time, there is no doubt of that, but I can also tell you right now that there are mesages going back and forth between here and the Senate. Some of the older Members have sat here, and I mean it and can prove it, for twenty-four hours straight in past sessions trying to clean up the business of the House.

I do not say that trying to get slaps on the back, but you are either sitting here and doing this for four or five hours on days like this, or at the end of the session you are going to sit here for a week and do nothing while conference reports are being printed and messages are going back and forth. That can extend into sixteen or eighteen hours a day.

The dying days of a session are always this way. They are not nice, they are not things you and I like to do. You either have to do it this way, the easier way, the least of two evils, let us look at it on that basis, or sit around for sixteen, eighteen and twenty hours.

Every conference report, if you do not know it, has to be in print. The end of a session, the last two weeks, you will see hundreds of them.

That is the position you are in. Probably we have wasted some time. I am not trying to defend anybody. I am not saying this on that basis. We, when we were the majority party, tried to do these very things. I think in fairness to the majority party you should be patient. While you may think they are exploiting us at this time, or you may think they are wasting our time, and perhaps they are in some cases, it is not something they are doing purposely.

I do believe a motion to adjourn at this time is not in order. I know it is not debatable and that is the reason I am talking after the motion. I do wish you would try to consider the fact that nobody wants to sit here. I do not want to do it either, nor does the Majority Leader. I do wish you would consider the fact that you are either going to do it this way or sit here for a week, maybe five. six days, eighteen and twenty hours straight and it is really a very hard job to do.

I do think you should consider those things before these motions are made.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, I was sitting here listening to the vote on the motion to adjourn hoping it would be defeated, and thinking to myself how much of our time this afternoon we are wasting on such motions.

I am very happy the Minority Leader made the state-

ment he made, because it clarifies a lot of things in the minds of the new Members.

I stated earlier that we expect to finish by 5:00 o'clock. Since we have been here only about six hours today, I am beginning to wonder whether we are going to start fighting for a four-hour day. Men for years have fought to get an eight-hour day, and here we are acting as those we do not want to work six hours. So will you please be a little forbearing for the rest of the afternoon?

I think we will be out of here by 4:45 o'clock, or at least our working session will be over by that time. It is possible we may have to stay in session until 7:00 or 8:00 o'clock, depending upon the matters which are coming over from the Senate. That does not mean the Members cannot go home if they so desire. So, I ask your forebearance for a while so we can dispose of the rest of the bills on the calendar, with the exception of a few.

We are not wasting our time. These bills must be voted on, and if they are not voted on now, they must be voted on some other day.

PERMISSION TO ADDRESS HOUSE

Mr. CHARLES C. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, something else was just brought to my attention. Probably the Majority Leader does not realize it, I know I did not.

One of the reasons some of the Members are rather anxious to go home is because the weather is closing in that is, fog. If that be true, and I belive it is, I think it might be advantageous if the Majority Leader would run all controversial bills right now and leave the noncontriversial bills. That would release the Members at a little earlier time if it could be arranged.

Mr. READINGER. Will the Minority Leader advise me which bills are controversial?

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2060 as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their mtor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the requirements regarding use of different types of danger and caution signals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 824 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended April 25, 1945 (P. L. 304) and subsection (a) and penalty clause amended August 24, 1951 (P. L. 1368) as amended to read

Section 824 Danger and Caution Signals

(a) Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial vehicle or combination of vehicles having a registered capacity gross weight of eleven thousand (11,000) pounds or more and every trailer or semi-trailer designed for the living quarters or carriage of persons shall be equipped with [at least three (3) red flags of dimensions not less than twelve by twelve (12 x 12) inches and a sufficient number of flares not less than three (3) or electric lanterns electric fiashing signals or other signals capable of continuously producing three warning lights each] one of the following combinations three red fusees three flares (liquid burning pot torches) and two red cloth flags or three red electric lanterns and two red cloth flags or three red emergency reflectors and two red cloth flags the flares (liquid burning pot torches) red electric lanterns red emergency reflectors or other signals capable of continuously producing three warning lights shall be visible from a distance of at least five hundred (500) feet for a period of at least eight (8) hours [or three (3) reflector type flares Provided however That the] The provisions of this section shall not apply to vehicles within the confines of a municipality or within a business or residence district

(a.1) All other motor vehicles shall be equipped with a sufficient number of red burning fusee type flares or other type flares not less than three (3) or electric lanterns giving a red light electric flashing signals giving a red light or other signals or flares capable of continuously producing a warning light visible from a distance of at least five hundred (500) feet for a period of at least forty-five (45) minutes or not less than three (3) red emergency reflectors The equipment specified by this subsection shall be made a requirement for the official inspection provided for in section 823 of this act

(a.2) Every such flare fusee electric lantern electric flashing signal red emergency reflector [type flare] or other signal shall be of a type approved by the secretary and he shall publish lists of those devices which he has approved as adequate for the purpose of this section No fusee shall be approved which after burning leaves a residue or stand-up device containing a metal spike nail or any object or substance which if allowed to remain upon the highway would constitute a danger or hazard

(b) Whenever any such vehicle as provided in subsection (a) of this section and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles or when visibility is impaired by fog snow or other atmospheric condition and such vehicles cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district or if the lighting equipment on any such vehicle is not disabled but due to its position upon the highway or by reason of contours or curves in such highway it may constitute a menace to other vehicular traffic the operator or other person in charge of such vehicle shall [cause such flares lanterns flashing signals or other signals to be lighted and placed upon the highway or reflector type flares placed upon the highway] immediately place on the traveled portion of the highway at the traffic side of the vehicle a lighted fusee a lighted red electric lantern or a red emergency reflector if the stop is to exceed fifteen minutes the driver shall place emergency signals as required in the following manner One (1) at a distance of approximately one hundred (100) feet in advance of such vehicle one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle and the third upon the highway side of the vehicle except that if the vehicle is transporting flammables such vehicle shall be equipped with a sufficient number of electric flares or electric flashing signals or [reflector type flares] red emergency reflectors not less

than three (3) Whenever any such vehicle is disabled during the period when lighted lamps are not required to be displayed on vehicles and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district or whenever a vehicle is disabled upon the highway and by reason of contours or curves in such highway it may constitute a menace to other vehicluar traffic the operator or other person in charge of such vehicle shall cause the red flags to be placed upon the highway One (1) at a distance of approximately one hundred (100) feet [in advance of such vehicle and one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle and the third upon the highway side of the vehicle] from the vehicle in the center of the traffic lane occupied by such vehicle toward traffic approaching in that lane one (1) at a distance of approximately one hundred (100) feet in the opposite direction from the vehicle in the center of the traffic lane occupied by such vehicle

(b.1) Whenever all other motor vehicles as provided for in subsection (a.1) of this section and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles or when visibility is impaired by fog snow or other atmospheric condition and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district or if the lighting equipment on any such vehicle is not disabled but due to its position upon the highway or by reason of contours or curves in such highway it may constitute a menace to other vehicular traffic the operator or other person in charge of such vehicle shall cause such a fusee flare electric lantern electric flashing signal or other electrical signal capable of continuously producing a warning light to be placed upon the highway at a distance of approximately fifty (50) feet to the rear of the vehicle except if red emergency reflectors are used the operator or other person in charge of such vehicle shall place one (1) upon the highway fifty (50) feet to the rear of the vehicle one (1) one hundred (100) feet to the rear of the vehicle and one (1) one hundred fifty (150) feet to the rear of the vehicle

(c) No person shall at any time operate a vehicle transporting explosives as a cargo or part of a cargo upon a highway unless it carries electric lanterns or electric flashing signals or reflector type flares as herein required but such electric lanterns or electric flashing signals must be capable of producing a red light and such reflector type flares must be in good condition capable of reflecting light of an on-coming vehicle at least five hundred (500) feet and shall be displayed upon the highway when and as required in this section

Penalty Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of [twenty-five ($25)] ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 2 This act shall take effect November 1 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—161

Agnew,	Frost,	Magee,	Royer,
Amarando,	**Gaffney,**	Markley,	**Rubin,**
Anderson, S. A.,	**Garlock,**	Maxwell,	**Rudisill,**
Anderson, M. S.,	**Gibb,**	McCann,	Sarraf,
Banker,	Gibson,	McCormack,	Scarcelli,
Barnatovich,	Goldstein,	McGee,	**Schuster,**
Bazin,	**Gramlich,**	McInroy,	Sherman,
Bell,	Guss,	McKeever,	**Smith, C. C.,**
Blair,	Guthrie,	McLaughlin,	**Smith, Wm. B.,**
Boies,	**Haudenshield,**	McWherter,	**Snider,**
Bonner,	**Heavey,**	**Meholchick,**	Stank,
Boory,	**Helm,**	Metz,	**Stevenson,**
Bower,	Henzel,	**Mihm,**	Stone,
Branca,	Hewitt,	Mills,	Stoner,
Breisch,	Hocker,	Monroe,	Strausser,
Brennan, J. J.,	**Holt,**	Moran,	**Swartz,**
Brenninger,	**Houk,**	Moscrip,	Taylor,
Breth,	**Isaacs,**	Muldowney,	Thomas,
Bucchin,	**Jenkins,**	Mullen,	Thompson,
Bullen,	Johnson,	Munley,	Toll,
Capano,	Jones, G. E.,	**Murray, H. P.,**	**Tompkins,**
Cianfrani,	Kamyk,	Murray, J. J.,	Toomey,
Cioffi,	Kehler,	Murray, P. G.,	**Varallo,**
Comer,	**Keller,**	Musto,	Vaughan,
Curwood,	Knecht,	Needham,	Verona,
Davis,	Kolankiewicz,	Ogilvie,	Wall,
Donahue,	Kooker,	**Olsen,**	Wallace,
Donaldson,	**Kornick,**	**Pacchioli,**	Walsh,
Ehrgood,	Kratz,	Pashley,	Wargo,
Eilberg,	Kromer,	**Paulhamus,**	Waterhouse,
Erb,	Leiby,	Petrosky,	Weidner,
Eshleman,	Leisey,	Polaski,	Wescott,
Ewing,	Leonard,	**Polen,**	Wheeler,
Farabaugh,	Leven,	Pomeroy,	**Whitenight,**
Filo,	Light,	Price,	Willaredt,
Fineman,	Limper,	**Readinger,**	Williams,
Flint,	**Lippincott,**	Reibman,	**Wilt,**
Flynn,	Lopresti,	**Reidenbach,**	Yetter,
Frank,	Lovett,	Rigby,	Ziegler,
Frascella,	**Lutty,**	Rosen,	Andrews,
		Rovansek,	Speaker

NAYS—23

Adam,	**Hamilton, R. K.,**	Miller,	**Renwick,**
Ashton,	**Hass,**	Moody,	**Stebbins,**
Auker,	**Horst,**	Murphy,	Stroup,
Brennan, A. P.,	Jones, T. H. W.,	**O'Neil,**	**Varner,**
Brown,	**Jump,**	Parry,	Worley,
	Mikula,	Pursley,	**Yetzer,**

NOT VOTING—23

Cochran,	Floyd,	**Kline,**	Sigman,
Connelly,	**Foster,**	Lafore,	Steckel,
Cooper,	**Gelfand,**	Lawyer,	**Stephens,**
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	**Wood,**
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2065, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" further regulating the issuance of antlerless deer licenses and imposing penalties for the unlawful issuance thereof

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2075, as follows:

An Act amending the act of May 22, 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act" further regulating the withdrawal of service increment contributions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (4) of section 14.4 act of May 22, 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class providing a pension fund for said employees and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act" added June 28, 1955 (P. L. 210) is amended to read

Section 14.4 In every city of the second class in addition to the pension which is authorized by law and notwithstanding the limitations therein placed upon pensions and upon contributions every contributor who shall have otherwise become entitled to the pension and who has reached the age of fifty years shall also be entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth

* * *

(4) Service increment contributions shall be paid at the same time and in the same manner as pension contributions and may be withdrawn in full without interest by persons who leave the employment of the Bureau of Police subject to the same conditions by which pension contributions may be withdrawn or by persons who retire before becoming entitled to any service increment When any person is re-employed by the Bureau of Police after withdrawal of pension contributions his or her prior service shall not be used in the computation of service increment unless the amount of such contributions be repaid into the pension fund subject to the same conditions by which pension fund withdrawals are permitted to be repaid

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Royer,
Amarando,	Gibb,	McCormack,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boles,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wall,
Davis,	Kooker,	Pacchioli,	Wallace,
Donahue,	Kornick,	Parry,	Walsh,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Eilberg,	Leiby,	Petrosky,	Weidner,
Erb,	Leisey,	Polaski,	Wescott,
Eshleman,	Leonard,	Polen,	Wheeler,
Ewing,	Leven,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 39, as follows:

An Act amending the act of July eleven one thousand nine hundred and seventeen (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicians dentists veterinarians pharmacists druggists and registered nurses for certain causes and by providing for the enforcement of this act and penalties" further defining drugs coming within the scope of said act and changing the penalties for the illegal sale dispensing or giving away of drugs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of July eleven one thousand nine hundred and seventeen (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicians dentists veterinarians pharmacists druggists and registered nurses for certain causes and by providing for the

enforcement of this act and penalties" amended December 13, 1955 (Act No. 253) is amended to read

Section 1 Be it enacted &c That except as limited in section two of this act the word "drug" as used in this act shall be construed to include (a) opium or (b) coca leaves or (c) marihuana (d) any compound or derivative of opium coca leaves of marihuana or (e) any substance or preparation containing opium coca leaves or marihuana or (f) any substance or preparation containing any compounds or derivative of opium coca leaves or marihuana and any substance identified chemically as 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester or any salt or derivative thereof by whatever trade name designated or any preparation containing such substance or its salts or derivatives or any substance or preparation containing any drug found by the United States Secretary of the Treasury after due notice and opportunity for public hearing to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine and proclaimed by the President to have been so found by the Secretary

Section 2 Section 2 of the act amended April 20, 1921 (P. L. 152) is amended to read

Section 2 The word "drug" shall not be construed to include (1) preparations and remedies and compounds which do not contain more than two grains of opium or more than one-fourth of a grain of morphine [or more than one-eighth of a grain of heroin] or more than one grain of codeine or any salt or derivative of any of them in one fluid ounce if the same is liquid or if a solid or semi-solid in one avoirdupois ounce (2) liniments ointments or other preparations prepared and dispensed in good faith for external use only providing such liniments ointments and preparations do not contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for cocaine or eucaine or their salts (3) decocanized coca leaves or preparations made therefrom or other preparations of coca leaves which do not contain cocaine

Provided however that no preparations remedies or compounds containing any opium or coca leaves or any compounds or derivative thereof in any quantity whatsoever may be sold dispensed distributed or given away to or for the use of any known habitual user of drugs or any child of twelve years of age or under except in pursuance of a prescription of a duly licensed physician or dentist

Section 3 Section 12 of the act amended June nineteen one thousand nine hundred and fifty-three (P. L. 290) is amended to read

Section 12 (a) Any person who possesses [sells dispenses or gives away] any drugs in violation of the provisions of this act shall be guilty of a felony and upon conviction thereof shall be sentenced as follows for a first offense to pay a fine not exceeding two thousand dollars ($2000) and to undergo imprisonment of not less than two (2) years and not exceeding five (5) years for a second offense or if in case of a first conviction of violation of any provisions of this act the offender shall previously have been convicted of any violation of the laws of the United States or of any other state territory or district relating to drugs to pay a fine not exceeding five thousand dollars ($5000) and to undergo imprisonment of not less than five (5) years and not exceeding ten (10) years and for a third or subsequent offense or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state territory or district relating to drugs to pay a fine not exceeding seven thousand five hundred dollars ($7500) and to undergo an imprisonment of not less than ten (10) years and not exceeding thirty (30) years

(a 1) Any person who sells dispenses or gives away any drugs in violation of the provisions of this act shall be guilty of a felony and upon conviction thereof shall be sentenced as follows for a first offense to pay a fine not exceeding five thousand dollars ($5000) and to undergo imprisonment of not less than five (5) years and not exceeding ten (10) years for a second offense or if in case of a first conviction of violation of any provisions of this act the offender shall previously have been convicted of any violation of the laws of the United States or of any other state territory or district relating to drugs to pay a fine not exceeding ten thousand dollars ($10,000) and to undergo imprisonment of not less than ten (10) years and not exceeding twenty (20) years and for a third or subsequent offense or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state territory or district relating to drugs to pay a fine not exceeding fifteen thousand dollars ($15,000) and to undergo an imprisonment for life

(a 2) Except in the case of conviction for a first offense for violation of the provisions of this subsection the imposition or execution of sentence shall not be suspended and probation or parole shall not be granted until the minimum imprisonment herein provided for the offense shall have been served

(b) Any person who shall violate or fail to comply with any of the other provisions of this act except as provided in the last paragraph of section eight shall be guilty of a felony and upon conviction shall be sentenced to pay a fine not exceeding two thousand dollars or to undergo an imprisonment not exceeding five years or both at the discretion of the court

(c) If the violation is by a corporation copartnership or association the officers and directors of such corporation or the members of such copartnership or association the agents and employes with guilty knowledge of the fact shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Royer,
Amarando,	Gibb,	McCormack,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boles,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wall,
Davis,	Kooker,	Pacchioli,	Wallace,
Donahue,	Kornick,	Parry,	Walsh,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Eilberg,	Leiby,	Petrosky,	Weidner,
Erb,	Leisey,	Polaski,	Wescott,
Eshleman,	Leonard,	Polen,	Wheeler,
Ewing,	Leven,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,

Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 159, as follows:

An Act amending the act of May 31 1893 (P. L. 188 No 138) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" changing the name of Armistice Day to Veterans' Day

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 31 1893 (P. L. 188 No. 138) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" amended June 28 1951 (P. L. 903) is amended to read

Section 1 Be it enacted &c That the following days and half days namely the first day of January commonly called New Year's Day the twelfth day of February known as Lincoln's Birthday the twenty-second day of February known as Washington's Birthday Good Friday the thirtieth day of May known as Memorial day the fourteenth day of June known as Flag Day the fourth of July called Independence Day the first Monday of September known as Labor Day the twelfth day of October known as Columbus Day the first Tuesday after the first Monday of November Election Day the eleventh day of November known as [Armistice] Veterans' Day the twenty-fifth day of December known as Christmas Day and every Saturday after twelve o'clock noon until twelve o'clock midnight each of which Saturdays is hereby designated a half holiday and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fastings and prayer or other religious observance and in the event of a financial crisis in the State or Nation any day or days appointed by the Governor of this State or the President of the United States as a bank holiday and in the event of public calamity in any part of the State through fire flood famine violence riot insurrection or enemy action any day or days appointed by the Governor of this State as a bank holiday for banking institutions affected by such public calamity shall for all purposes whatever as regards the presenting for payment or acceptance and as regards the protesting and giving notice of the dishonor of bills of exchange checks drafts and promissory notes made after the passage of this act be treated and considered as the first day of the week commonly called Sunday and as public holidays and half holidays and all such bills checks drafts and notes otherwise presentable for acceptence or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday except checks drafts bills of exchange and promissory notes payable at sight or on demand which would otherwise be payable on any half holiday Saturday shall be deemed to be payable at or before twelve o'clock noon of such half holiday Provided however That for the purpose of protesting or otherwise holding liable any party to any bill of exchange check draft or promissory note and which shall not have been paid before twelve o'clock noon of any Saturday designated a half holiday as aforesaid a demand for acceptance or payment thereof shall not be made and notice of protest or dishonor thereof shall not be given until the next succeeding secular or business day And provided further That when any person firm corporation or company shall on any Saturday designated a half holiday receive for collection any check bill of exchange draft or promissory note such person firm corporation or company shall not be deemed guilty of any neglect or omission of duty nor incur any liability in not presenting for payment or acceptance or collection such check bill of exchange draft or promissory note on that day And provided further That in construing this section every Saturday designated a half holiday shall until twelve o'clock noon be deemed a secular or business day and the days and half days aforesaid so designated as holidays and half holidays shall be considered as public holidays and half holidays for all purposes whatsoever as regards the transaction of business except that any day or days appointed as a bank holiday shall be regarded as secular or business days for all other purposes than those mentioned in this act And provided further That nothing herein contained shall be construed to prevent or invalidate the entry issuance service or execution of any writ summons confession of judgment or other legal process whatever on any of the holidays or half holidays herein designated as holidays nor to prevent any banking institution from keeping its doors open or transacting its business on any Saturday afternoon if by a vote of its directors it shall elect to do so unless such Saturday is appointed as a bank holiday under the provisions of this act And provided further That any banking institution may by a vote of its directors or in the case of a private bank by action of the private banker or bankers notice of which shall have been posted in its banking house for not less than fifteen days before the taking effect thereof observe any Saturday throughout the year as a full holiday with like effect hereunder as though such day had been designated as a full holiday by the provisions of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Royer,
Amarando,	Gibb,	McCormack,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boies,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,			

Cioffi,	Kehler,	Needham,	Varner,
Comer,	Keller,	Ogilvie,	Vaughan,
Curwood,	Knecht,	Olsen,	Verona,
Davis,	Kolankiewicz,	O'Neil,	Wall,
Donahue,	Kooker,	Pacchioli,	Wallace,
Donaldson,	Kornick,	Parry,	Walsh,
Ehrgood,	Kratz,	Pashley,	Wargo,
Eilberg,	Kromer,	Paulhamus,	Waterhouse,
Erb,	Leiby,	Petrosky,	Weidner,
Eshleman,	Leisey,	Polaski,	Wescott,
Ewing,	Leonard,	Polen,	Wheeler,
Farabaugh,	Leven,	Pomeroy,	Whitenight,
Filo,	Light,	Price,	Willaredt,
Fineman,	Limper,	Pursley,	Williams,
Flint,	Lippincott,	Readinger,	Wilt,
Flynn,	Lopresti,	Reibman,	Worley,
Frank,	Lovett,	Reidenbach,	Yetter,
Frascella,	Lutty,	Renwick,	Yetzer,
Frost,	Magee,	Rigby,	Ziegler,
	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 206, entitled:

An Act amending the act of May 21, 1943 (P. L. 322) entitled "An act providing for the issuance of certified copies of death birth and marriage certificates and divorce decrees by county officers free of charge to disabled war veterans and their dependents in death and compensation cases and prescribing penalties" extending its provisions to veterans of armed conflicts

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Military Affairs for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 257. entitled:

An Act validating the action of any school board which has heretofore employed any teacher who was related to a member of the board without strictly complying with the law relating to such employment and relieving the members of the board from all liability

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 316, entitled:

An Act amending the act of March 30, 1917 (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," regulating the advertising of products used for ophthalmic purposes and providing penalties for violation thereof

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 333 as follows:

An Act amending the act of January 18, 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing inconsistent laws" increasing the minimum compensation and increments and changing conditions of payment and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of January 18, 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing inconsistent laws" is amended to read

Section 2 Classification and Salaries Each person heretofore or hereafter appointed to a position as a member of the faculty of a State Teachers College within the classifications hereinafter set forth shall receive the following minimum salaries and yearly increments for services rendered during the regular college year

Professor Qualifications an earned Doctor's Degree at least seven years of teaching experience four of which shall have been in public schools minimum annual salary five thousand five hundred dollars [$5000)] ($5500) minimum annual increment two hundred dollars $(200) minimum number of increments [five (5)] ten (10)

Associate Professor Qualifications minimum of Master's Degree including a total of sixty semester hours of graduate credit at least five years of experience as a teacher three years of which shall have been in public schools minimum annual salary [four thousand five hundred dollars ($4500)] five thousand dollars ($5000) minimum annual increment two hundred dollars ($200) minimum number of increment [five (5)] ten (10)

Assistant Professor Qualifications minimum of Master's Degree at least four years of experience three years of which shall have been in public schools minimum annual

salary four thousand five hundred dollars [($4000)] ($4500) minimum annual increment two hundred dollars ($200) minimum number of increments [five (5)] ten (10)

Graduate degrees and preparation to meet the qualifications of this act shall be earned in fields related to the service rendered to the college

Instructor Qualifications minimum of Bachelor's Degree with at least three years experience two years of which shall have been in public schools minimum annual salary [three thousand five hundred dollars ($3500)] four thousand dollars ($4000) minimum annual increment one hundred dollars ($100) minimum number of increments five (5)

In lieu of experience in public schools teaching experience in other than public schools may be accepted with the approval of the Superintendent of Public Instruction

Laboratory School Teachers Members of the college faculties who are assigned to College Laboratory Schools shall receive total annual salaries for which they would qualify in accordance with the above classifications regardless of whether salary is paid entirely by the State or in part by the public schools

Co-operating Teachers Full-time employes of public school systems not classified as College Laboratory School Teachers but assisting with the supervision of student teachers qualifications minimum of a Baccalaureate Degree and at least three years experience as a public school teacher minimum annual compensation fifty dollars ($50) for each student teacher under his or her supervision which student teacher shall be enrolled to secure twelve (12) semester hours of student teaching credit minimum annual increment five dollars ($5.00) minimum number of increments five (5)

[Heads of Academic Departments Heads of Academic Departments shall receive one (1) additional increment of two hundred dollars ($200)]

Administrative officers deans directors of special curricula and heads of departments or other administrative officials may receive not to exceed five hundred dollars ($500) as additional compensation according to the policies developed by board of presidents and approved by State Superintendent of Public Instruction

The compensation of all instructional employes of the State Teachers Colleges not covered by the provisions of this act shall be determined by the executive board of the Commonwealth under the regulations prescribed by the Administrative Code

Upon satisfactory completion of a probationary period of three years the increments prescribed in this act shall become mandatory

Section 5 Promotions any faculty member who during the term of his employment shall have attained the qualification necessary for the next higher classification as hereinbefore set forth shall commencing with the next succeeding regular college year within the percentage limitation prescribed by this act receive the compensation prescribed for such advanced classification which shall be at least two hundred dollars ($200) in excess of the increment earned by him during the previous year when recommended by the president of the college and approved by the board of trustees

Section 6 Administration of salary schedule the provisions of this act shall not be construed as authorizing any decrease in the salary paid any member of the faculty of any State Teachers College at the effective date of this act

Each person employed as a member of the faculty of a State Teachers College receiving compensation equivalent to or in excess of the minimum salary prescribed by the above schedule shall for the college year [1951-1952] 1955-1956 be raised to the next higher step on the schedule unless such increase shall be less than one full increment in which case he shall be raised to the next higher step on the applicable schedule each such person receiving compensation less than the minimum salary prescribed by the schedule shall for the college year [1951-1952] 1955-1956 be raised to such minimum salary unless such increase shall be less than one full increment in which case he shall be raised to the next higher step on the applicable schedule provided that no compensation shall be paid in excess of the maximum salary for each class when this act becomes effective

[Upon satisfactory completion of a probationary period of three years the increments prescribed in this act shall become mandatory]

Classifications of any employe enumerated in the foregoing salary schedule and the qualifications of such employe must be approved by the superintendent of public instruction to entitle any employe to the benefits of this act not more than thirty per centum of the total number of the faculty of any State Teachers College shall be approved for classification as professor [the duties of each classification shall be defined by the superintendent of Public Instruction] except where a member of the faculty has met the requirements of a professorship and has been an associate professor for at least three years when recommended by the president of the college and approved by the board of trustees

The superintendent of Public Instruction shall be vested with the sole and final authority in interpreting the provisions of this act pertaining to the classification of any person covered thereby according to the policies developed by the board of presidents of State Teachers Colleges

Section 2 The sum of one hundred thousand dollars ($100,000) or as much thereof as may be necessary is appropriated to the Department of Public Instructions for the purpose of paying increased minimum salaries and increments provided under the provisions of this amendatory act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	McCann,	Rovansek,
Agnew,	Garlock,	McCormack,	Royer,
Amarando,	Gibb,	Magee,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Stank,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Stebbins,
Bazin,	Hass,	Metz,	Stevenson,
Bell,	Haudenshield,	Mihm,	Stone,
Blair,	Heavey,	Mikula,	Sherman,
Boles,	Helm,	Miller,	Smith, C. C.,
Bonner,	Henzel,	Mills,	Smith, Wm. B.,
Boory,	Hewitt,	Monroe,	Snider,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wall,
Davis,	Kooker,	Pacchioli,	Wallace,
Donahue,	Kornick,	Parry,	Walsh,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Eilberg,	Leiby,	Petrosky,	Weidner,
Erb,	Leisey,	Polaski,	Wescott,
Eshleman,	Leonard,	Polen,	Wheeler,
Ewing,	Leven,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Markley,	Rigby,	Ziegler,
Frost,	Maxwell,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood.
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 524, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators therof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" defining transit mix vehicles and fixing registration fees and permissible weights therefor

On the question,

Will the House agree to the bill on third reading?

Mr. TOLL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1 (Sec. 102), page 3, line 6, by inserting after "vehicle" which has been registered under the provisions of this act at any time prior to June 1, 1956, and which is

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

Mr. READINGER. Mr. Speaker, this bill is either good or bad without these amendments. I am asking the membership to vote the amendments down.

Mr. TOLL. Mr. Speaker, if you will just bear with me a moment I will get the microphone down to my level.

Mr. Speaker, I offered these amendments, and if you will be good enough to bear with me I will read you this short memorandum which was left by the gentleman from Lackawanna, Mr. Reidenbach, who had to leave. I am really substituting for him.

The story is that in 1953 this House passed unanimously a bill which was finally enacted into law that same year legalizing a new type of vehicle on the highways of Pennsylvania. This vehicle was a four-axle truck, which consisted of two pairs of axles, one pair being in front of the vehicle and the other pair of axles being in the rear. It was recognized by practically everyone in the Legislature that this vehicle was many times safer than the existing types. It distributed the gross weight of the vehicle more evenly on the highways, thereby causing considerably less damage to our highways.

We are now asked to consider Senate Bill 524, which would eliminate all of the benefits derived from past legislation. We are being asked to consider the elimination of all axle limitations for transit mix vehicles. Does this House realize just what the elimination of these axle limitations could mean so far as destruction to our highways and bridges? We are being asked to pass legislation which could legalize a vehicle with practically all of the load of the vehicle on one axle. The terrific strain imposed on our highways as a result of this staggers the imagination. I predict if this bill passes many of our bridges will be damaged beyond repair.

This bill we are being asked to consider is a discriminatory bill as well. In other words, only one favored, special group would derive any benefit from its passage.

The proponents of this bill would have you believe that by raising the license fees as they have done, they have given sufficient concessions to take care of the possible objections to the bill.

I really believe this is a debate on the subject of the bill itself. You have heard what the amendments proposed and Mr. Reidenbach has asked for support of the amendments.

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOCKER. This is a highly controversial piece of legislation. I would ask you not to call this bill with a light House like this, because I know a lot of the Members who left on account of the ice and snow in the northern tier are opposed to this bill.

I would ask you to hold it over, or do something with it, as it is a highly controversial bill.

Do you want it on the table or on the postponed calendar? I will move to put it either place.

The SPEAKER pro tempore. The Chair will recognize the gentleman for the purpose of making a motion.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Readinger.

Mr. READINGER. I would like to state that I have no objection to the bill being placed on the postponed calendar, but we are still in a working session, we have not gone into a consent calendar. If the gentleman desires to make that motion, it is quite all right with us.

BILL POSTPONED

Mr. HOCKER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair is unable to decide.

Whereupon, a division was called for, seventy-four Members having voted in the affirmative and forty in the negative, the question was determined in the affirmative and the motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 543, entitled:

An Act to further amend clause (f) of section nine hundred three of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by changing the maximum gross weight and axle load of certain commercial motor vehicles

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 661, as follows:

An Act to amending the act of May 21 1943 (P. L. 571) entitled as amended "An act relating to assessment for taxation in counties of the fourth fifth sixth seventh and eighth classes designating the subjects property and persons subject to and exempt from taxation for county borough town township school except in cities and county institution district purposes and providing for and regulating the assessment and valuation thereof for such purposes creating in each such county a board for the assessment and revision of taxes defining the powers and duties of such boards providing for the acceptance of this act by cities regulating the office of ward borough town and township assessors abolishing the office of assistant triennial assessor in townships of the first class providing for the appointment of a chief assessor assistant assessors and other employes providing for their compensation payable by such counties prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits imposing duties on taxables making improvements on land and grantees of land prescribing penalties and eliminating the triennial assessment" increasing the compensation of assessors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 505 act of May 21 1943 (P. L. 571) known as "The Fourth to Eighth Class County Assessment Law" amended July 27 1953 (P. L. 598) is amended to read

Section 505 Compensation of Assessor Each assessor hereafter elected shall be paid [ten] twelve dollars for each day of eight hours and at the same rate for each hour of any greater or lesser period necessarily employed by him in the performance of his duties On or before the tenth day fo each month succeeding any month in which the assessor has been employed one or more days in the performance of his duties the assessor shall file with the board a sworn statement of the days so employed indicating the particular days and the nature of the duties performed on each day The board shall make such examination of the statement as to it seems proper and shall allow or disallow any compensation claimed by the assessor within twenty days after receipt of such statement Any assessor who shall be aggrieved by the action of the board in allowing or disallowing any compensation claimed by him may appeal from the decision of the board to the court of common pleas of the county

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Royer,
Amarando,	Gibb,	McCormack,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boles,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varner,
Cianfrani,	Kehler,	Needham,	Varallo,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wallace,
Davis,	Kooker,	Pacchioli,	Wall,
Donahue,	Kornick,	Parry,	Walsh,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Eilberg,	Leiby,	Petrosky,	Weidner,
Erb,	Leisey,	Polaski,	Wescott,
Eshleman,	Leonard,	Polen,	Wheeler,
Ewing,	Leven,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 865, as follows:

An Act to amend the act approved the twenty-ninth day of July one thousand nine hundred fifty-three (P. L. 1050) entitled "An act providing for the acquisition construction improvement operation and maintenance of tunnels for certain highway purposes within the Commonwealth authorizing the issuance of tunnel revenue bonds free from taxation and payable solely from tunnel earnings to pay the cost of such tunnels and improvements thereof providing for the collection of tunnel tolls for the payment of such bonds and for the cost of maintenance operation and repair of the tunnels constituting such bonds legal investments in certain instances prescribing conditions upon which such tunnels shall become free tunnels conferring powers and imposing duties on the Pennsylvania Tunnel Commission created hereby providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation" by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenues of the commission including tolls or from such funds as may be available to the commission for such purpose providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (d) of section two of the act approved the twenty-ninth day of July one thousand nine hundred fifty-three (P. L. 1050) entitled "An act providing for the acquisition construction improvement operation and maintenance of tunnels for certain highway purposes within the Commonwealth authorizing the issuance of tunnel revenue bonds free from taxation and payable solely from tunnel earnings to pay the cost of such tunnels and improvements thereof providing for the collection of tunnel tolls for the payment of such bonds and for the cost of maintenance operation and repair of the tunnels constituting such bonds legal investments in certain instances prescribing conditions upon which such tunnels shall become free tunnels conferring powers and imposing duties on the Pennsylvania Tunnel Commission created hereby providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation is hereby amended to read as follows

Section 2 Definitions As used in this act the following words and terms shall have the following meanings

* * *

(d) The term "cost of tunnel" as applied to a tunnel to be constructed shall embrace the cost of construction the cost of all land property rights easements and franchises acquired which are deemed necessary for such construction financing charges interest during construction cost of traffic estimates and of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and the construction of the tunnel and the placing of the tunnel in operation Payment of any notes or other obligations hereinafter authorized to be issued to provide for preliminary or interim financing of any tunnel shall be considered payment of the cost of the tunnel provided such notes or other obligations were issued for such purpose

* * *

Section 2 Section three point one of said act as added by the act approved the twenty-first day of October one thousand nine hundred fifty-five (P. L.) (Act No. 199) is hereby amended to read as follows

Section 3.1 Assistance by Department of Highways (a) The commission is hereby authorized to enter into agreements with the Department of Highways of the Commonwealth for traffic surveys preparation of plans and specifications supervision of construction and other engineering services and other preliminary expenses necessary in connection therewith and the obligation or obligations of the commission under the terms of such agreements shall be considered and deemed to be a part of the cost of the tunnel or tunnels to which such agreement relates and shall be reimbursed to the Department of Highways out of the proceeds of tunnel revenue bonds notes or other obligations authorized by this act

(b) Whenever lands or interest in lands are required by the commission for promoting its proper purposes the Department of Highways with the approval of the Governor shall have power and authority to acquire such lands or interests therein by purchase or condemnation in the name of the Commonwealth The procedure for acquiring such lands or interests in lands and for the payment of the resultant damages by the department for the taking by condemnation shall be in accordance with the provisions of the State Highway Law in such case made and provided The power hereby conferred upon the department shall not limit or restrict the power of the commission itself to acquire lands or interests in lands as otherwise provided in this act

(c) For the purpose of aiding the commission in the accomplishment of its purposes the Department of Highways of the Commonwealth shall have power and authority with or without consideration upon such terms as may be determined by the departments to be appropriate to grant convey transfer or assign to the commission and the commission shall have power and authority to so acquire from the department the right to use for any proper purpose of the commission any lands easements or rights in land and any buildings or improvements thereon heretofore or hereafter constructed made or acquired by the department whether by purchase condemnation or otherwise Any and all such grants conveyances transfers or assignments heretofore made by the department to the commission are hereby ratified approved and confirmed Any amounts paid or payable by the commission to the department for any such grant conveyance transfer or assignments shall be considered and deemed to be a part of the cost of the tunnel or tunnels in respect of which acquired and shall be reimbursed to the department out of the proceeds of tunnel revenue bonds notes or other obligations authorized by this act

Section 3 Sections seven eight and thirteen of said act are hereby amended to read as follows

Section 7 Construction of Tunnels The commission is hereby authorized and empowered to construct whenever it shall deem such construction expedient any tunnel or tunnels as herein defined within the Commonwealth The cost of such construction shall be paid solely by means of or with the proceeds of tunnel revenue bonds notes or other obligations hereinafter authorized The commission is hereby authorized to purchase within this Commonwealth solely from funds provided under the

authority of this act such lands structures rights of way franchises easements and other interests in lands including lands under water and riparian rights of any person copartnership association railroad or other corporation or municipality or political subdivision deemed necessary for the construction of any such tunnel upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof and to take thereto in the name of the Commonwealth

Section 8 Tunnel Revenue Bonds Preliminary or Interim Fnancing Refunding Bonds (a) The commission is hereby authorized to provide by resolution at one time or from time to time for the issuance of Tunnel Revenue Bonds of the commission for the purpose of paying the cost as hereinabove defined of any one or more such tunnels which resolution shall recite an estimate of each issue of such cost The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment Such bonds shall bear interest at not more than six per centum per annum payable semiannually shall mature at such time or times not more than [thirty] forty years from their date or dates as may be determined by the commission and may be made redeemable before maturity at the option of the commission at such price and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds The principal and interest of such bonds may be made payable in any lawful medium The commission shall determine the form of the bonds including the interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth Bonds issued by the commission shall be signed by or bear the facsimile signature of the chairman of the commission [under the] and the seal of the commission or a facsimile thereof shall be affixed thereto and attested by the secretary of the commission and the coupons attached thereto shall bear the facsimile signature of the chairman of the commission All bonds issued under this act shall contain a statement on their face that the Commonwealth shall not be obligated to pay the same or the interest thereon except from the revenues of such tunnels In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery All such bonds shall be and shall have and are hereby declared to have all the qualities and incidents of negotiabe instruments under the negotiable instruments law of the Commonwealth Such bonds and the income thereof shall be exempt from all taxation within the Commonwealth Provisions may be made for the registration of any of the bonds in the name of the owner as to principal alone and also as to both principal and interest The commission may sell such bonds in such manner and for such price as it may determine to be appropriate for the accomplishment of the purpose of this act taking into consideration the financial responsibility of the purchaser the terms and conditions of the purchase and especially the availability of the proceeds of the bonds when required for payment of the cost of the tunnels Such bonds shall be sold for not less than a price which computed in relation to the absolute maturity of the bonds in accordance with standard tables of bond values will show a net return of not over six per centum per annum to the purchaser upon the amount paid therefor The proceeds of such bonds shall be used solely for the payment of the cost of the tunnels and shall be checked out by the chairman of the commission under such restrictions if any as such commission may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the tunnel or tunnels additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the trust indenture hereinafter mentioned shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same tunnel or tunnels If the proceeds of bonds issued for any tunnel or tunnels shall exceed the cost thereof the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of said bonds Prior to the preparation of definitive bonds the commission may under like restrictions issue temporary bonds with or without coupons exchangeable for definite bonds upon the issuance of the latter Such revenue bonds may be issued without any other proceedings or the happenings of any other conditions or things than those proceedings conditions and things which are specified and required by this act

Such bonds are hereby made securities in which all State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law

(b) The commission is hereby authorized to borrow money from time to time at an interest rate not exceeding six per cetnum per annum to provide for preliminary or interim financing of any one or more such tunnels up to but not exceeding the estimated total cost of such tunnel or tunnels and to evidence such borrowing by the issuance of notes or other obligations of the commission payable solely from revenues of the commission including tolls or from such funds as may be available to the commission for such purpose The commission is authorized in its discretion to pledge as collateral for such notes or other obligations tunnel revenue bonds issued under the provisions of this act to provide for the investment of the proceeds of such notes or other obligations pending their application to the cost of such tunnel or tunnels in direct obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America or the Commonwealth and to pledge the same as collateral for such notes or other obligations of the commission and to renew any such notes or other obligations from time to time The payment or retirement of such notes or other obligations shall be considered to be payment of the cost of such tunnel or tunnels All such notes or other obligations shall be executed by the same persons in the same manner and with the same effect as provided herein for the execution of tunnel revenue bonds All such notes or other obligations shall contain a statement on their face that the Commonwealth is not obligated to pay the same or interest thereon except from revenues of the commission including tolls or from such funds as may be available to the commission for that purpose

All State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business may properly and legally invest any funds including capital belonging to them or within their control in such notes or other obligations or loan any such funds and accept as evidence of the same such notes or other obligations

All such notes or other obligations shall have and are hereby declared to have all the qualities and incidents of

negotiable instruments under the negotiable instruments law of the Commonwealth Such notes and other obligations and the income therefrom shall be exempt from all taxation within the Commonwealth

(c) The commission is hereby authorized to provide by resolution for the issuance of tunnel revenue refunding bonds of the commission for the purpose of refunding any tunnel revenue bonds notes or other obligations issued under the provisions of this act and then outstanding The issuance of such tunnel revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the commission in respect to the same shall be governed by the provisions of this act in so far as the same may be applicable

Section 13 Cessation of Tolls When the particular bonds including all refunding bonds issued for any tunnel or tunnels and the interest thereon shall have been paid or a sufficient amount shall have been provided for their payment and shall continue to be held for that purpose the commission shall cease to charge tolls for the use of such tunnel or tunnels and thereafter such tunnel or tunnels shall be free and be a part of the State Highway System of Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Garlock,	Maxwell,	Rovansek,
Agnew,	Gibb,	McCann,	Royer,
Amarando,	Gibson,	McCormack,	Rubin,
Anderson, M. S.,	Goldstein,	McGee,	Rudisill,
Anderson, S. A.,	Gramlich,	McInroy,	Sarraf,
Ashton,	Guss,	McKeever,	Scarcelli,
Auker,	Guthrie,	McLaughlin,	Schuster,
Banker,	Hamilton, R. K.,	McWherter,	Sherman,
Barnatovich,	Hass,	Meholchick,	Smith, C. C.,
Bazin,	Haudenshield,	Metz,	Smith, W. B.,
Bell,	Heavey,	Mihm,	Snider,
Blair,	Helm,	Mikula,	Stank,
Boles,	Henzel,	Miller,	Stebbins,
Bonner,	Hewitt,	Mills,	Stevenson,
Boory,	Hocker,	Monroe,	Stone,
Bower,	Holt,	Moody,	Stoner,
Branca,	Horst,	Moran,	Strausser,
Breisch,	Houk,	Moscrip,	Stroup,
Brennan, A. P.,	Isaacs,	Muldowney,	Swartz,
Brennan, J. J.,	Jenkins,	Munley,	Taylor,
Brenninger,	Johnson,	Murphy,	Thomas,
Breth,	Jones, G. E.,	Murray, H. P.,	Thompson,
Brown,	Jones, T. H. W.,	Murray, J. J.,	Toll,
Bucchin,	Jump,	Murray, P. G.,	Tompkins,
Bullen,	Kamyk,	Mullen,	Toomey,
Capano,	Kehler,	Musto,	Varallo,
Cianfrani,	Keller,	Needham,	Varner,
Cioffi,	Knecht,	Ogilvie,	Vaughan,
Comer,	Kolankiewicz,	Olsen,	Verona,
Curwood,	Kooker,	O'Neil,	Wall,
Davis,	Kornick,	Pacchioli,	Wallace,
Donahue,	Kratz,	Parry,	Walsh,
Donaldson,	Kromer,	Pashley,	Wargo,
Ehrgood,	Leiby,	Paulhamus,	Waterhouse,
Eilberg,	Leisey,	Petrosky,	Weidner,
Erb,	Leonard,	Polaski,	Wescott,
Eshleman,	Leven,	Polen,	Wheeler,
Ewing,	Light,	Pomeroy,	Whitenight,
Farabaugh,	Limper,	Price,	Willaredt,
Filo,	Lippincott,	Pursley,	Williams,
Fineman,	Lopresti,	Readinger,	Wilt,
Flint,	Lutty,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Magee,	Renwick,	Yetzer,
Frascella,	Markley,	Rigby,	Ziegler,
Frost,		Rosen,	Andrews,
Gaffney,			Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 868, as follows:

An Act authorizing the Department of Forests and Waters to exchange certain lands located in Union Township Bedford County Pennsylvania necessary for improved administration of Blue Knob State Park

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Forests and Waters with the approval of the Governor is hereby authorized to convey the following tract or parcel of land situate in Union Township Bedford County Pennsylvania being a part of land now owned by the Commonwealth of Pennsylvania and more fully described pursuant to a survey made by Harry W. Cunard a Registered Surveyor on December 30, 1952 as Beginning at a concrete marker at a corner common to land of the Pavia Cemetery Association and in a westerly line of land now or formerly of Elmer Dibert as delineated and depicted on that plat of a survey of December 30, 1952 by Harry W. Cunard Registered Surveyor No. 5389 thence from the initial point by 1952 magnetic bearings and distances along land of the said Pavia Cemetery Association North 87 degrees 30 minutes West 266.2 feet to a concrete marker South 50 degrees 02 minutes West 35.8 feet to a concrete marker North 84 degrees 55 minutes West 87.9 feet to a concrete marker in an easterly line of land of Blue Knob State Park thence leaving said Pavia Cemetery Association land and along land of said Blue Knob State Park North 8 degrees 44 minutes East 157.35 feet to a plug and tack South 87 degrees 30 minutes East 352.5 feet to a plug and tack in line of land of said Elmer Dibert thence leaving said Blue Knob State land and along land of said Elmer Dibert South 8 degrees 48 minutes West 125 feet to the place of beginning containing 1.07 acres and being part of the same land conveyed to the Commonwealth of Pennsylvania by deed of the United States of America dated September 26, 1945 the same part being released from reversionary conditions contained in said deed by Deed of Release from the United States of America dated October 14, 1955.

Section 2 The aforementioned conveyance is made in exchange for a grant and conveyance of a tract or parcel of land situate in Union Township Bedford County Pennsylvania being part of that tract now owned by A. Rush Burkett and more fully described pursuant to a survey made by Harry W. Cunard a Registered Surveyor on December 30, 1952 as beginning at a concrete marker a corner of Blue Knob State Park northeastwardly along line of said park and lands of A. R. Burkett as delineated and depicted on that plat of a survey of December 1952 by Harry W. Cunard Registered Surveyor No. 5389 thence from the initial point by 1952 magnetic bearings and distances North 33 degrees 45 minutes East 3098.3 feet more or less to a concrete marker thence by same North 89 degrees 15 minutes East 17 feet to a plug and tack thence by the lands of A. R. Burkett and parcel herein described South 33 degrees 45 minutes West 3099.5 feet more or less to a plug and tack thence by same North 82 degrees 45 minutes West 17 feet to a concrete marker the point of beginning containing 1.04 acres more or less said exchange being necessary for improved administration of Blue Knob State Park

Section 3 The deed of conveyance by the Commonwealth shall be executed by the Secretary of Forests and Waters in the name of the Commonwealth of Pennsylvania

Section 4 The title to the tract to be acquired by the Commonwealth shall be approved by the Department of Justice

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Thompson,
Agnew,	Garlock,	McCann,	Rovanseк,
Amarando,	Gibb,	McCormack,	Royer,
Anderson, M. S.,	Gibson,	McGee,	Rubin,
Anderson, S. A.,	Goldstein,	McInroy,	Rudisill,
Ashton,	Gramlich,	McKeever,	Sarraf,
Auker,	Guss,	McLaughlin,	Scarcelli,
Banker,	Hamilton, R. K.,	McWherter,	Schuster,
Barnatovich,	Hass,	Meholchick,	Sherman,
Bazin,	Haudenshield,	Metz,	Smith, C. C.,
Bell,	Heavey,	Mihm,	Smith, Wm. B.,
Blair,	Helm,	Mikula,	Snider,
Boles,	Henzel,	Miller,	Stank,
Bonner,	Hewitt,	Mills,	Stebbins,
Boory,	Hocker,	Monroe,	Stevenson,
Bower,	Holt,	Moody,	Stone,
Branca,	Horst,	Moran,	Stoner,
Breisch,	Houk,	Moscrip,	Strausser,
Brennan, A. P.,	Isaacs,	Muldowney,	Stroup,
Brennan, J. J.,	Guthrie,	Mullen,	Swartz,
Brenninger,	Jenkins,	Munley,	Taylor,
Breth,	Johnson,	Murphy,	Thomas,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wall,
Davis,	Kooker,	Pacchioli,	Wallace,
Donahue,	Kornick,	Parry,	Walsh,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Eilberg,	Leiby,	Petrosky,	Weidner,
Erb,	Leisey,	Polaski,	Wescott,
Eshleman,	Leonard,	Polen,	Wheeler,
Ewing,	Leven,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 944, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" requiring cotton fabrics used in State institutions to be flameproofed.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. LOPRESTI. Mr. Speaker, I would like to ask some questions on this bill from someone who might know something about it. It might involve a long debate, so I would like to move that it be placed on the final passage postponed calendar.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 988, as follows:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 1947 act of August 9, 1955 (P. L. 323) known as "The County Code" is amended to read

Section 1947 Prevention and Control of Floods (a) The board of commissioners may borrow appropriate and expend money and may acquire by purchase or dedication real property or any interest therein for the purpose of cleansing regulating improving and controlling rivers streams and other bodies of water and storm water drainage systems lying within the boundaries of the county either in whole or in part for the prevention and control of floods They may make contracts and expenditures for the cleansing maintaining regulation improvement and control of such waters and drainage systems and for the prevention and control of floods by storage or retaining reservoirs or otherwise in parts of such waters beyond the limits of the county or of the Commonwealth when in their judgment such expenditures may be necessary and for the benefit of the county

* * *

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Royer,
Amarando,	Gibb,	McCormack,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boies,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, P. G.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wall,
Davis,	Kooker,	Pacchioli,	Wallace,
Donahue,	Kornick,	Parry,	Walsh,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Erb,	Leiby,	Petrosky,	Weidner,
Ewing,	Leisey,	Polaski,	Wescott,
Eilberg,	Leonard,	Polen,	Wheeler,
Eshleman,	Leven,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 989, as follows:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 2147 act of July 28, 1953 (P. L. 723) known as the "Second Class County Code" is amended to read

Section 2147 Prevention and Control of Floods (a) The board of commissioners may borrow appropriate and expend money and may acquire by purchase or dedication real property or any interest therein for the purpose of cleansing regulating improving and controlling rivers streams and other bodies of water and storm water drainage systems lying within the boundaries of the county either in whole or in part for the prevention and control of floods They may make contracts and expenditures for the cleasing maintaining regulation improvement and control of such waters and drainage systems and for the prevention and control of floods by storage or retaining reservoirs or otherwise in parts of such waters beyond the limits of the county or of the Commonwealth when in their judgment such expenditures may be necessary and for the benefit of the county

* * *

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Royer,
Amarando,	Gibb,	McCormack,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boies,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Bower,	Hewitt,	Monroe,	Stone,
Boory,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murray, H. P.,	Thompson,
Brown,	Jones, G. E.,	Murray, J. J.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, P. G.,	Tompkins,
Bullen,	Jump,	Murphy,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wall,
Davis,	Kromer,	Pacchioli,	Wallace,
Donahue,	Kooker,	Parry,	Walsh,
Donaldson,	Kornick,	Pashley,	Wargo,
Ehrgood,	Kratz,	Paulhamus,	Waterhouse,
Eilberg,	Leiby,	Petrosky,	Weidner,
Erb,	Leisey,	Polaski,	Wescott,
Eshleman,	Leonard,	Polen,	Wheeler,
Ewing,	Leven,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

The SPEAKER pro tempore. The Chair now returns the gavel to the Speaker.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

The SPEAKER. The Chair simply wants to say that in a very few minutes the majority of the membership will leave the floor of the House. It will be necessary, however, for the Chair to remain on the job for some time awaiting communications from the Senate.

The Chair hopes you will all have a safe journey home. The Speaker will be safe here on the rostrum awaiting communications from the Senate.

Mr. HELM IN THE CHAIR

RESOLUTION

CONGRATULATIONS

Messrs. KAMYK and LUTTY offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, March 14, 1956.

March 14th marks the anniversary of the day John and Helena Sarraf became the parents of a son. It was an important day for them and an important day for us. For that son grew to manhood, educated himself in the medical profession, and joined in the civic life of his community and State.

He is Dr. George Sarraf, the leader of the Allegheny County Democratic Delegation in this House. "Doc," as we know him, is more than a leader, he is a personal friend and counselor to every member of this House. He carries his prescription book with him at all times and is ever ready to prescribe for our ills. His most outstanding characteristic is extreme generosity. There is not a person who has associated with him during his twenty-two years in this House, who does not recall some kindness or favor extended by the "Doc," and with never an expectation of return; therefore be it

Resolved, That the members of the House of Representatives, set this day apart to honor Dr. George Sarraf, and in recognition of the honor he has brought to himself, through his good works; and be it further

Resolved, That the House of Representatives extends to "Doc" its most sincere birthday greetings, and its warmest wishes for continued success and honor; and be it further

Resolved, That the Chief Clerk of the House be instructed to transmit a copy of this resolution to the Honorable George J. Sarraf.

Mr. SARRAF. Thank you very much. I want to thank the sponsors and the Members of the House. I hope you all get home very rapidly and I will do you a favor and just say "thank you" again.

RESOLUTION

SYMPATHY

Messrs. BULLEN, LIPPINCOTT, ISAACS, BELL, FOSTER and MURPHY offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, March 14, 1956.

The Honorable M. Joseph Connelly, representative from the second legislative district of Delaware County, has been ill with virus pneumonia.

It is with sympathy for him in his illness, and with respect for his voice in legislative debate, that the House of Representatives has missed his presence in this body.

We are hopeful that his recovery is fast and that he may soon again take up his official duties; therefore be it

Resolved, That this House of Representatives extends its sympathy and good will to the Honorable M. Joseph Connelly; and be it further

Resolved, That the Chief Clerk of this House of Representatives be directed to send a copy of this resolution to Mr. Connelly at his residence at 119 Hampden Road, Upper Darby, Delaware County, Pennsylvania.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 794.

An Act amending the act of January 21, 1947 (P. L. 3), entitled "An act relating to officers and employes of the General Assembly; fixing the number, qualifications, compensation, mileage and duties of the officers and employes of the Senate and of the House of Representatives; providing for their election or appointment, term of office, or of service, removal, and manner of filling vacancies; and making appropriations to the Senate, House of Representatives and Legislative Reference Bureau," changing the title of and compensation of certain Senate and House employes providing for the appointment of additional employes therein and making appropriations

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows: Amend Title, page 1, line 9, by inserting after the word "certain" the words "Senate and"; amend Section 1, page 2, line 1, by striking out after the figure "1" the following: "Clause (4) of section 21," and inserting in lieu thereof the words "Section 2 of the"; page 2, line 8, by striking out after the word "amended" the following: "September 28, 1951 (P. L. 1565) is" and inserting in lieu thereof the following: April 7, 1955 (P. L. 31) is amended to read

Section 2 The following officers and employes of the Senate shall be appointed by the President of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) Two clerks to the President at an annual salary of three thousand three hundred dollars ($3300) each

(2) One secretary to the President at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(3) One administrative assistant to the President at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

(4) One President's page at a per diem compensation of ten dollars ($10)

Section 2 Sections 3 4 5 6 7 and 8 of the act amended August 21 1953 (P L 1262) and amended in part April 7 1955 (P L 31) are amended to read

Section 3 The following officers and employes of the Senate shall be appointed by the President pro tempore of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One secretary to the President pro tempore at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(1.1) Two clerks to the President pro tempore at an annual salary of three thousand three hundred dollars ($3300) each

(1.2) One administrative assistant to the President

pro tempore at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

(2) One messenger to the President pro tempore at a per diem compensation of ten dollars ($10)

(3) One Chaplain at a per diem compensation of eight dollars ($8)

(4) One Journal clerk at a compensation of two thousand two hundred dollars ($2200) for each regular session plus [eleven dollars ($11)] twelve dollars ($12) for each day following the fifteenth day of June of any regular session which extends beyond the fifteenth day of June and [eleven dollars ($11)] twelve dollars ($12) per diem for each special or extraordinary session

(5) One assistant Journal clerk at a compensation of one thousand nine hundred eighty dollars ($1980) for each regular session plus eleven dollars ($11) for each day following the fifteenth day of June of any regular session which extends beyond the fifteenth day of June and eleven dollars ($11) per diem for each special or extraordinary session

(6) One reading clerk at a compensation of two thousand four hundred seventy-five dollars ($2475) for each regular session plus eleven dollars ($11) for each day following the fifteenth day of June of any regular session which extends beyond the fifteenth day of June and thirteen dollars and fifty cents ($13.50) per diem for each special or extraordinary session

(7) One message clerk at a per diem compensation of [eleven dollars ($11)] fifteen dollars ($15)

(8) One postmaster at a per diem compensation of nine dollars ($9)

(9) One assistant postmaster at a per diem compensation of eight dollars ($8)

(10) One chief sergeant at arms at an annual salary of [four thousand two hundred dollars ($4200)] five thousand dollars ($5000)

(11) Eight sergeant at arms at a per diem compensation of eight dollars ($8) each

(12) One chief mailing clerk at an annual salary of three thousand nine hundred sixty dollars ($3960)

(13) Two assistant mailing clerks at a per diem compensation of eight dollars ($8) each

(14) Forty-six stenographers each of whom shall have successfully completed the prescribed course of a four year public high school or its equivalent and as a part thereof or in addition thereto shall have successfully completed a course of not less than eight months in shorthand and typewriting at

Page 7, line 6, by striking out after the word "at" the following: "(a per diem compensation of eight dollars ($8) ten dollars ($10) each and inserting in lieu thereof the following

an annual salary of three thousand dollars ($3000) each

(15) One chief official reporter who shall be a competent court reporter at [a per diem compensation of twenty-four dollars ($24)] an annual salary of seven thousand dollars ($7000)

(16) One official reporter who shall be a competent court reporter at a per diem compensation of twenty-one dollars ($21) and one official reporter at a per diem compensation of fifteen dollars ($15)

(17) One expert typist at an annual salary of four thousand one hundred dollars ($4100) and [three] two expert typists at a per diem compensation of fifteen dollars ($15) each

(18) Two copy holders at a per diem compensation of eight dollars ($8) each

(19) Two proofreaders at a per diem compensation of eight dollars ($8) each

(20) Three transcribing clerks at a per diem compensation of eight dollars ($8) each

(21) One chief compiling clerk at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

(22) One executive clerk at a compensation of one thousand nine hundred eighty dollars ($1980) for each regular session plus eleven dollars ($11) for each day following the fifteenth day of June of any regular session which extends beyond the fifteenth day of June and eleven dollars ($11) per diem for each special or extraordinary session

(23) One chief messenger at a per diem compensation of eight dollars ($8)

(24) Eight messengers at a per diem compensation of seven dollars ($7) each

(25) One day watchman at an annual salary of [two thousand six hundred fifty dollars ($2650)] two thousand eight hundred dollars ($2800)

(26) One night watchman at an annual salary of [two thousand six hundred fifty dollars ($2650)] two thousand eight hundred dollars ($2800)

(27) One chief custodian of the Senate chamber at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(28) [One custodian] four custodians of the Senate chamber at an annual salary of [two thousand six hundred fifty dollars ($2650)] two thousand nine hundred dollars ($2900) each

[(29) One first assistant custodian of the Senate chamber at an annual salary of two thousand six hundred fifty dollars ($2650)]

[(29) One second assistant custodian of the Senate chamber at an annual salary of two thousand three hundred and ten dollars ($2310)]

[(30) One janitor at an annual salary of two thousand one hundred eighty dollars ($2180)]

[(31)] (29) One custodian of the Senate basement at an annual salary of two thousand three hundred ten dollars ($2310)

[(32)] (30) One superintendent of the storeroom at an annual salary of

Section 3, page 10, line 12, by striking out after the word "of" the following: "three thousand nine hundred sixty dollars ($3960) and inserting in lieu thereof the following:

four thousand five hundred dollars ($4500)

[(33)] (31) One Senate indexing clerk at an annual salary of [three thousand eighty dollars ($3080)] three thousand six hundred dollars ($3600)

[(34)] (32) One address system operator at a per diem compensation of ten dollars ($10)

Section 4 The following employes of the Senate shall be appointed by the Secretary of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One assistant to the Secretary of the Senate at an annual salary of [four thousand one hundred dollars ($4100)]

Section 4, page 11, line 7, by striking out after the figures ($4100) the following: "five thousand nine hundred dollars ($5900) and inserting in lieu thereof the following:

five thousand dollars ($5000)

(1.1) One stenographer to the Secretary of the Senate at an annual salary of four thousand one hundred dollars ($4100)

(2) One History clerk at a per diem compensation of nine dollars ($9)

(3) One messenger to the Secretary of the Senate at an annual salary of [two thousand three hundred ten dollars ($2310)] two thousand six hundred fifty dollars ($2650)

Section 5 The following employes of the Senate shall be appointed by the Chief Clerk of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One Assistant Chief Clerk at an annual salary of [five thousand five hundred dollars ($5500)] five thousand nine hundred dollars ($5900)

(2) One stenographer at an annual salary of [three thousand eighty dollars ($3080)] four thousand one hundred dollars ($4100)

Section 6 The following employes of the Senate shall be appointed by the Senate Librarian to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One library Clerk at an annual salary of [three thousand nine hundred sixty dollars ($3960)]

Page 10, Section 6, line 16, by striking out after the figures "($3960)" the words "four thousand two hundred

dollars ($4200) and inserting in lieu thereof the following: four thousand five hundred dollars

(2) One Secretary to the Senate Librarian at an annual salary of [three thousand three hundred dollars ($3300)] three thousand eight hundred dollars ($3800)

(3) One Messenger to the Senate Librarian at an annual salary of [two thousand three hundred ten dollars ($2310)] two thousand six hundred fifty dollars ($2650)

Section 7 The following employes of the Senate shall be appointed by the Majority Leader of the Senate who for the purpose of this act shall be deemed an officer of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One Secretary to the Majority Leader at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(2) One administrative assistant to the Majority Leader at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

(3) One legislative clerk to the Majority Leader at a per diem compensation of fifteen dollars ($15)

Section 8 The following employes of the Senate shall be appointed by the Minority Leader of the Senate who for the purpose of this act shall be deemed an officer of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified

(1) One Secretary to the Minority Leader at an annual salary of [four thousand one hundred dollars ($4100)] four thousand five hundred dollars ($4500)

(2) One administrative assistant to the Minority Leader at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

(3) One Legislative Clerk to the Minority Leader at a per diem compensation of fifteen dollars ($15)

Section 3 Clauses (4) (7) (8) (11) and (13) of Section 21 of the act clause (4) amended September 28 1951 (P. L. 1565) and clauses (7) (8) (11) and (13) amended February 11, 1949 (P. L. 4) are

Page 16, by striking out all of lines 6 to 17 inclusive, as follows:

Section 2 Clauses (7) (8) (11) and (13) of section 21 of the act amended February 11 1949 (P. L. 4) are amended to read

Section 21 The House of Representatives shall immediately upon the final enactment of this act and in each odd-numbered year thereafter at the beginning of each regular biennial session of the General Assembly elect in addition to the Speaker as provided for by the Constitution the following officers and employes who shall serve for two years or until their successors are elected and have qualified unless sonner removed by a majority vote of all the members of the House of Representatives during any regular biennial special or extraordinary session of the General Assembly and who shall receive the compensation and perform the duties herein specified

Page 17, by striking out after the figure "($1)" the following: A salary of one thousand eight hundred dollars ($1800) to June 15 of each regular session and a per diem compensation of ten dollars ($10) thereafter

and inserting in lieu thereof the following an annual salary of three thousand six hundred dollars ($3600)

Page 17, line 14, by striking out after the figures "(13)" the words "twenty-three' and inserting in lieu thereof the words "thirty-three"; page 18, line 1, by inserting after the word "each" the following: and five stenographers each of whom shall have successfully completed the prescribed course of a four year public high school or its equivalent and as a part thereof or in addition thereto shall have successfully completed a course of not less than eight months in shorthand and typewriting at an annual salary of three thousand six hundred dollars ($3600) each

Page 18, line 11, by striking out at the beginning of the line the figure "3" and inserting in lieu thereof "Section 4"; page 18, line 11, by striking out after the figure "4" the following: Clause (3) of section 22 sections 23 and 24 clause (1) of section 25 and clause (1) of section 26 of the act amended August 21, 1953 (P. L. 1262) are amended to read

and inserting in lieu thereof the following: Clauses 2 3 and 4 of Section 22 Sections 23 and 24 clauses (1) and (2) of section 25 and clauses (1) and (2) of section 26 of the act amended August 21, 1953 (P. L. 1262) and amended in part April 7, 1955 (P. L. 31) are amended to read

page 19, by inserting after line 3, the following:

(2) One administrative assistant at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

page 19, by inserting after line 8 the following:

(4) One [speaker's clerk] assistant secretary at an annual salary of [three thousand three hundred dollars ($3300)] four thousand one hundred dollars ($4100)

Page 19, line 19, by striking out after the word "secretary" the word "of" and inserting in lieu thereof the word "to"; page 20, line 4, by striking out after the word "of" the words "(three thousand five hundred dollars ($3500)" and inserting in lieu thereof the words "four thousand one hundred ($4100)"; page 20, line 6, by striking out the words "two thousand three hundred ten ($2310)" and inserting in lieu thereof the words "two thousand six hundred fifty ($2650)"; page 20, line 9, by striking out after the word "of" the words "(four thousand one hundred ($4100)" and inserting in lieu thereof the words "four thousand four hundred dollars ($4400)"; page 20, line 15, by striking out at the beginning of the line the word "(four thousand one hundred ($4100)" and inserting in lieu thereof the words "four thousand five hundred dollars ($4500)"; page 20, line 18, by striking out after the figures "(2310)" the words "two thousand six hundred fifty dollars ($2650) and inserting in lieu thereof the words "three thousand dollars ($3000)"; page 21, line 10, by striking out after the word "of" the words "(four thousand seven hundred fifty dollars ($4750)" and inserting in lieu thereof the words "five thousand dollars ($5000)"; page 22, line 12, by striking out after the word "of" the following: "(two thousand six hundred fifty dollars ($2650)" and inserting in lieu thereof the words "two thousand eight hundred dollars ($2800)"; page 22, line 15, by striking out after the word "of" the words "(two thousand six hundred fifty ($2650)" and inserting in lieu thereof the words "two thousand eight hundred dollars ($2800)"; page 22, line 19, by striking out after the word "of" the following: "three thousand one hundred fifty ($3150)"; page 23, line 1, by striking out after the word "of" the words "(two thousand four hundred twenty ($2420)" and inserting in lieu thereof the words "two thousand nine hundred ($2900)"; line 8, page 23, by striking out after the word "of" the words "(three thousand five hundred twenty dollars ($3520)" and inserting in lieu thereof the words "four thousand two hundred ($4200)"; page 24, by inserting all of lines 13 to 15, inclusive, as follows:

(2) One administrative assistant at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

Page 25, by inserting after line 3, all of lines 4 to 6 inclusive, as follows:

(2) One administrative assistant at an annual salary of [five thousand dollars ($5000)] five thousand five hundred dollars ($5500)

Page 25, line 10, by striking out after the word "Assembly" the words "for the purpose hereinabove set forth"; page 25, by striking out lines 15 to 17 inclusive as follows:

For the payment of per diem compensation provided for in this act and for the payment of increases in salaries and in per diem compensation provided for in this act the sum of five thousand one hundred dollars ($5100)

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 524.

An Act making an appropriation to the House Committee on Conservation and Wild Life for study of our game fish forest and water resources and their proper use and management for the benefit of the public.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "five thousand dollars ($5,000)" and inserting in lieu thereof the following: "one thousand dollars ($1,000)."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Royer,
Amarando,	Gibb,	McCormack,	Rubin,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boies,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Breth,	Houk,	Muldowney,	Swartz,
Brennan, A. P.,	Isaacs,	Mullen,	Taylor,
Brennan, J. J.,	Jenkins,	Munley,	Thomas,
Brenninger,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wall,
Davis,	Kooker,	Pacchioli,	Wallace,
Donahue,	Kornick,	Parry,	Walsh,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Erb,	Leiby,	Petrosky,	Weidner,
Eshleman,	Leisey,	Polaski,	Wescott,
Ewing,	Leonard,	Polen,	Wheeler,
Eilberg,	Leven,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews,
			Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1848.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" excluding the weight of safety devices in determining gross and axle weights.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 2, line 13, by striking out after the word "gross" the word "weight" and inserting in lieu thereof the words "and axle weights";

Amend Section 1, page 3, line 4, by striking out after the word "with" the letter "a" and inserting in lieu thereof the following: "extra brakes road sanding equipment or other"; line 7, by inserting after the first word "weight" the following: "and axle weight of the commercial motor vehicle truck tractor or combination in which such truck tractor shall be operated."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I request that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—184

Adam,	Gaffney,	Maxwell,	Rovansek,
Agnew,	Garlock,	McCann,	Rubin,
Amarando,	Gibb,	McCormack,	Royer,
Anderson, M. S.,	Gibson,	McGee,	Rudisill,
Anderson, S. A.,	Goldstein,	McInroy,	Sarraf,
Ashton,	Gramlich,	McKeever,	Scarcelli,
Auker,	Guss,	McLaughlin,	Schuster,
Banker,	Guthrie,	McWherter,	Sherman,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Smith, C. C.,
Bazin,	Hass,	Metz,	Smith, Wm. B.,
Bell,	Haudenshield,	Mihm,	Snider,
Blair,	Heavey,	Mikula,	Stank,
Boies,	Helm,	Miller,	Stebbins,
Bonner,	Henzel,	Mills,	Stevenson,
Boory,	Hewitt,	Monroe,	Stone,
Bower,	Hocker,	Moody,	Stoner,
Branca,	Holt,	Moran,	Strausser,
Breisch,	Horst,	Moscrip,	Stroup,
Brennan, A. P.,	Houk,	Muldowney,	Swartz,
Brennan, J. J.,	Isaacs,	Mullen,	Taylor,
Brenninger,	Jenkins,	Munley,	Thomas,
Breth,	Johnson,	Murphy,	Thompson,
Brown,	Jones, G. E.,	Murray, H. P.,	Toll,
Bucchin,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Needham,	Varner,
Cioffi,	Keller,	Ogilvie,	Vaughan,
Comer,	Knecht,	Olsen,	Verona,
Curwood,	Kolankiewicz,	O'Neil,	Wall,
Davis,	Kooker,	Pacchioli,	Wallace,
Donahue,	Kornick,	Parry,	Walsh,
Donaldson,	Kratz,	Pashley,	Wargo,
Ehrgood,	Kromer,	Paulhamus,	Waterhouse,
Eilberg,	Leiby,	Petrosky,	Weidner,
Erb,	Leisey,	Polaski,	Wescott,
Eshleman,	Leonard,	Polen,	Wheeler,
Ewing,	Leven,	Pomeroy,	Whitenight,
Farabaugh,	Light,	Price,	Willaredt,
Filo,	Limper,	Pursley,	Williams,
Fineman,	Lippincott,	Readinger,	Wilt,
Flint,	Lopresti,	Reibman,	Worley,
Flynn,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Magee,	Rigby,	Ziegler,
Frost,	Markley,	Rosen,	Andrews, Speaker

NAYS—0

NOT VOTING—23

Cochran,	Floyd,	Kline,	Sigman,
Connelly,	Foster,	Lafore,	Steckel,
Cooper,	Gelfand,	Lawyer,	Stephens,
Dougherty,	George,	Mahan,	Welsh,
Down,	Greenwood,	Naugle,	Wood,
	Kent,	Pettigrew,	Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 841

The Clerk of the Senate being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

And has appointed Messrs. FLEMING, KOPRIVER and McGINNIS a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 841 and that a Committee of Conference be appointed.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 841

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. MIHM, JOHN J. MURRAY and EWING.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 484.

An Act amending the act of June 27, 1923 (P. L. 858), entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" providing for retirement of members of the General Assembly their superannuation retirement age annual salary or annual earnable salary and final salary and authorizing certain members of the General Assembly to join the retirement association by making back payments.

BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker has signed the following bills:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 215.

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the basis for reimbursement on account of rentals payable to the State Public School Building Authority municipality authorities and nonprofit corporations and the conditions

therefor and limitations on approval of projects for reimbursement purposes and providing for reimbursement on account of sinking fund charges on indebtedness for school buildings hereafter constructed and making an appropriation.

SENATE BILL No. 484.

An Act amending the act of June 27, 1923 (P. L. 858), entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," providing for retirement of members of the General Assembly, their superannuation retirement age, annual salary or annual earnable salary and final salary; and authorizing certain members of the General Assembly to join the retirement association by making back payments.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 1630, 1786 and 1908

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 14, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1630, Printer's No. 1392, entitled "An Act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' regulating registration of antique motor vehicles."

GEORGE M. LEADER.

March 14, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1786, Printer's No. 1170, entitled "An Act providing for cooperation by the Commonwealth of Pennsylvania in conjunction with the State of New Jersey with the United States of America in the improvement and maintenance of the Delaware River between Allegheny Avenue Philadelphia Pennsylvania and Trenton Marine Terminal Trenton New Jersey and making an appropriation."

GEORGE M. LEADER.

March 14, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1908, Printer's No. 1332, entitled "An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions."

GEORGE M. LEADER.

ADJOURNMENT

Mr. CIOFFI. Mr. Speaker, I move that this House do now adjourn until Monday, March 19, 1956 at 1:00 p. m.

The motion was agreed to, and (at 5:28 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., THURSDAY, MARCH 15, 1956. No. 154.

SENATE

THURSDAY, March 15, 1956

The Senate met at 10:00 o'clock, a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair

PRAYER

Honorable FRANK W. RUTH, a Member of the Senate from Berks County, offered the following prayer:

Our Dear Lord and Redeemer, as we meet here today, our eyes look forward to Gethsemane and to Calvary. Also, in rejoicing, we look to the Easter Morning and realize that Thou hast accomplished for us the only sure hope of eternal existence.

Today, as we gather together to do the work for which our people have selected us, give us the wisdom and the understanding to do all things well. Forgive us wherein we have been amiss and grant us Thy Spirit that we may ever look to higher and better things. In Thy Holy Name we ask it. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. FLEMING and Mr. MADIGAN, further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR
REFERRED TO COMMITTEE

The Secretary to the Governor being instruced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committe on Executive Nominations:

MEMBERS OF LUZERNE COUNTY
BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Luzerne County Board of Assistance:

Patrick W. Shovlin (Dem.), 471 South River Street, Wilkes-Barre, to serve until December 31, 1957, and until his successor is duly appointed and qualified; vice Thomas Kehoe, Pittston, resigned.

Henry DePolo (Dem.), 20 Calvin Street, Wilkes-Barre, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Francis Ferry, Hazleton, resigned.

Joseph Purcell (Rep.), 20 Mt. Greenwood Road, Trucksville, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Paul E. Paskiewicz, Plymouth, resigned.

Leonard Statkewicz (Rep.), 562 Main Road, Hanover Green, Wilkes-Barre, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice William Dombroski, Pittston, resigned.

Dr. Maurice Regan (Dem.), 153 Maple Avenue Kingston, to serve until December 31, 1956, and until his successor is duly appointed and qualified, to fill a vacancy.

GEORGE M. LEADER.

MEMBERS OF WESTMORELAND COUNTY
BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Westmoreland County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Faleo J. Colonna (Dem.), 477 Reed Avenue, Monessen, vice Joseph S. Janosik, Monessen, whose term expired.

Robert F. Seiler (Dem.), 931 Gaskill Avenue, Jeannette, vice Mrs. Minnie B. Smith, Jeannette, whose term expired.

Ewing Watt (Dem.), Claridge, vice J. H. Silvis, Greensburg, whose term expired.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles E. Fies, Hillsdale Road, R. D. 1, Middletown, Dauphin County, for appointment as Justice of the Peace in and for the Township of Londonderry, Dauphin County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate L. Stuart Sauppe, 735 Carsonia Avenue, Pennside, Reading, Berks County, for appointment as Justice of the Peace in and for the Township of Lower Alsace, Berks County, to serve until the first Monday of January 1958, vice John A. Mell, resigned.

GEORGE M. LEADER.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph J. Alonzo, 1712 Penn Avenue, Jeannette, Westmoreland County, for reappointment as Alderman in and for the Fourth Ward of the City of Jeannette, Westmoreland County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 1891, entitled:

An Act amending the "Liquor Code" * * * authorizing the board to investigate and cause the prosecution of unlicensed establishments authorizing the confiscation of certain property with certain limitations and changing penalties.

Which was committed to the Committee on Law and Order.

House Bill No. 1894, entitled:

An Act amending "The Penal Code" of June 24, 1939 (P. L. 872) making it unlawful to listen into deliberations of juries and for unauthorized persons to be present in grand jury room.

Which was committed to the Committee on Judiciary General.

House Bill No. 1940, entitled:

An Act amending "The Game Law" approved June 3, 1937 (P. L. 1225) requiring use of certain fees for removing overshadowing tree growth to produce underbrush sprouts and saplings for deer food and cover.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1977, entitled:

An Act regulating the sale and distribution of mixed fertilizers and fertilizer materials imposing powers and duties on the Secretary of Agriculture and prescribing penalties.

Which was committed to the Committee on Agriculture.

House Bill No. 1983, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30) clarifying provisions relating to the right to participate in the election of county boards of school directors associate district superintendents suspension of professional employes on consolidation of schools rule making power in reference to medical and dental examinations * * *.

Which was committed to the Committee on Education.

House Bill No. 1988, entitled:

An Act to further amend clause seven of section two thousand four hundred one of the act approved the tenth day of March one thousand nine hundred forty-nine (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" by further regulating the appointment of auditors in union school districts.

Which was committed to the Committee on Education.

House Bill No. 1990, entitled:

An Act authorizing and directing the Governor on behalf of the Commonwealth of Pennsylvania to execute an interstate compact concerning mental health and for related purposes.

Which was committed to the Committee on Public Health and Welfare.

House Bill No. 2001, entitled:

An Act amending the act of June 20, 1947 (P. L. 745) entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein ***" fixing a period of limitations for making assessments and for beginning suits for collection of unpaid taxes and reducing the penalty on unpaid taxes.

Which was committed to the Committee on Education.

House Bill No. 2018, entitled:

An Act amending "The County Code" August 9, 1955 (P. L. 323) authorizing the appointment of solicitors by certain county officials and limiting the duties of the county solicitor.

Which was committed to the Committee on Local Government.

House Bill No. 2021, entitled:

An Act amending "The County Code" approved August 9, 1955 (P. L. 323) providing for the fixing of compensation for officers whose salaries are not perscribed by law.

Which was committed to the Committee on Local Government.

House Bill No. 2045, entitled:

An Act amending the act of July 24, 1913 (P. L. 956) entitled "An act defining commodities regulating the sale thereof and providing penalties for violation hereof" clarifying enforcement provisions of the act.

Which was committed to the Committee on State Government.

House Bill No. 2060, entitled:

An Act amending "The Vehicle Code" approved May 1,

1929 (P. L. 905) changing the requirements regarding use of different types of danger and caution signals.

Which was committed to the Committee on Highways.

House Bill No. 2075, entitled:

An Act amending the "Policemen's Relief and Pension Fund Law" approved May 22, 1935 (P. L. 233) further regulating the withdrawal of service increment contributions.

Which was committed to the Committee on Local Government.

HOUSE CONCURS IN SENATE BILL No. 39

He also returned to the Senate, Senate Bill No. 39, entitled:

An Act amending the act of July eleven one thousand nine hundred and seventeen (P. L. 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicians dentists veterinarians pharmacists druggists and registered nurses for certain causes and by providing for the enforcement of this act and penalties" further defining drugs coming within the scope of said act and changing the penalties for the illegal sale dispensing or giving away of drugs.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 159

He also returned to the Senate, Senate Bill No. 159, entitled:

An Act amending the act of May 31, 1893 (P. L. 188, No. 138) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" changing the name of Armistice Day to Veterans' Day.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 661

He also returned to the Senate, Senate Bill No. 661, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law * * *" increasing the compensation of assessors.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 865

He also returned to the Senate, Senate Bill No. 865, entitled:

An Act to amend "The Intra-State Tunnel Revenue Bond Act" by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenue of the commission including tolls or from such funds as may be available to the commission for such purpose providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 868

He also returned to the Senate, Senate Bill No. 868, entitled:

An Act authorizing the Department of Forests and Waters to exchange certain lands located in Union Township Bedford County Pennsylvania necessary for improved administration of Blue Knox State Park.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 988

He also returned to the Senate, Senate Bill No. 988, entitled:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 989

He also returned to the Senate, Senate Bill No. 989, entitled:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

with the information that the House has passed the same without amendments.

SENATE BILL No. 333 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 333, entitled:

An Act amending the act of January 18, 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing inconsistent laws" increasing the minimum compensation and increments and changing conditions of payment and making an appropriation.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on Monday's Calendar.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 841, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists

upon its amendments non-concurred in by the Senate to Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth; creating Port Authorities to function in counties of the second class as bodies corporate and politic, with power to plan, acquire, construct, maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on the authorities; authorizing the authorities to enter into contracts with and to accept grants from the Federal governmen or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates and services; and authorizing the authorities to collect tolls, fares, fees, rentals and charges for the use of facilities; defining the authorities' powers and duties, and defining the port districts.

and has appointed Messrs. MIHM, J. J. MURRAY, and EWING as a Committee of Conference to confer with a silimar committee of the Senate (already appointed) to consider the differences existing between the two Houses in relation to said bill.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 524

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 524, entitled:

An Act making an appropriation to the House Committee on Conservation and Wild Life for study of our game fish forest and water resources and their proper use and management for the benefit of the public.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1848

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1848, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" excluding the weight of safety devices in determining gross and axle weights.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Appropriations, reported as amended, House Bill No. 900, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the University Museum.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1041, entitled:

An Act making an appropriation to the Senate committee appointed to investigate and study the reasons for the disapproval of the Allentown State Hospital by the American Psychiatric Association.

He also, from the Committee on Appropriations, rereported as amended, House Bill No. 1306, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathy Philadelphia Pennsylvania for maintenance and support.

He also, from the Committee on Appropriations, rereported as amended, House Bill No. 1650, entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania to the Huntingdon Volunteer Fire Company to the Lower Allen Volunteer Fire Company, to the Camp Hill Volunteer Fire Company, to the Summerdale Fire Company No. 1 and to the Cresson Voluntary Fire Company of Cresson Pennsylvania and making an appropriation to the Hollidaysburg Volunteer Fire Company and the Duncansville Volunteer Fire Company for the protection of State property.

Mr. KOPRIVER, JR., from the Committee on Local Government, reported as committed, House Bill No. 1809, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code" providing for the release of land subdivision improvement encumbrances in certain instances.

He also, from the Committee on Local Government, reported as amended, House Bill No. 1810, entitled:

An Act amending the Act of May 13, 1927 (P. L. 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the Second' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning . . ." providing for the release of subdivision improvement encumbrances in certain instances.

He also, from the Committee on Local Government, reported as amended, House Bill No. 1811, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "The First Class Township Code," providing for the release of land subdivision improvement encumbrances in certain instances.

He also, from the Committee on Local Government, reported as amended, House Bill No. 1812, entitled:

An Act amending the act of May 4, 1927 (P. L. 519) entitled "The Borough Code," providing for the release of land subdivision improvement encumbrances in certain instances.

He also, from the Committee on Local Government, reported as amended, House Bill No. 1813, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code" providing for the release of land subdivision improvement encumbrances in certain instances.

Mr. WHALLEY, from the Committee on Forests and Waters, Game and Fish, reported as amended, House Bill No. 1008, entitled:

An Act to further amend the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "The Game Law," by further regulating violations and the imposition of penalties the duration of field trials and fox hunting and modifying the limitation of the purchase price of State game lands.

Mr. WAGNER, from the Committee on State Government, reported as committed, Senate Bill No. 240, entitled:

An Act amending the Act of June 27, 1923 (P. L. 858) entitled "State Employes' Retirement Law" removing the limitation on the amount of State annuities.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 973, entitled:

An Act to promote the welfare of the people of the Commonwealth by the reduction of unemployment in certain areas of the Commonwealth determined to be

critical economic areas; providing for the establishment of industrial development projects in such areas; creating The Pennsylvania Industrial Development Authority as a body corporate and politic with power to allocate funds for and make secured loans to industrial development agencies for the payment of a part of the cost of industrial development projects in critical economic areas; authorizing the Authority to enter into agreements with the Government of the United States or any Federal agency or industrial development agency; empowering the Authority to take title to, sell, convey and lease industrial development projects where necessary to protect loans made by the Pennsylvania Industrial Development Authority on industrial development projects; providing that no debt of the Commonwealth, its municipalities or political subdivisions shall be incurred in the exercise of any powers granted by this act; and providing for the examination of the accounts and affairs of the Authority; and making an appropriation.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 997, entitled:

An Act amending the act of June 27, 1923 (P. L. 858) entitled "State Employes' Retirement Law" extending the benefits of the act to employes of institutions of political subdivisions acquired by the Commonwealth for use as hospitals or sanatoriums in the care and treatment of indigent persons.

COMMITTEE OF CONFERENCE APPOINTED ON HOUSE BILL No. 53

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. WADE, DIEHM, and HAYS as a committee of conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two Houses in relation to House Bill No. 53.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of House Bill No. 730, as follows:

An Act providing for and regulating the licensing of poultry technicians by the Secretary of Agriculture for the drawing of blood from poultry to be used in pullorum testing programs

The General Assembly of the Commnowealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Agriculture when he determines that there is a need for trained technicians to aid in drawing blood from poultry to be used in pullorum testing programs may license as many trained technicians as he deems necessary to aid the programs

Section 2 Every applicant for licensure as a poultry technician shall furnish evidence that he is at least twenty-one years of age a citizen of the United States or has legally declared his intention to become such is of good moral character has completed at least eight years of education in a public parochial or private school or its equivalent as evaluated by the Department of Public Instruction and has satisfactorily completed a course of training in poultry blood-testing as prescribed by the Department of Agriculture

Section 3 The course of training for a poultry technician shall be conducted by a person who is a graduate of an accredited school of veterinary medicine and shall include the harmless and painless manner of drawing blood from live poultry the proper handling and preservation of blood samples and any other related instruction which the Secretary of Agriculture deems essential to safely conduct such work

Section 4 No application for licensure as a poultry technician shall be considered unless accompanied by a fee of five dollars ($5.00) Such licenses when issued shall be in force unless revoked for cause until January first of each year at which time they may be renewed upon payment of the five dollars ($5.00) fee if renewal application is approved by the Department of Agriculture

Appeals from any action of the Secretary of Agriculture which results in a refusal to issue or renew or in a suspension or revocation of a license shall be taken in accordance with the provisions of the act of June 4, 1945 (P. L. 1388) known as the "Administrative Agency Law"

Section 5 All persons licensed as poultry technicians may engage for compensation in drawing blood from poultry to be used in pullorum testing without being licensed as a veterinarian The license shall not entitle him to perform any other function for which a veterinarian's license is required

Section 6 The Secretary of Agriculture may (1) adopt and promulgate rules and regulations governing the activities methods and functions of all technicians licensed under the provisions of this act and (2) suspend or revoke the license of any licensee who is (i) incompetent (ii) fails to comply with the provisions of this act or any rule or regulation of the secretary or (iii) is intemperate in the use of stimulants narcotics or any other substance which impairs the performance of his duties

Section 7 Any person who violates any provision of this act or any rule or regulations thereunder shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of one hundred dollars ($100.00)

Section 8 A person licensed under the provisions of this act engaged to draw blood samples from poultry to be used in pullorum testing shall not be an employe of the owner of the poultry

Section 9 The act of April 27, 1945 (P. L. 321) known as "The Veterinary Law" is repealed in so far as it is inconsistent with this act

Section 10 This act shall take effect immediately

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL No. 730, RECALLED FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 730, recalled from the Governor.

Mr. RUTH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	**Haluska,**	**McPherson, Jr.,**	**Stiefel,**
Berger,	**Harney,**	**Mullin,**	**Taylor,**
Blass,	**Hays,**	**Pechan,**	**Van Sant,**
Camiel,	**Kessler,**	**Peelor,**	**Wade,**
Chapman,	**Kopriver, Jr.,**	**Propert,**	**Wagner,**
Dent,	**Lane,**	**Ruth,**	**Watkins,**
Diehm,	**Madigan,**	**Schmidt,**	**Watson,**
DiSilvestro,	**Mahany,**	**Scott,**	**Weiner,**
Donolow,	**McCreesh,**	**Seyler,**	**Whalley,**
Flack,	**McGinnis,**	**Silvert,**	**Wolfe,**
Fleming,	**McMenamin,**	**Stevenson,**	**Yosko,**

NAYS—1

Mallery,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 813, Printer's No. 604, a Report of Commitee of Conference, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 910, as follows:

An Act establishing minimum compensation and increments for administrators and members of the faculty of the Thaddeus Stevens Trade School and imposing duties on the board of trustees of such school and the Superintendent of Public Instruction

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Compensation of each administrator or member of the faculty of the Thaddeus Stevens Trade School shall be payable in equal monthly or semi-monthly installments during the regular school term or year

Section 2 Each person heretofore or hereafter appointed to a position as an administrator or member of the faculty of the Thaddeus Stevens Trade School shall receive the following minimum salaries and yearly increments for services rendered during the regular school term or year

(1) Teachers holding a standard certificate valid for the subjects or grades in which the teacher is giving instruction minimum annual salary two thousand four hundred dollars ($2400) minimum annual service increment two hundred dollars ($200) minimum number of service increments eight

(2) Teachers holding a college certificate valid for the subjects or grades in which the teacher is giving instruction minimum annual salary two thousand four hundred dollars ($2400) minimum annual service increment two hundred dollars ($200) minimum number of service increments ten

(3) Teachers holding a Master's Degree and who also hold a college certificate valid for the subjects or grades in which the teacher is giving instruction minimum annual salary two thousand four hundred dollars ($2400) minimum annual service increment two hundred dollars ($200) minimum number of service increments twelve

(4) Teachers of applied arts and vocational subjects who hold a standard certificate shall be entitled to the same minimum salary and increments as teachers who hold a college certificate

(5) Teachers of applied arts and vocational subjects who hold a standard certificate and have earned an additional thirty semester hours of credit in professional education in the teaching field in which said teacher is engaged or related thereto shall be entitled to the same minimum salary and increments as teachers holding a Master's Degree

(6) Supervisors who devote one-half or more of their time to supervision of instruction holding a standard or college certificate minimum annual salary three thousand four hundred dollars ($3400) minimum annual service increment two hundred dollars ($200) minimum number of service increments eight

(7) Supervisors who devote one-half or more of their time to supervision of instruction holding a Master's Degree minimum annual salary three thousand four hundred dollars ($3400) minimum annual service increment two hundred dollars ($200) minimum number of service increments ten

(8) Principals who devote one-half or more of their time to supervision and administration and having less than twenty teachers under their supervision who hold a standard or college certificate minimum annual salary three thousand four hundred dollars ($3400) minimum annual service increment two hundred dollars ($200) minimum number of service increments eight

(9) Such principals who hold a Master's Degree minimum annual salary three thousand four hundred dollars ($3400) minimum annual service increment two hundred dollars ($200) minimum number of service increments ten

(10) Such principals having twenty or more teachers under their supervision but less than forty and who hold a standard or college certificate minimum annual salary three thousand eight hundred dollars ($3800) minimum annual service increment two hundred dollars ($200) minimum number of service increments eight

(11) Such principals who hold a Master's Degree minimum annual salary three thousand eight hundred dollars ($3800) minimum annual service increment two hundred dollars ($200) minimum number of service increments ten

(12) Provided That the maximum salary required to be paid under the provisions of this section shall not exceed the minimum annual salary plus the sum of the total number of increments for the class

Section 3 Nothing contained herein shall be construed as prohibiting the payment of compensation beyond the salaries prescribed in this act nor shall any part of this act be construed as prohibiting the employment of members of the administrative staff of the Thaddeus Stevens Trade School on a twelve month basis

Section 4 Any faculty member or administrator who during the term of his employment shall have attained the qualification necessary for the next higher classification as hereinbefore set forth shall commencing with the next succeeding regular school year within the percentage limitation prescribed by this act receive the compensation prescribed for such advanced classifiation which shall be at least two hundred dollars ($200) in excess of the increment earned by him during the previous year

Section 5 The provisions of this act shall not be construed as authorizing any decrease in the salary paid any member of the faculty or administrator of the Thaddeus Stevens Trade School at the effective date of this act

Each person employed as a member of the faculty or administrator of the Thaddeus Stevens Trade School receiving compensation equivalent to or in excess of the minimum salary prescribed by the above schedule shall for the school year 1955-1956 be raised to the next higher step on the schedule unless such increase shall be less than one full increment in which case he shall be raised to the next higher step on the applicable schedule Each such person receiving compensation less than the minimum salary prescribed by the schedule shall for the school year 1955-1956 be raised to such minimum salary unless such increase shall be less than one full increment in which case he shall receive an increase of the amount of one full increment

Classifications of any employe enumerated in the for - going salary schedule and the qualifications of such employe must be approved by the board of trustees of the school and the Superintendent of Public Instruction to entitle any employe to the benefits of this act

The Superintendent of Public Instruction shall be vested with the sole and final authority in interpreting the provisions of this act pertaining to the classification of any person covered thereby

Section 6 All acts and parts of acts are repealed in so far as they are inconsistent herewith

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

THIRD READING CALENDAR

APPROPRIATION BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 656, as follows:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania to provide for a deficiency in the maintenance of wards of the Commonwealth at said institution

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred ten thousand dollars ($110,000) or as much thereof as may be necessary is appropriated to the Elwyn Traininig School at Elwyn in the County of Delaware Commonwealth of Pennsylvania for deficiencies in the maintenance of wards of the Commnowealth at the Institution for the two fiscal years ending May 31, 1955

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 901, as follows:

An Act making an appropriation to the Trustees of the University of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four million nine hundred ninety-six thousand dollars ($4,996,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the two fiscal years beginning June 1, 1955 for the general maintenance of the university and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the university.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 902, as follows:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the School of Medicine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two million one hundred twenty thousand five hundred seventy-five dollars ($2,120,575) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the two fiscal years beginning June 1 1955 for the general maintenance of and for research in the School of Medicine of the university and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the School of Medicine

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,

DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 903, as follows:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the School of Veterinary Medicine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eight hundred thirty five thousand dollars ($835,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the two fiscal years beginning June 1 1955 for the general maintenance of and for research in the School of Veterinary Medicine of the university and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the School of Veterinary Medicine.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1065, as follows:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three million six hundred seventy-five thousand dollars ($3,675,000) or as much thereof as may be necessary is appropriated to the Trustees of Temple University at Philadelphia for the two fiscal years beginning June first one thousand nine hundred fifty-five for the general maintenance of the university and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the university.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RECONSIDERATION OF SENATE BILL No. 656

Mr. FLEMING. Mr. President, at this time I would like to revert to page 2 of today's Third Reading Calendar.

I move that the Senate do now reconsider the vote by which Senate Bill No. 656, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania to provide for a deficiency in the maintenance of wards of the Commonwealth at said institution.

passed finally today.

The PRESIDENT. How did the Senator vote?

Mr. FLEMING. Mr. President, I voted with the prevailing side.

Mr. HAYS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HAYS. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. FLEMING. Mr. President, I request that this bill appear on Monday's Final Passage Calendar.

The PRESIDENT. Senate Bill No. 656, Printer's No. 566, will appear on Monday's Final Passage Calendar.

APPROPRIATION BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1066, as follows:

An Act making an appropriation to the Temple University Medical School at Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two million one hundred thirty-two thousand thirty-seven dollars ($2,132,037) or as much thereof as may be necessary is appropriated to the Temple University Medical School at Philadelphia for the two fiscal years beginning June first one thousand nine hundred fifty-five for the general maintenance of the medical school and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the medical school.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1082, as follows:

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania for defraying part of the expenses of the 250th Anniversary Celebration of the birth of Benjamin Franklin

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of thirty-five thousand dollars ($35,000) or as much thereof as is necessary is appropriated to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania to be used by The Franklin Institute under the name of the Commonwealth for defraying special expenses incurred in connection with the 250th Anniversary Celebration of the birth of Benjamin Franklin including the supplying and marking of historical information to newspapers magazines broadcasters and sponsors in all countries and preserving in book form papers prepared by the scientific societies of these countries in honor of Benjamin Franklin president of Pennsylvania 1785-1786-1787

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1090, as follows:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for maintenance and support

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two million six hundred ninety-six thousand dollars ($2,696,000) or as much thereof as is necessary is hereby specifically appropriated to the Jefferson Medical College of Philadelphia Pennsylvania for the two fiscal years beginning June 1 1955 for the general maintenance of the Medical College and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the Medical College.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1280, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire tracts of land in the Borough of Edinboro Erie County for use of the Edinboro State Teachers' College and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies

with the approval of the Governor is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania for use of the Edinboro State Teachers' College all or any number less than all of the following seven tracts of land in the Borough of Edinboro and County of Erie and Commonwealth of Pennsylvania bounded and described

Tract No 1 Bounded on the north by lands of the Edinboro State Teachers' College on the east by lands of the Edinboro State Teachers' College on the south by land formerly of Joseph Weber on the west by Meadville Street containing about 13,000 square feet of land more or less and having erected thereon a frame dwelling

And being the same property conveyed to Charles T Hawkins et al by deed of Glenn White single dated August 15, 1940 and recorded August 23, 1940 in Erie County Deed Book Volume 403 at page 207

Tract No. 2 Beginning at the northwest corner of land now or formerly of Priscilla Sensor on the east margin of Meadville Street thence northerly along the margin of said Meadville Street 55 feet to a post thence eastwardly along land now or formerly of Charles Hawkins and parallel with the north line of land of said Sensor 200 feet to a post thence southwardly along land of the State Teachers' College 55 feet to a post thence westerly along land of said Sensor 205 feet more or less to the place of beginning containing 40½ perches of land more or less and having erected thereon a frame dwelling house and garage

And being the same property conveyed to Daniel C Stone and Laura C Stone his wife by deed of Harry W Earlley and Dorothy S Earlley his wife dated September 19, 1953 and recorded September 21 1953 in Erie County Deed Book Volume 660 at page 398

Tract No 3 Commencing at a post on the east margin of Meadville Street and land of Joseph Weber thence eastwardly along the south line of said Weber 200 feet to a post and land of State Normal School thence southwardly along the west line of land of said Normal School 60 feet to a post and land of L Blanden thence westwardly along the north line of said Blandens 200 feet to the east margin of aforesaid Meadville Street to a post thence northwardly along the east margin of said Meadville Street 60 feet to the place of beginning containing 44 square rods of land more or less

And being the same property conveyed to Anna Roth by deed of Priscilla Sensor widow dated March 1 1939 and recorded July 27 1940 in Erie County Deed Book Volume 403 at page 42

Tract No 4 Commencing at a post in the east margin of Meadville Street leading from Edinboro to Meadville the southwest corner of lot formerly owned by O W Mills now owned by M M Wellman thence easterly along the south line of said lot 200 feet to the southwest corner of said M M Wellman lot thence southwardly parallel with the aforesaid Meadville Street 60 feet to a post thence westwardly parallel with the north line of the same 200 feet to the margin of the aforementioned Meadville Street thence northerly along the east margin of the aforesaid Meadville Street 60 feet to the place of beginning containing 44 square rods of land more or less Bounded on the north by the aforesaid Mills lot on the east and south by land formerly owned by B M Sherwood on the south by lot of Deam and on the west by aforesaid Meadville Street

And being the same property conveyed to Clark B Webster and DeLora Webster his wife by deed of Elaine Blanden Cooney and Willis Cooney her husband dated February 19 1940 and recorded April 1 1940 in Erie County Deed Book Volume 389 at page 298

Tract No 5 Beginning at a post in the east margin of the road leading from Edinboro to Meadville at the southwest corner of land of Clark Webster thence eastwardly along the south line of said Webster land 200 feet to the southeast corner of the said Webster land and the west margin of lands of Edinboro State Teachers' College thence southwardly along the west margin of Edinboro State Teachers' College property 123.08 feet to a post thence in a westwardly direction along the north line of lands of Robert Randall 207.7 feet to the east margin of Meadville Street thence northwardly along the east margin of Meadville Street 66.3 feet to the place of beginning having erected thereon a frame house and frame barn

And being the same property conveyed to C Kenneth Freeman and Rachel M Freeman his wife by deed of Norton M Lane and Agnes G Lane his wife dated April 12 1952 and recorded April 28 1952 in Erie County Deed Book Volume 621 at page 517

Tract No 6 Beginning at a point in the east line of Meadville Street at a distance of 46.16 feet northwardly from the northeast corner of Darrow Road and Meadville Street thence in an eastwardly direction on a line with an angle of 119 degrees 30½ minutes being the northeast angle off the east line of Meadville Street and a distance along said angling line of 229.27 feet to a point said point being 200 feet east of the east line of Meadville Street and measured at right angles therefrom thence northwardly in a line parallel with the east line of Meadville Street and 200 feet distant therefrom 123.08 feet to a point thence westwardly in a diagonal direction 207.7 feet to the east line of Meadville Street the above described line having a northeast angle of 105 degrees 57 minutes off of Meadville Street thence southwardly along the east line of Meadville Street 66.3 feet to the place of beginning

And being the same property conveyed to Robert M Randall and Lena G Randall his wife by deed of the First National Bank of Edinboro dated November 3 1937 and recorded November 15 1937 in Erie County Deed Book Volume 382 at page 164

Tract No 7 Beginning at a post in the margin of the public road leading from Edinboro to Meadville now known as Meadville Street at the southwest corner of lot of L Howland thence east along said L Howland lot 135 feet thence south by land of the State Normal School by line at right angles with the Perry or Darrow Road to said Perry or Darrow Road thence west by the Perry or Darrow Road to Meadville Street thence north by said Meadville Street to the place of beginning containing 35 rods of land more or less

And being the same property conveyed to Katherine H Sallee by deed of Marion S Hillyer widow dated September 28 1937 and recorded September 28 1937 in Erie County Deed Book Volume 376 at page 788

Section 2 The tracts shall not be acquired until the titles have been approved by the Department of Justice

Section 3 The sum of one hundred thousand dollars ($100,000) or as much thereof as is necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase prices and incidental expenses including the completion of abstracts of title

Section 4 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having

voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1482, as follows:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three million two hundred thousand dollars ($3,200,000) or as much thereof as may be necessary is hereby appropriated to the Trustees of the University of Pittsburgh for the two fiscal years beginning June 1 1955 for the general maintenance and operation of the Western Psychiatric Institute and Clinic by the University of Pittsburgh and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interests of the purposes of the institute and clinic which purposes shall include the teaching of personnel for the staffs of the various mental institutions of the Commonwealth and the conduct of research in the treatment prevention and cause of the various types of nervous disorders and mental diseases in complance with an act of the General Assembly approved May 20 1949 (P L 1643 Act No 496) providing for the lease of the Western State Psychiatric Institute and Clinic to the University of Pittsburgh

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1483, as follows:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the University

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four million one hundred nine thousand dollars ($4,109,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pittsburgh for the two fiscal years beginning June 1 1955 for the general maintenance of the University of Pittsburgh and for the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the University.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1484, as follows:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the School of Medicine

The General Assembly of the Commonwealth of Pennsylvania enacts as follows

Section 1 The sum of one million five hundred seventy-one thousand four hundred forty dollars ($1,571,440) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pittsburgh for the two fiscal years beginning June 1 1955 for the general maintenance of the School of Medicine including the purchase of such apparatus and equipment as the trustees may deem necessary and maintenance of teaching facilities in hospitals for students of the School of Medicine including the Maternity Dispensary and other dispensaries.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis.	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having

voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1610, as follows:

An Act making an appropriation to the Women's Medical College of Pennsylvania East Falls Philadelphia, Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven hundred twenty-four thousand dollars ($724,000) or as much thereof as may be necessary is hereby specifically appropriated to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania for the support and promotion of medical education for the fiscal biennium beginning the first day of June one thousand nine hundred fifty-five to be paid according to law.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1611, as follows:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million five hundred seventy-two thousand dollars ($1,572,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred fifty-five for the purpose of maintenance of a school of medicine.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1612, as follows:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County

The General Assembly of the Commonwealth of Pennsylvnia hereby enacts as follows

Section 1 The sum of four hundred eighty thousand dollars ($480,000) or as much thereof as may be necessary is hereby specifically appropriated to the Trustees of the College of Lincoln University Chester County for the two fiscal years beginning June first one thousand nine hundred fifty-five for the general maintenance of the university and the purchase of such apparatus and equipment as the trustees may deem for the best interests of the university.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1629, as follows:

A Supplement to the act approved the twenty-second day of August one thousand nine hundred fifty-three (Appropriation Acts page 54) entitled "An act to pro-

vide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and fifty-three and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-three" providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first one thousand nine hundred fifty-five

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as may be necessary for deficiencies in certain appropriations made to the Department of Public Instruction and the Department of State by the act to which this is a supplement are hereby specifically appropriated to such departments as follows

I EXECUTIVE DEPARTMENT

To the Department of Public Instruction

For the payment of the deficiency in the appropriation for the payment into the School Employes' Retirement Fund to the credit of the Contingent Reserve Account of the School Employes' Retirement Fund as required by law the sum of nine hundred sixty-seven thousand four dollars ($967,004)

For the payment into the School Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two of the School Employes' Retirement Fund as required by law for the interest deficiency for the fiscal year ending June 30 1953 and June 30 1954 the sum of seven million five hundred thirty-seven thousand four hundred fifty-seven dollars ($7,537,457)

To the Department of State

For the payment into the State Employes' Retirement Fund to the credit of the Members' Annuity Reserve Account and other accounts for the interest deficiency for the year ending May 31 1953 and May 31 1954 the sum of two million six hundred fifty thousand six hundred fifty-five dollars ($2,650,655)

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.,	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
Haluska,	McMenamin,	Stevenson,	Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

APPROPRIATION BILLS OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

House Bill No. 1648, Printer's No. 1507; and

House Bill No. 1694, Printer's No. 1510.

The PRESIDENT. Is there objection? The Chair hears none.

APPROPRIATION BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 2046, as follows:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred fifty-five

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifteen million dollars ($15,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Assistance for the payment of assistance and administrative expenses as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred fifty-five and for the payment of assistance and administrative expenses attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred fifty-five

Section 2 Out of the moneys appropriated by section 1 of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 Out of the moneys appropriated by section 1 of this act there is hereby allocated to the Treasury Department the sum of one hundred fifty-seven thousand five hundred dollars ($157,500) and to the Department of the Auditor General the sum of eighty-four thousand dollars ($84,000) to pay the administrative expenses of said department in auditing and disbursing the appropriation made by this act

Section 4 The amount of money expended out of the appropriation made hereby shall be deducted from the general biennial appropriation to the Department of Public Assistance.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,

Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 76, as follows:

An Act amending subsections (a) and (g) of section 403 act of April twelve one thousand nine hundred fifty-one (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" further regulating the application for an issuance of hotel restaurant and club liquor licenses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsections (a) and (g) of section 403 act of April twelve one thousand nine hundred fifty-one (Pamphlet Laws 90) known as the "Liquor Code" are amended to read

Section 403 Applications for Hotel Restaurant and Club Liquor Licenses (a) Every applicant for a hotel liquor license restaurant liquor license or club liquor license shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars the prescribed license fee and the bond hereinafter specified Every such application shall contain a description of that part of the hotel restaurant or club for which the applicant desires a license and shall set forth such other material information description or plan of that part of the hotel restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board The descriptions information and plans referred to in this subsection shall show the hotel restaurant club or the proposed location for the construction of a hotel restaurant or club at the time of the application is made and shall show any alterations proposed to be made thereto or the new building proposed to be constructed after the approval by the board of the application for a license No physical alterations improvements or changes shall be required to be made to any hotel restaurant or club nor shall any new building for any such purpose be required to be constructed until approval of the application for license by the board After approval of the application the licensee shall make the physical alterations improvements and changes to the licensed premises or has approved the new building as shall be specified by the board at the time of approval and the licensee shall not transact any business under the license until the board has approved the physical improvement and changes to the licensed premises as conforming to the specifications required by the board at the time of issuance of the license

* * *

(g) Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post for a period of at least fifteen days beginning with the day the application is filed with the board in a conspicious place on the outside of the premises or at the proposed new location for which the license is applied a notice of such application in such form of such size and containing such provisions as the board may require by its regulations proof of the posting of such notice shall be filed with the board

* * *

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska	McMenamin,	Stevenson.
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 95, as follows:

An Act amending the act of June twenty-four one thousand nine hundred thirty-nine (Pamphlet Laws 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it unlawful to sell or dispense knives etc commonly called "switch-blades"

The General Asembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article IV act of June twenty-four one thousand nine hundred thirty-nine (Pamphlet Laws 872) known as "The Penal Code" is amended by adding after section 418 thereof a new section to read

Section 419 Selling or Dispensing Knives etc Commonly Called "Switch-Blades" Whoever sells dispenses gives or delivers or offers or exposes for sale any knife razor or cutting instrument the blade of which can be exposed in an automatic way by switch push-button spring mechanism or otherwise is guilty of a misdemeanor and upon the conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment not exceeding one year or both

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,

Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 96, as follows:

An Act amending the act of June twenty-four- one thousand nine hundred thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it unlawful for any person to carry on or about his person a firearm slungshot handy-billy dirk-knife razor or any other deadly weapon or any knife razor or cutting instrument the blade of which can be exposed in an automatic way by switch push-button spring mechanism or otherwise

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 416 act of June twenty-four one thousand nine hundred thirty-nine (P. L. 872) known as "The Penal Code" is amended to read

Section 416 Carrying Deadly Weapons [Whoever carries any firearm slungshot handy-billy dirk-knife razor or any other deadly weapon concealed upon his person] Whoever carries any firearm slungshot handy-billy dirk-knife razor or any other deadly weapon concealed upon his person or any knife razor or cutting instrument the blade of which can be exposed in an automatic way by switch push-button spring mechanism or otherwise with the intent therewith unlawfully and maliciously to do injury to any other person is guilty of a misdemeanor and upon the conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo [an] imprisonment [by separate or solitary confinement] not exceeding one (1) year or both

The jury trying the case may infer such intent from the fact the defendant carried such weapon

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 111, as follows:

An Act to amend the act approved the twenty-first day of May one thousand nine hundred forty-three (P. L. 349) entitled "An act requiring political subdivisions to refund taxes and license fees erroneously and inadvertently paid thereto and giving a right of action against such political subdivision for the recovery of such taxes and fees upon their failure to make such refunds making the provisions of the act retroactive and repealing existing laws" by further prescribing what taxes or license fees may be refunded or sued for

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 1 and 2 of the act approved the twenty-first day of May one thousand nine hundred forty-three (P. L. 349) entitled "An act requiring political subdivisions to refunds taxes and license fees erroneously and inadvertently paid thereto and giving a right of action against such political subdivision for the recovery of such taxes and fees upon their failure to make such refunds making the provisions of the act retroactive and repealing existing laws" are hereby amended to read as follows

Section 1 Whenever any person or corporation of this Commonwealth has erroneously or inadvertently paid or caused to be paid into the treasury of any political subdivision directly or indirectly any tax or taxes on real or personal property or any license fee or fees under an assumption that such taxes or license fees were due and owing when in fact such taxes or license fees or a part thereof were not due and owing to the political subdivision then in such cases the authorities of the political subdivision upon due proof of any such erroneous or inadvertent tax or license fee payments are hereby directed to draw their warrant on the treasurer of such political subdivision in favor of such person or corporation to make refund out of the public funds of such tax or taxes or license fee or fees to which the political subdivision has no valid claim Provided however That no such refund shall be made sooner than the first day of September one thouand nine hundred forty-four and in no case shall any refund be made of taxes or license fees paid to the political subdivision more than six years prior to the discovery of such erroneous or inadvertent payment

The provisions of this act shall be construed to include taxes paid upon real estate assessments which erroneously contained buildings which had been previously destroyed or torn down but whose destruction was not noted by the assessors and was included in the assessments

Section 2 In the event of refusal or failure on the part of authorities of the political subdivision involved to make any such refund of taxes or fees so erroneously paid into the treasury thereof then the aggrieved person or corporation shall have the right to recover the sum involved subject to the limitation herein provided by instituting an action in assumpsit in any court of competent jurisdiction within the county wherein such political subdivision is located

Section 2 Section 3 of the act is hereby repealed

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I would like to call to the attention of the President the fact that I believe there is an error in the Calendar relating to Senate Bill No. 232. The correct number is Senate Bill No. 232, instead of House Bill No. 232.

I now ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 232, Printer's No. 541;
House Bill No. 323, Printer's No. 1521; and
House Bill No. 400, Printer's No. 806.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 416, as follows:

An Act amending the act of June 12, 1951 (P. L. 533) entitled "An act relating to mental health including mental illness mental defect epilepsy and inebriety and amending revising consolidating and changing the laws relating thereto" permitting the indictment of persons while committed and validating indictments heretofore returned.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section 347 act of June 12, 1951 (P. L. 533) known as "The Mental Health Act of 1951" amended January 14 1952 (P. L. 2053) is amended to read

Section 347 Effect of Commitment on Pending Criminal Proceedings

If any person is committed while awaiting indictment or trial or has been arraigned or is being tried proceedings other than indictments against him shall be stayed until his recovery or sufficient improvement of condition Upon his recovery or sufficient improvement of condition if he was previously confined in a penal or correctional institution he shall be returned upon proper order of the court to the penal or correctional institution from which he was transferred for the disposition of the charges against him If he was committed before trial he shall be returned to the court having jurisdiction of him for trial or such other disposition of such charges as the court may make

Section 2 All indictments heretofore returned during the time a person was committed to an institution as defined in "The Mental Health Act of 1951" are hereby validated

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senator's having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 449, as follows:

An Act requiring the Commonwealth of Pennsylvania to appropriate moneys for assistance to political subdivisions and municipal authorities in the construction and improvement of airports and other aeronautical facilities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Commonwealth of Pennsylvania shall appropriate out of moneys in the General Fund to the Department of Military Affairs to be used by the Pennsylvania Aeronautics Commission for assistance to political subdivisions and municipal authorities of the Commonwealth in the construction and improvement of airports and other aeronautical facilities including the making of surveys and plans and the necessary construction work and equipment No more shall be expended from any appropriation for any such project than may be required to match an equal sum contributed by the Federal government No more than twenty-five per centum of the cost of construction and improvement of any airport and its airport facilities shall be expended from the Commonwealth appropriations authorized by this act

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,

Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senatotrs having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 557, as follows:

An Act amending the act of June 24 1939 (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" redefining murder in first degree to include murder in the commission of sodomy.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 701 act of June 24 1939 (P. L. 872) known as "The Penal Code" is amended to read

Section 701 Murder of the First and Second Degree All murder which shall be perpetrated by means of poison or by lying in wait or by any other kind of willful deliberate and premeditated killing or which shall be committed in the perpetration of or attempting to perpetrate any arson sodomy rape robbery burglary or kidnapping shall be murder in the first degree All other kinds of murder shall be murder in the second degree The jury before whom any person indicted for murder shall be tried shall if they find such person guilty thereof ascertain in their verdict whether the person is guilty of murder of the first or second degree If such person is convicted by confession the court shall proceed by examination of witnesses to determine the degree of the crime and to give sentence accordingly

Whoever is convicted of the crime of murder of the first degree is guilty of a felony and shall be sentenced to suffer death in the manner provided by law or to undergo imprisonment for life at the discretion of the jury trying the case which shall fix the penalty by its verdict The court shall impose the sentence so fixed as in other cases In cases of pleas of guilty the court where it determines the crime to be murder of the first degree shall at its discretion impose sentence of death or imprisonment for life The clerk of the court wherein such conviction takes place shall within ten (10) days after such sentence of death transmit a full and complete record of the trial and conviction to the Governor

Whoever is convicted of the crime of murder of the second degree is guilty of a felony and shall for the first offense be sentenced to undergo imprisonment by separate or solitary confinement not exceeding twenty (20) years or fined not exceeding ten thousand dollars or both and for the second offense shall undergo imprisonment for the period of his natural life

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 590, Printer's No. 597, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 596, as follows:

An Act providing for authorization for autopsies or postmortem examinations of human bodies claimed for burial within thirty-six hours after death.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 An autopsy or postmortem examination may be performed upon the body of a deceased person by a physician licensed to practice medicine in Pennsylvania when the dead body is claimed within thirty-six hours after death for burial at the expense of the claimant and authorization for the postmortem examination has been obtained in any of the following manners

(1) By written authorization signed by the deceased during lifetime and the written consent of his surviving spouse if any after death

(2) By written authorization of any party whom the deceased during lifetime designed by written instrument to take charge of his body for burial and the written consent of decedent's surviving spouse if any after death

(3) By written authorization of the decedent's surviving spouse

(4) If the surviving spouse is incompetent unavailable or does not claim the body for burial or if there is no surviving spouse by written authorization of the following in order of precedence if the claimant agrees to provide burial (i) adult children (ii) adult grandchildren (iii) parents (iv) brothers or sisters (v) nephews or nieces (vi) grandparents (vii) uncles or aunts (viii) cousins (ix) stepchildren (x) relatives or next of kin of previously deceased spouse

(5) If none of the above persons are available to claim the body by written authorization of any other relative or friend who assumes custody of the body for burial

Section 2 Authorization may be given by telegram or by telephone if the telegram or telephonic authorization is certified by two persons present when it was received Any telegram or telephonic authorization purporting to have been sent by a person authorized to give consent shall be conclusively presumed to have been sent by such person If two or more persons entitled to authorize postmortem examination assume responsibility for burial the written authorization of one is sufficient

Section 3 The provisions of this act do not apply to postmortem examinations performed under the authority of statutes pertaining to the coroner's office or the office of postmortem examinations It shall be applicable in cases of the bodies of honorably discharged soldiers sailors

marines or airmen of the United States or of the Militia of the State of Pennsylvania or the bodies of women who have served the United States in military activities if authorization for a postmortem examination is granted in accordance with this act In such cases the bodies shall be buried in accordance with the provisions of existing Federal law If no person is available who is entitled to authorize a postmortem examination on a veteran's body the body shall not be subjected to postmortem study and shall be buried in accordance with the provisions of existing Federal law

Section 4 A dead body remaining unclaimed for burial at the claimant's expense thirty-six hours after death falls under the jurisdiction of the Anatomical Board of the State of Pennsylvania in accord with an existing State law

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senatotrs having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 650, as follows:

An Act amending the act of May 5 1933 (P L 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" prescribing how notice shall be given of meetings of churches or other religious congregations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 604 act of May 5 1933 (P L 289) known as the "Nonprofit Corporation Law" amended May 23 1949 (P L 1763) is amended to read

Section 604 Notice of Meetings of Members Written notice of every meeting of the members shall be given by or at the direction of the person authorized to call the meeting to each member of record entitled to vote at the meeting at least five days prior to the day named for the meeting unless a greater period of notice is required elsewhere in this act in a particular case Provided That such corporations may provide in their by-laws that in lieu of written notice they shall give at least five (5) days notice of such meeting by advertising once in one newspaper of general circulation within the city borough or township where the corporation is located and once in the legal journal published in the county if any In all such cases where such corporations provide for notice by publication it shall be unnecessary to give written notice of meetings to members of record entitled to vote at meetings and such notice by advertising shall be effective as actual and not merely constructive notice of meetings When a meeting is adjourned it shall not be necessary to give any notice of the adjourned meeting or of the business to be transacted at an adjourned meeting other than by announcement at the meeting at which such adjournment is taken unless otherwise provided in the by-laws

In lieu of any other notice of a meeting of members whether it be a regular or special meeting required to be given by this act except notice of adjourned meetings as provided for by this section persons authorized to call any such meeting of any church or religious organization may give notice of such meeting by announcement at any two regular church or religious services held within thirty days prior to the time at which such meeting of members will be held If the matter of making altering amending or repealing by-laws is to be considered notice shall be given by announcement at three regular services held within forty days prior to the time of such meeting In any case where notice of meetings are given by announcement notice shall be given at the last service preceding the meeting In the event that the two or three church or religious services required are not held within the thirty or forty day period as heretofore provided notice of meetings shall be given as otherwise provided in this section

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 675, Printer's No. 417, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 891, as follows:

An Act amending the act of June 27, 1923 (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" changing and clarifying contributions and credit provisions where employes are place under social security

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 8 act of June 27, 1923 (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" amended May 18, 1937 (P. L. 683) is amended by adding at the end a new subsection to read

Section 8 * * *

(10) Where the Commonwealth has entered into an agreement with the Federal Secretary of Health Education and Welfare to place services covered by the retirement system created by this act under the Federal Social Security Act the board shall rule that as of the effective date of the agreement the rate of benefits payable to a members after the age at which social security benefits are payable shall be adjusted so that the retirement allowance then payable shall be reduced by an amount equal to forty percent of the primary insurance amount of social security paid or payable to him whether received or not the board shall reduce the rate of member contributions to the extent permitted by the rate of benefits provided for in this subsection

Section 2 Section 13 of the act amended May 18, 1937 (P. L. 683) is amended by adding at the end a new clause to read

Section 13 Retirement for superannuation shall be as follows

* * *

(3) Where the board has ruled that the rate of benefits payable to a member after the age at which social security benefits are payable shall be adjusted so that the retirement allowance then payable shall be reduced by an amount equal to forty percent of the primary insurance amount of social security paid or payable to him such reduction shall be subject to the following provisions

(a) Upon attainment of the age at which Social Security benefits are payable by a beneficiary receiving a retirement allowance for superannuation or upon retirement of a contributor after attaining that age his eligibility to the old age insurance benefit and the primary insurance amount of Social Security upon which the reduction in the retirement allowance shall be based shall be computed by the board in the manner specified in the Federal Social Security Act except that in determining such amount only wages or compensation for services covered by the retirement system created by this act shall be included.

(b) His credits accrued for service to the date of such change shall remain to his credit without adjustment and credits for service subsequent to the date of such change to the time of retirement shall be at the adjusted rate as provided in section 8 (10)

(c) That portion of a member's retirement allowance based on credits for service subsequent to the date of the change shall not be less than the amount of his member's annuity based on contributions for the same period.

(d) The reduction shall not apply to allowances for total disability payable under section 12 of this act and shall not apply to services covered under the provisions of the Pennsylvania State Police retirement system.

(e) In determining the need for any further state annuity payable under clause (2) (e) of this section the primary Social Security amount paid or payable to a member shall be included with the superannuation retirement allowance as the basis for computing such need

(f) Whenever the amount of the reduction from the retirement allowance shall have been once determined it shall remain fixed for the duration of the allowance except that any decrease in the primary insurance amount under the Social Security Act shall result in a corresponding decrease in the amount of the reduction from the allowance.

(g) The total sum to be received monthly from the retirement system and from Social Security by each member following retirement shall not be more than eighty percent of final salary this limitation shall not apply where it would reduce that portion of the retirement allowance of a member based on credits earned prior to the effective date of the agreement.

(h) The total sum including social security benefits to be received upon retirement by an employe who is a member of the system at the time of the change shall not be less than the allowance that would be paid by the retirement system in the absence of such change.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 892, as follows:

An Act amending the act of June 23 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" imposing duties on pension boards changing contributions and changing and clarifying certain allowances and benefits when employes are placed under social security

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4343 act of June 23 1931 (P. L. 932) known as "The Third Class City Code" reenacted and amended June 28 1951 (P. L. 662) is amended by adding at the end thereof a new paragraph to read

Section 4343 Retirement Allowance Proof of Disability

* * *

Where a city has entered into an agreement with the Commonwealth to place its employes under the Federal Social Security Act the pension to be paid according to the provisions of this section payable after the age and upon that portion of annual compensation on which social security benefits are payable shall be reduced by one-half but the total sum including social security benefits to be received upon retirement by an employe who is a member of the system at the time of the agreement shall not be less than the allowance that would be paid by the retirement system in the absence of the agreement

Section 2 The act is amended by adding after section 4344 a new section to read

Section 4344.1 Determination of Liability Upon Extension of Social Security Where a city has entered into an agreement with the Commonwealth to place its employes under the Federal Social Security Act the pension board shall appoint an actuary and may fix his compensation The actuary shall determine the present value of the liability on account of pensions payable under the provisions of section 4343 of this act to employes who are members of the system on the effective date of the agreement and shall offset the value of any assets in the pension fund to determine the unfunded liability The actuary shall further determine the amount of such unfunded liability which shall be contributed by the city each year over a period not to exceed twenty-five years from the effective date of the agreement until the accumulated reserve equals the present value of the liability The actuary shall also determine the amount which shall be contributed annually into the fund on account of service of all new and original members subsequent to the effective date of the agreement

Employes shall pay into the board of pensions monthly an amount equal to two and one-half percentum of that portion of monthly compensation on which social security allowances are payable and five percentum of any monthly compensation in excess of that on which social security allowances are payable The remainder of the needed annual contribution as determined by the actuary shall become the obligation of the city and shall be paid by it to the board of pensions by annual appropriations The provisions of this section shall in all applicable cases supersede the provisions relating to contributions in section 4344 and section 4348 of this act

And said bill having been read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 893, as follows:

An Act amending the act of July 18, 1917 (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" changing and clarifying benefit contribution and credit provisions when employes are placed under sosial security providing for payments by the Commonwealth and for reimbursements from appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection 6 of section 8 act of July 18 1917 (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" amended December 27 1951 (P. L. 1739) is amended by adding at the end thereof a new paragraph to read

Section 8 * * *

6 * * *

Where the Commonwealth has entered into an agreement with the Federal Secretary of Health Education and Welfare to place services covered by the retirement system created by this act under the Federal Social Security Act the board shall rule that as of the effective date of the agreement the rate of benefits payable to a member after the age at which social security benefits are payable shall be adjusted so that the retirement allowance then payable shall be reduced by an amount equal to forty percent of the primary insurance amount of Social Security paid or payable to him whether received or not the board shall reduce the rate of member contributions to the extent permitted by the rate of benefits provided for in this subsection

Section 2 The act is amended by adding after section 9 a new section to read

Payments on Account of Social Security Deductions from Appropriations

Section 9.1 Where the Superintendent of Public Instruction enters into an agreement with the Commonwealth to place under the Federal Social Security Act all employes of all school districts and joint schools and departments in the Commonwealth and other employes elegible for coverage thereunder the Commonwealth shall pay on account of the school districts and joint schools and departments and on account of the employes thereof into the contribution fund created under the provisions of the act of January 5 1952 (P. L. 1833) entitled "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended creating the State Agency and conferring powers and imposing duties upon the State Agency authorizing the State Agency to enter into agreements with the Federal Security Administrator and with political subdivisions under certain terms and conditions providing for the Commonwealth's contribution under agreements with the Federal Security

Administrator and for the collection and payment of employer and employe contributions authorizing interstate cooperation in certain cases creating a Contribution Fund and making apropriations" such amounts and at such times as are required to be paid on account of such coverage

The Commonwealth shall be reimbursed to the extent of the total amounts contributable by the employes and to one-half the amounts contributable by the school district joint schools and departments

The Superintendent of Public Instruction and the State Treasurer are hereby authorized to cause to be deducted and paid into or retained in the State Treasury from any moneys due to any employer on account of appropriation for schools or other purposes the amounts reimbursable under the provisions of this section

Section 3 Section 14 of the act amended May 26 1949 (P. L. 1818) is amended by adding at the end thereof a new clause to read

Section 14 Retirement for superannuation shall be as follows

* * *

5 Where the board has ruled that the rate of the benefits payable to a member after the age at which social security benefits are payable shall be adjusted so that the retirement allowance then payable shall be reduced by an amount equal to forty percent of the primary insurance amount of social security paid or payable to him such reduction shall be subject to the following limitations

(a) Upon attainment of the age at which social security benefits are payable by a beneficiary receiving a retirement allowance for superannuation or upon retirement of a contributor after attaining that age his elegibility to the old age insurance benefit and the primary insurance amount of social security upon which the reduction in the retirement allowance shall be based shall be computed by the board in the manner specified in the Federal Social Security Act except that in determining such amount only wages or compensation for services covered by the retirement system created by this act shall be included

(b) His credits accured for service to the date of such change shall remain to his credit without adjustment and credits for service subsequent to the date of such change to the time of retirement shall be at the adjusted rate as provided in section 8 (6)

(c) That portion of a member's retirement allowance based on credits for service subsequent to the date of the change shall not be less than the amount of his member's annuity based on contributions for the same period

(d) The reduction shall not apply to allowances for total disability payable under section 13 of this act

(e) In determining the need for any further State annuity payable under subsection 3 of this section the primary insurance amount of social security paid or payable to a member shall be included with the superannuation retirement allowance as the basis for computing such need

(f) Whenever the amount of the reduction from the retirement allowance shall have been once determined it shall remain fixed for the duration of the allowance except that any decrease in the primary insurance amount under the Social Security Act shall result in a corresponding decrease in the amount of the reduction from the allowance

(g) The total sum including social security benefits to be received upon retirement by an employe who is a member of the system at the time of the change shall not be less than the allowance that would be paid by the retirement system in the absence of such change

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack.	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 895, as follows:

An Act amending the act of May 23 1945 (P. L. 903) entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities" imposing duties on pension boards changing contributions and changing and clarifying benefits and allowances when employes are placed under social security

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 4 act of May 23 1945 (P. L. 903) entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes idnependently of any pension system or systems existing in such cities" is amended by adding at the end thereof a new papagraph to read

Section 4 (a) * * *

Where a city has entered into an agreement with the Commonwealth to place its employes under the Federal Social Security Act the pension to be paid according to the provisions of this section payable after the age and upon that portion of annual compensation on which social security benefits are payable shall be reduced by one-half but the total sum including social security benefits to be received upon retirement by an employe who is a member of the system at the time of the agreement shall not be less than the allowance that would be paid by the retirement system in the absence of the agreement

Section 2 The act is amended by adding after section 10 a new section to read

Section 10.1 Determination of Liability Upon Extension of Social Security Where a city has entered into an agreement with the Commonwealth to place its employes under the Federal Social Security Act the board shall appoint an actuary and may fix his compensation The actuary shall determine the present value of the liability on account of pensions payable under the provisions of section 4 of this act to employes who are members of the system on the effective date of the agreement and shall offset the value of any assets in the pension fund to determine the unfunded liability The actuary shall further determine the amount of such unfunded liability which shall be contributed by the city each year over a period not to exceed twenty-five years from the effective date of the agreement until the accumulated reserve equals the present value of the liability The actuary shall also determine the amount which shall be contributed annually into the fund on account of service of all new and original members subsequent to the date of the agreement

Officers and employes shall pay to the board monthly an amount equal to two and one-half per centum of that portion of monthly compensation on which social security

allowances are payable and five per centum of any monthly compensation in excess of that on which social security allowances are payable The remainder of the needed annual contribution as determined by the actuary shall become the obligation of the city and shall be paid by it to the board by annual appropriations The provisions of this section shall in all applicable cases supersede the provisions relating to contributions in section 5 and section 10 of this act

And said bill having been read at length the third time and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 896, as follows:

An Act reenacting and amending the act of January 5 1952 (P. L. 1833) entitled "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended creating the State Agency and conferring powers and imposing duties upon the State Agency authorizing the State Agency to enter into agreements with the Federal Security Administrator and with political subdivisions under certain terms and conditions providing for the Commonwealth's contribution under agreements with the Federal Security Administrator and for the collection and payment of employer and employe contrbutions authorizing interstate cooperation in certain cases creating a Contribution Fund and making appropriations" extending its provisions to include additional persons increasing contribution rates and providing for referenda and permitting modification of certain local retirement plans

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and act of January 5 1952 (P. L. 1833) entitled "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended creating the State Agency and conferring powers and imposing duties upon the State Agency authorizing the State Agency to enter into agreements with the Federal Security Administrator and with political subdivisions under certain terms and conditions providing for the Commonwealth's contribution under agreements with the Federal Security Administrator and for the collecton and payment of employer and employe contributions authorizing interstate cooperation in certain cases creating a Contribution Fund and making appropriations" are reenacted and amended to read

An Act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended creating the State Agency and conferring powers and imposing duties upon the State Agency authorizing the State Agency to enter into agreements with the Federal [Security Administrator] Secretary of Health Education and Welfare and with political subdivisions under certain terms and conditions providing for the Commonwealth's contribution under agreements with the Federal [Security Administrator] Secretary of Health Education and Welfare and for the collection and payment of employer and employe contributions authorizing interstate cooperation in certain cases creating a Contributon Fund and making appropriations

Section 1 Declaration of Policy In order to extend to employes except those hereinafter excluded from the provisions of the act of the Commonwealth and its political subdivisons and of the instrumentalities of either and to the dependents and survivors of such employes the basic protection accorded to others by the old-age and survivors insurance system embodied in the Social Security Act it is hereby declared to be the policy of the General Assembly subject to the limitations of this act that such steps be taken as to provide such protection to employes of the Commonwealth and its political subdivisions and to the instrumentalities of either on as broad a basis as is permitted under the Federal Social Security Act It is also the policy of the General Assembly that the protection afforded employes in positions covered by a retirement system established by a political subdivision or by annuity contracts on the date an agreement under this act is made applicable to service performed in such positions or receving periodic benefits under such retirement system at such time will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof

Section 2 Definitions The followng words and phrases shall have the meaning ascribed to them in this section unless the context clearly indicates otherwise

(a) "Social Security Act" means the Act of Congress approved the fourteenth day of August one thousand nine hundred thirty-five Chapter 531 49 Statutes 620 officially cited as the "Social Security Act" (including regulations and requirements issued pursuant thereto) as such act has been and may from time to time be amended

(b) "Federal Insurance Contributions Act" means subchapter A of Chapter 9 of the Federal Internal Revenue Code [as such code has been and may from time to time be amended] of 1939 and subchapters A and B of Chapter 21 of the Federal Internal Revenue Code of 1954 and "employe tax" means the tax imposed by section 1400 of the Code of 1939 and section 3101 of the Code of 1954

(c) "Political subdivison" includes a city borough incorporated town township county county institution district school district vocational school district municipal authority and any instrumentality or agency of the Commonwealth or one or more of its political subdivisions or of the Commonwealth and one or more of its political subdivisions but only if such instrumentality or agency is an entity which is legally separate and distinct from the Commonwealth or political subdivision and only if its employes are not by virtue of their relation to such legal entity employes of the Commonwealth or political subdivision or are not State employes as defined by the act of June 27 1923 P. L. 858 as amended except that the limitations other than those in the act of June 27 1923 P. L. 858 on State employes upon instrumentalities or agencies of political subdivisions shall not apply in the case of joint-county departments of health There shall be included in a political subdivsion as defined herein any department agency board or other means heretofore or hereafter created for the charge or the administration by the political subdivsion of property and estates dedicated to charitable uses or trusts now or which shall hereafter become vested in or confided to the political subdivision

(d) "State Agency" means the agency created under section three hereof .

(e) "Federal Agency" includes any individual department or agency as is charged on behalf of the Federal Government by or under the applicable Federal law with the particular Federal function referred to in this act in connection with such term

(f) "Employe" includes an officer or employe of [a State] the Commonwealth and each political subdivision or instrumentality thereof

[(g) "Employment" means any service performed by an employe] [in the employ of the Commonwealth any political subdivisions or instrumentality of either for such employe except (1) service which in the absence of an agreement entered into under this act would consitute "employment" as defined in the Social Security Act or (2) service performed by employes in positions covered by a retirement system pension or annuity retirement plan or similar fund system or plan established by the Commonwealth or by a political subdivision on the date an agreement between the State Agency and the Federal Security Administrator applicable to such service is entered into or other service which under the applicable Federal law may not be included in an agreement between the Commonwealth and the Federal Security Administrator entered into under this act]

(g) "Employment" means service which under the Social Security Act may be included in an agreement only upon certification by the Governor when the Governor issues with respect thereto a certificate to the Federal Secretary of Health Education and Welfare and any service performed by an employe of the Commonwealth or any political subdivision except (1) service which in the absence of an agreement entered into under this act would constitute "employment" as defined in the Social Security Act or (2) service which under the applicable Federal Law may not be included in an agreement between the Commonwealth and the Federal Agency entered into under this act

Civilian employes of National Guard Units of the Commonwealth who are employed pursuant to section 90 of the National Defense Act of June 3, 1916 (32 USC section 42) and paid from funds allotted to such units by the Department of Defense and individuals employed pursuant to an agreement entered into pursuant to section 205 of the Agricultural Marketing Act of 1946 (7 USC 1624) or section 14 of the Perishable Agricultural Commodities Act of 1930 (7 USC 499n) between the Commonwealth and the United States Department of Agriculture to perform services as inspectors of agricultural products shall be deemed to be employes of the Commonwealth which services shall constitute employment

(h) "Wages" means all remuneration for employment as defined herein including the cash value of all remuneration paid in any medium other than cash except that such term shall not include that part of such remuneration which even if it were for "employment" within the meaning of the Federal Insurance Contributions Act would not constitute "wages" within the meaning of that act

(i) "Applicable Federal Law" refers to the provisions of the Federal [law Public Law seven hundred thirty-four eighty-first Congress] Social Security Act (including Federal regulations and requirements issued pursuant thereto) as such provisions have been and may from time to time be amended which provide for extending the benefits of Title II of the Social Security Act to employes of states political subdivisions and their instrumentalities

(j) "State Treasurer" means the Treasurer of the Commonwealth of Pennsylvania

(k) "Head of the Department" as applied to state employes means the head of the department or branch of service not a department of the Commonwealth of Pennsylvania of which the state employe is a member

(l) "Treasurer or Paying Officer" means the Treasurer or Paying Officer of the Department or branch of service not a department of the Commonwealth of Pennsylvania of which the state employe is a member

Section 3 State Agency A State Agency is hereby created to carry out the provisions of this act which shall consist of the Secretary of Labor and Industry He shall with the approval of the Governor appoint such additional employes as may be deemed necessary to carry on the work required by this act and fix the salary or compensation of such additional employes

Section 4 (a) Federal-State Agreement The State Agency with the approval of the Governor is hereby authorized to enter on behalf of the Commonwealth into an agreement with the Federal [Security Administrator] Secretary of Health Education and Welfare consistent with the terms and provisions of this act for the purpose of extending the benefits of the Federal old-age and survivors insurance system to employes of the Commonwealth or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in section two of this act Such agreement may contain such provisions relating to coverage benefits contributions effective date modification and termination of the agreement administration and other appropriate provisions as the State Agency and Federal [Security Administrator] Secretary of Health Education and Welfare shall agree upon but except as may be otherwise required by or under the Social Security Act as to the service to be covered such agreement shall provide in effect that

(1) Benefits will be provided for employes whose services are covered by the agreement and their dependents and survivors on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act

(2) The Commonwealth will pay to the Federal Agency at such time or times as prescribed by the applicable Federal law and by regulations promulgated thereunder contributions with respect to wages (as defined in section two of this act) equal to a sum not in excess of three percent (3%) of such wages received during the calendar years one thousand nine hundred fifty-one one thousand nine hundred fifty-three inclusive four percent (4%) of such wages received during the calendar years one thousand nine hundred fifty-four one thousand nine hundred fifty-nine inclusive five percent (5%) of such wages received during the calendar years one thousand nine hundred sixty one thousand nine hundred sixty-four inclusive six percent (6%) of such wages received during the calendar years one thousand nine hundred sixty-five one thousand nine hundred sixty-nine inclusive [and six and one-half per cent (6½%) of such wages received during the calendar year one thousand nine hundred seventy and thereafter] seven percent (7%) of wages received during the calendar years one thousand nine hundred seventy one thousand nine hundred seventy-four inclusive and eight percent (8%) of wages received during the calendar year one thousand nine hundred seventy-five and thereafter The actual amount of the contributions to be made under the provisions of this [paragraph] clause shall be the amount necessary to carry out the provisions of this act and the agreement entered into in accordance therewith which amounts shall from time to time be determined by the State Agency subject to the limitations herein prescribed

(3) Such agreement shall be effective with respect to services in employment covered by the agreement performed on and after the first day of January one thousand nine hundred fifty-one or such later date as may be specified in the agreement and modifications may be made effective subject to the limitations imposed by Federal law

(4) All services which constitute employment as defined in section two and are performed in the employ of the Commonwealth by employes of the Commonwealth shall be covered by the agreement [and] except that it may exclude services which are optionally excludable under the Federal Social Security Act

(5) All services which constiute employment as defined in section two and are performed in the employ of a political subdivision of the State and are covered by a plan which is in conformity with the terms of the agreement and has been approved by the State Agency under section [five] six shall be covered by the agreement

(6) As modified the agreement may include all services described in clause (4) or clause (5) of this subsection and performed by individuals to whom section 218 (c) (3) (C) of the Social Security Act is applicable and shall provide that the service of the individual shall continue to be covered by the agreement in case he thereafter becomes elgible to be a member of a retirement system and

(7) As modified the agreement shall include all services described in clause (4) or clause (5) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the Governor has issued a certificate to the Federal Secretary of Health Education and Welafare

(b) Interstate Instrumentalties Any instrumentality jointly created by this Commonwealth and any other state or states is hereby authorized upon the granting or existence of like authority by such other state or states (1) to enter into an agreement with the Federal [Security Administrator] Secretary of Health Education and Welfare whereby the benefits of the Federal old-age and survivors insurance system shall be extended to employes of such instrumentlity (2) to require its employes to pay and for that purpose to deduct from their wages contributions equal to the amounts which they would be required to pay under section five (a) if they were covered by an agreement made pursuant to subsection (a) of this section and (3) to make payments to the Federal agency in accordance with such agreement including payments from its own funds and otherwise to comply with such agreements

Section 5 Contributions by State Employes (a) Every employe of the Commonwealth whose services are covered by an ayreement entered into under section four shall be required to pay for the period of such coverage into the Contribution Fund established by section seven contributions with respect to wages (as defined in section two of this act) not in excess of [one and one-half percent (1½%) of such wages] [received during the calendar years one thousand nine hundred fifty-one one thousand nine hundred fifty-three inclusive two percent (2%) of such wages received during the calendar years one thousand nine hundred fifty-four one thousand nine hundred fifty-nine inclusive two and one-half percent (2½%) of such wages received during the calendar years one thousand nine hundred sixty-one one thousand nine hundred sixty-four inclusive three percent (3%) of such wages received during the calendar years one thousand nine hundred sixty-five one thousand nine hundred sixty-nine inclusive and three and one-fourth percent (3¼%) of such wages received during the calendar year one thousand nine hundred seventy and thereafter] the amounts prescribed under the provisions of the Federal Insurance Contribution Act The actual amount of the contributions to be made under the provisions of this paragraph shall be the amount necessary to carry out the provisions of this act and the agreement entered into in accordance therewith which amounts shall from time to time be determined by the State Agency subject to the limitations herein prescribed such liability shall arise in consideration of the employes retention in the servce of the Commonwealth or his entry upon such service after the enactment of this act

[(b) The contribution imposed by this section shall be collected by each salary paying agency by deducting the amount of the contribution from wages as and when paid but failure to make such deduction shall not relieve the employe from liability for such contribution]

(b) The head of each department shall cause to be deducted on each and every pay-roll of an employe for each and every pay-roll period subsequent to the effective date of an agreement entered into under this act such percentum of the total amount of wages earnable by the employe in such pay-roll period required to satisfy the contribution imposed by clause (a) of this section and shall certify to the treasurer of the Commonwealth on account of each and every pay-roll of an employe a statement as voucher for the amounts to be deducted but failure to make such deductions shall not relieve the employe from the liability for such contribution

(b.1) The State treasurer on receipt from the heads of the departments of the vouchers for deductions from the wages of employes provided for in clause (b) of this section shall make such deductions and shall pay each of the amounts so deducted into the contribution fund established by section 7 of this act

(b.2) The treasurer or paying officer on receipt from the heads of the departments of the vouchers for deductions from the wages of employes provided for in clause (b) of this section shall make such deductions and shall pay each of the amounts so deducted into the contribution fund established by section 7 of this act

(c) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration proper adjustments or refund if adjustment is impracticable shall be made without interest in such manner and at such times as the State Agency shall prescribe

Section 6 Plans for Coverage of Employes of Political Subdivisions (a) Each political subdivision of the Commonwealth is hereby authorized to submit for approval by the State Agency a plan for extending the benefits of Title II of the Social Security Act in conformity with applicable provisions of such act to employes of such political subdivision Each such plan and any amendment thereof shall be approved by the State Agency if it finds that such plan or such plan as amended is in conformity with such requirements as are provided in regulations of the State Agency except that no such plan shall be approved unless

(1) it is in conformity with the requirement of the Social Security Act and with the agreement entered into under section four

(2) it provides that all services which constitute employment as defined in section two and are performed in the employ of the political subdivision by employes thereof shall be covered by the plan except that it may exclude services rendered by individuals to whom section 218 (c) (3) and (5) of the Social Security Act is applicable

(3) it specifies the source or sources from which the funds necessary to make the payments required by [paragraph] clause (1) of subsection (c) and by subsection (d) of this section are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose

(4) it provides for such methods of administration of the plan by the political subdivision as are found by the State Agency to be necessary for the proper and efficient administration of the plan

(5) it provides that the political subdivision will make such reports in such form and containing such information as the State Agency may from time to time require and comply with such provisions as the State Agency or the Federal Agency may from time to time find necessary to assure the correctness and verification of such reports and

(6) it authorizes the State Agency to terminate the plan in its entirety in the discretion of the State Agency if it finds that there has been a failure to comply substantially with any provision contained in such plan such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the State Agency and may be consistent with the provisions of the Social Security Act

(b) The State Agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (a) and shall not terminate an approved plan without reasonable notice and opportunity for hearing to the political subdivision affected thereby

(c) (1) Each political subdivision as to which a plan has been approved under this section shall pay into the Contribution Fund with respect to wages (as defined in section two of this act) at such time or times as the State Agency may by regulation prescribe contributions in the amounts and at the rates specified in the applicable agreement entered into by the State Agency under section four

(2) Each political subdivision required to make payments under [paragraph] clause (1) of this subsection is

authorized in consideration of the employe's retention in or entry upon employment after enactment of this act to impose upon each of its employes as to services which are covered by an approved plan a contribution with respect to his wages (as defined in section two of this act) not exceeding the amount of contributions by Commonwealth employes as provided in subsection (a) of section five of this act and to deduct the amount of such contribution from his wages as and when paid Contributions so collected shall be paid into the Contribution Fund in partial discharge of the liability of such politcial subdivision under [paragraph] clause (1) of this subsection Failure to deduct such contribution shall not relieve the employe or employer of liability therefor

(d) Delinquent payments due under [paragraph] clause (1) of subsection (c) may with interest at the rate of six (6) per centum per annum be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may at the request of the State Agency be deducted from any other moneys payable to such political subdivision by any department or agency of the Commonwealth

Section 6.1 Referenda and Certification (a) With respect to employes of the Commonwealth the Governor is empowered to authorize a referendum and with respect to employes of any political subdivision other than a school district he shall authorize a referendum upon request of the governing body of the subdivision With respect to the employes of school districts of the Commonwealth the Governor shall authorize a referendum for the eligible membership of the public school employes retirement system unless within sixty days of the issuance of official information concerning this act by the State Agency the governing bodies of at least forty percentum (40%) of the total number of school districts shall notify the State Agency on a form to be supplied by it that they do not desire a referendum to be held Any referendum shall be conducted and the Governor shall designate an agency or individual to supervise its conduct in accordance with the requirements of section 218 (d) (3) of the Social Security Act on the question of whether service in positions covered by a retirement system established by the Commonwealth or by a political subdivision thereof should be excluded from or included under an agreement under this act The notice of referendum required to be given to employes shall contain or shall be accompanied by a statement in form and detail as the agency or individual designated to supervise the referendum shall deem necessary to inform the employes of the rights which will accrue to them and their dependents and survivors and the liabilities to which they will be subject if their services are included under an agreement under this act and of the changes if any proposed to be made in the provisions of their pension or retirement system at the time the agreement is entered into The information shall be sufficient to illustrate to the eligible employe the total combined costs and benefits which will accrue from social security and the pension or retirement system or the proposed modifications thereof

(b) Upon receiving evidence satisfactory to him that with respect to any referendum the conditions set forth in section 218 (d) (3) of the Social Security Act have been met the Governor shall so certify to the Federal Secretary of Health Education and Welfare

(c) Immediately after a favorable referendum of the eligible members of the public school employes retirement fund the services of all employes of all school districts and joint schools and departments shall be included under the agreement with the Secretary of Health Education and Welfare for the extension of old age and survivor's insurance protection as provided in the Federal Social Security Act there shall likewise be included under such agreement the services of all other employes in departments of the Commonwealth who perform services in positions which are eligible for coverage under the public school employes retirement laws as well as any eligible members of the public school retirement fund not otherwise included by this subsection

Section 6.2 Modification of Retirement Systems in Political Subdivisions Where services covered by a retirement system established by a political subdivision or by annuity contracts are included under an agreement under this act and where any laws providing for administration of retirement systems in that class of subdivision do not specifically provide for such cases the governing body of such subdivision may reduce the basis upon which retirement allowances paid by such retirement system are computed to a proportionate basis which is adjusted for social security benefits Any such reduction shall apply only to benefits payable after the age at which Federal Social Security benefits are payable and to that portion of such benefits based on wages (as defined in section 2 of this act) but not less than four thousand two hundred dollars ($4200) per year or actual remuneration per year of social security coverage provided that the total sum to be received monthly from social security and the retirement system following retirement by an employe who is a member of the system at the time of such change shall not be less than the allowance that would be paid by the retirement system in the absence of such agreement The limitation provided for in section 6.3 notwithstanding Where the employe contributions are actuarially determined as amounts sufficient to provide a specified portion of the benefits such employe contributions may be correspondingly reduced. The provisions of this section shall not be deemed to restrict any city of the first class in modifying any pension and retirement system covering any officers or employes of such city

Section 6.3 Limitation on Retirement Benefits Where the laws providing for administration of retirement systems established by a political subdivision or by annuity contracts in a given class of subdivision do not require the modification of a system upon the extension of social security coverage and whether or not a retirement plan is modified under the provisions of this act the total sum to be received monthly from the retirement system and from social security by each member following retirement shall not be more than eighty percent (80%) of average or final salary as defined by the law governing such system This limitation shall not apply where it would reduce that portion of the retirement allowance of a member based on credits earned prior to the effective date of an agreement under this act

Section 7 Contribution Fund (a) There is hereby created as a special fund in the State Treasury the Contribution Fund Such fund shall consist of and there shall be deposited in such fund (1) all contributions interest and penalties collected under sections five and six (2) all moneys appropriated thereto under this act (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund (4) interest earned upon any moneys in the fund and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source All moneys in the fund shall be mingled and undivided Subject to the provisions of this act the State Agency is vested with full power authority and jurisdiction over the fund including all moneys and property or securities belonging thereto and may perform any and all acts whether or not specifically designated which are necessary to the administration thereof and are consistent with the provisions of this act

(b) The Contribution Fund shall be established and held separate and apart from any other funds or moneys of the Commonwealth and shall be used and administered exclusively for the purpose of this act Withdrawals from such fund shall be made for and solely for payment of amounts required to be paid to the Federal Agency pursuant to an agreement entered into under section four payment of refunds provided for in section five (c) of this act and refunds of overpayments not otherwise adjustable made by a political subdivision

(c) From the Contribution Fund the State Treasurer upon warrant of the State Agency shall pay to the Federal Agency such amounts and at such time or times as may be directed by the State Agency in accordance with

any agreement entered into under section four and the Social Security Act

(d) (1) There are hereby authorized to be appropriated biennially to the Contribution Fund in addition to the contributions collected and paid into the Contribution Fund under sections five and six to be available for the purposes of section seven (b) and (c) until expended such additional sums as are found to be necessary in order to make the payments to the Federal Agency which the Commonwealth is obligated to make pursuant to an agreement entered into under section four

(2) The State Agency shall submit to each regular session of the General Assembly at least ninety (90) days in advance of the beginning of such session an estimate of the amounts authorized to be appropriated to the Contribution Fund by [paragraph] clause (1) of this subsection for the next fiscal biennium

Section 8 Rules and Regulations The State Agency is hereby authorized and empowered to make such rules and regulations not inconsistent with the provisions of this act as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this act

Section 9 Studies and Reports The State Agency shall make studies concerning the problem of old-age and survivors insurance protection for employes of the Commonwealth and local governments and their instrumentalities and concerning the operation of agreements made and plans approved under this act and shall submit a report to the General Assembly at the beginning of each regular session covering the administration and operation of this act during the preceding biennium including such recommendations for amendments to this act as the State Agency considers proper

[Section 10 Administrative Appropriation For the purpose of administering the provisions of this act for the biennium beginning the [first day of June one thousand nine hundred fifty-one and ending the thirty-first day of May one thousand nine hundred fifty-three there is hereby appropriated to the State Agency the sum of forty thousand dollars ($40,000)]

Section 11 The sum of one hundred thousand dollars ($100,000) is hereby appropriated to the State Agency to be paid into the Contribution Fund

Section 12 Repeal All acts and parts of acts are hereby repealed insofar as they are inconsistent with the provisions of this act

Section 13 Effective Date The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 907, as follows:

An Act amending the act of June 24, 1939 (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" prohibiting the interception of jury deliberations and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 24, 1939 (P. L. 872) known as "The Penal Code" is amended by adding after section 688.1 a new section to read

Section 688.2 Interception of Jury Deliberations Whoever intercepts by any means or installs or employs any device for overhearing or recording the deliberations of any jury in connection with any indictment trial action or court proceeding is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine of five thousand dollars ($5000) or undergo imprisonment for not more than five years or both

The provisions of this act shall not apply to the transmission of any verdict or finding of the jury to the court in acordane with established procedure

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 935, as follows:

An Act amending the compact contained in the act of June 5, 1937 (P. L. 1664) entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio relative to the development use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes" designating the lake area on which motor boats may be operated limiting the horsepower of the motor boats operated thereon and fixing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subdivision 5 of the compact contained in the act of June 5 1937 (P. L. 1664) entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio relative to the development use and control of the Pymatuning Lake

and the State owned land surrounding said lake for fishing hunting recreational and park purposes" amended April 20 1945 (P. L. 282) is amended to read

5 Boats and Vessels No hydroplanes or aquaplanes nor any type of boat equipped with a motor in excess of [a six] the horsepower rating hereinafter prescribed shall be permitted anywhere on said lake [except such police] Police or administration motor boats [to] the number of which shall be mutually agreed upon by the parties hereto shall be permitted anywhere on the lake regardless of their horsepower Sail boats row boats canoes and boats equipped with [a] an outboard motor not in excess of six horsepower (brake) O B C rating or equipped with a motor having a governor attached in such manner that the motor will develop no more than six horsepower (brake) O B C rating shall be permitted provided the owners first obtain a license from the respective state of which the owner is a resident under such regulations as each party to this agreement may now have or hereafter adopt [Provided nevertheless That the use of any type of boat equipped with a motor not in excess of six horsepower as defined above is expressly limited and restricted to that portion of the lake extending from the main dam near Jamestown northwardly to the causeway at or near Espyville]

No boat equipped with a motor shall be permitted on that portion of the lake extending from the causeway at or near Linesville southeasterly to the southeastern end of the lake at or near State Highway Route No 285

Any one who violates any of the provisions of this subdivision or who operates any boat equipped with a motor on the lake without being authorized to do so under the provisions of this subdivision shall upon summary conviction thereof be sentenced to pay a fine not to exceed fifty dollars ($50) and costs of prosecution and in default of payment of the fine and costs shall undergo imprisonment not to exceed thirty days

Section 2 This act shall take effect immediately but shall not go into operation until the passage by the State of Ohio of a substantially similar amendatory act ratifying the within change or alteration of the compact or agreement herein referred to

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 943, entitled:

An act permitting the conducting staging operating and exhibiting stage shows on Sunday during certain hours when the electors of a city of the first class or second class approve thereof defining stage shows and providing for referendums to ascertain the will of the electors.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

RECONSIDERATION OF SENATE BILL No. 943

Mr. FLEMING. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. FLEMING. Mr. President, I voted with the prevailing side.

Mr. WADE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. WADE. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 943, Printer's No. 575, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 975, as follows:

An Act authorizing the Department of Forests and Waters to convey certain lands located in Whitemarsh Township Montgomery County in order to facilitate the further development of Fort Washington Park

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Forests and Waters with the approval of the Governor is hereby authorized to convey to the Philadelphia Cricket Club a Pennsylvania corporation

All that certain tract or parcel of land situated in Whitemarsh Township Montgomery County Commonwealth of Pennsylvania bounded and described according to a plan made by Oscar Corson a registered engineer dated July 30 1955 and revised October 15 1955 as beginning at a stone on the northwest side of Valley Green Road (Barren Hill Road) which stone is 16.5 feet more or less from a point in the center line of Valley Green Road thence south 44 degrees 50 minutes 10 seconds west 15.02 feet to an iron pin thence north 47 degrees 49 minutes 30 seconds west 17.02 feet to a stone a point in line of this and other lands of the Commonwealth of Pennsylvania thence along same north 47 degrees 49 minutes 30 seconds west 151.53 feet to an iron pin a corner common to lands of the Commonwealth of Pennsylvania and the Philadelphia Cricket Club thence along said lands of the Philadelphia Cricket Club north 45 degrees 10 minutes 30 seconds east 15.02 feet to a stone thence by same north 61 degrees 58 minutes 43 second east 470 feet to a stone on the northwest side of Valley Green Road 16.5 feet more or less from center line of said road thence along Valley Green Road south 40 degrees 58 minutes 48 seconds west 442.33 feet to a stone the point of beginning containing .913 acres more or less

Being part of the same land conveyed to the Commonwealth of Pennsylvania by (1) deed of the Philadelphia Cricket Club dated June 10 1920 recorded in Montgomery

County Deed Book 813 page 523 and (2) deed of the Philadelphia Cricket Club dated December 31 1930 recorded in Montgomery County Deed Book 1127 page 78

Section 2 The consideration for said conveyance by the Commonwealth shall be a release by the Philadelphia Ricket Club of a revisionary clause as to a certain part of the land conveyed by the said Philadelphia Cricket Club to the Commonwealth of Pennsylvania by deed dated June 10 1920 recorded in Montgomery County Deed Book 817 page 67 and a further consideration from the said Philadelphia Cricket Club of one thousand thousand dollars ($1,000)

Section 3 The deed of conveyance by the Commonwealth shall be executed by the Secretary of Forests and Waters in the name of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 980, Printer's No. 577, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 999, as follows:

An Act amendig the act of May 20, 1949 (P. L. 1591) entitled "An act providig for the compensation of the mayor council and appointed officers in cities of the second class A" increasing the compensation of the mayor and appointed officers in cities of the second class A

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of May 20, 1949 (P. L. 1591) entitled "An act providing for the compensation of the mayor council and appointed officers in cities of the second class A" is amended to read

Section 1 The city council in cities of the second class A shall fix the salary of the mayor the members of council the controller and appointed city officers The salary of the mayor shall be not [more than seven thousand five hundred dollars ($7,500)] more than ten thousand dollars ($10,000) per annum the salary of each member of council shall be not more than four thousand dollars ($4,000) per annum the salary of the controller shall be not more than four thousand five hundred dollars ($4,500) per annum and the salaries of appointed city officers shall not [exceed five thousand dollars ($5,000)] be more than seven thousand five hundred ($7,500) per annum.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1002, as follows:

An Act amending the act of January 8, 1952 (P. L. 1851) entitled "An act providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases authorizing the criminal courts to impose such a sentence and certain temporary confinement in connection therewith requiring psychiatric examinations of such persons before the imposition of such a sentence conferring powers and imposing duties upon the Department of Welfare and the Pennsylvania Board of Parole and providing for the parole and reparole or absolute discharge of persons so sentenced and the procedure relating thereto" regulating bail for persons charged with commission of sex crimes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of January 8, 1952 (P. L. 1851) entitled "An act providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases authorizing the criminal courts to impose such a sentence and certain temporary confinement in connection therewith requiring psychiatric examinations of such persons before the imposition of such a sentence conferring powers and imposing duties upon the Department of Welfare and the Pennsylvania Board of Parole and providing for the parole and reparole or aboslute discharge of persons so sentenced and the procedure relating thereto" is amended by adding after section 2 a new section to read

Section 2.1 Whenever a person is charged with the commission of the crime of indecent assault incest assalut with intent to commit sodomy solicitation to commit sodomy sodomy assault with intent to ravish or rape or indecent exposure and has previously been convicted of the commission of any of such crimes he shall be denied bail unless and until a complete psychiatric examination is made of him by two psychiatrists designated by the court and the results thereof indicate that his release by bail will not constitute a threat of bodily harm to the

members of the public or that he is not in fact an habitual offender or is not mentally ill If he is found by the psychiatrists to be mentally ill an habitual offender or a threat of bodily harm to the members of the public he shall be denied bail and shall be tried for the commission of the crime as soon as possible after commitment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. McMENAMIN. Mr. President, this bill, which changes the provisions of bail for persons charged with the commission of sex crimes, and some other bills on today's Calendar, notably the bill outlawing switch blade knives, represents a direct attack and action by this Legislature on a problem that has been become an increasing menace in our larger cities.

I think all of us have been concerned with the reports we have been reading in the newspapers in recent years concerning vandalism and hoodlumism by groups of teen-age gangs and young gangsters, generally, and also with the rising percentage of sex offenses that we have read about in the newspapers. I think apparently Philadelphia has had ,like other major cities, a real problem in this respect.

Mr. President, these bills should go a long way toward curing that situation and helping the authorities in Philadelphia to clean up the criminal elements that have received so much notoriety in recent years. I understand that in neighboring towns, near Philadelphia, for instance, one of the cities passed an ordinance banning switch blade knives, and stabbings thereafter decreased fifty per cent within the next year.

Mr. President, I also want to say at this time, in urging favorable consideration of this legislation, that the Philadelphia Inquirer is to be commended for the leadership it has taken in this fight and, particularly, Senator Mullin and Senator Silvert who have interested all of us in these problems in Philadelphia.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1009, as follows:

An Act amending the act of July 28, 1953 (Appropriation Acts page 16 Act No 20-A) entitled "An act making an appropriation to the Department of Forests and Waters for the protection and stabilization of Presque Isle Peninsula and Erie Harbor at Erie" authorizing the use of funds for improvement and development purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of July 28 1953 (Appropriation Acts page 16 Act No 20-A) is amended to read

Section 1 The sum of two million five hundred thousand dollars ($2,500,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters to be expended in the protection [and] stabilization improvement and development of Preque Isle Peninsula [at] and Erie Harbor at Erie and for the payment of all costs and expenses incurred in connection therewith

Section 2 Section 2 of the act is repealed

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1013, as follows:

An Act amending the act of August 24 1951 (P. L. 1405) entitled "An act relating to the apportionment of estate taxes and providing procedure for enforcement of contribution or exoneration" changing the methed of apportionment regarding the inheritance or death tax effect with respect to charitable public or similar gifts or bequests

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (4) of subsection (b) of section 4 act of August 24 1951 (P. L. 1405) known as the "Estate Tax Apportionment Act of 1951" is amended to read as follows

Section 4 Method of Apportionment

* * *

(b) Treatment of Deductions and Credits The following principles shall apply with respect to deduetions and credits allowable

* * *

(4) Inheritance or Death Tax Effect To the extent that property passing to or in trust for a surviving spouse [or any charitable public or similar gift or bequest] does not constitute an allowable deduction solely by reason of an inheritance tax or other death tax imposed upon and deductible from such property it shall not be included in the computation provided for in subsection (a) of section four hereof and to that extent no apportionment shall be made against such property

Section 2 Effective Date This act shall take effect im-

mediately and shall apply to the estates of all decedents dying after December 31 1953

And said bill having been read at length the third time and agreed to,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1016, as follows:

An Act amending the act of August 9, 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" further regulating the payment of sheriff's salaries in certain counties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 1605 1606 and 1608 act of August 9, 1955 (P. L. 323) known as "The County Code" are amended to read

Section 1605 Officers Subject to This Subdivision to be Paid Salaries All county officers to which this subdivision applies whether elected by the people or appointed according to law and their several deputies and clerks shall be paid for their services by fixed and specific salaries which shall be a charge upon the treasury of the county to which each shall respectively belong to the extent ercept as [hereinafter] provided in section 1608 of the fees collected and paid in by each officer respectively or earned where fees are chargeable upon the county treasury and said salareis shall be paid semi-monthly or bi-weekly during the month in which the services were rendered at the discretion of the county commissioners of the county No voucher check shall be drawn for the payment of any said officer his deputies or clerks who shall not have filed the receipt and transcript for that month provided for in this subdivision

Section 1606 Salaries Payable from Fees All salaries fixed by law except as [may be otherwise provided for herein] provided in section 1608 shall be paid from the amounts paid into the county treasury from the respective offices after ascertaining and deducting the amount due the deputies and clerks in each office If there has not been a sum sufficient from fees received and paid in or earned and due by the county for services rendered to pay the full amount of the salary of any officer holding any of said offices after deducting the amount due the deputies and clerks such officer shall receive only such proportion of his salary as shall be equal to the aggregate of the net fees received and earned by him as aforesaid during his term of office during such month If the fees in any subsequent month or months shall exceed the amount of the expense and salary aforesaid for such month the deficit of such salary for such preceding month shall be made up from such excess

Section 1608 Payment of Certain Officers The county solicitor county jailer county commissioners county controller county surveyor or engineer county detectives county treasurer interpreter of courts district attorney and his assistants and in counties of the sixth seventh and eighth classes the sheriff and the employes of his office shall severally be paid bi-weekly semi-monthly or monthly at the discretion of the county commissioners of the county They shall be paid the full amount allowed them by law but all fees and emoluments whasoever that may accrue to any of them by virtue of his office shall be paid by him to the county treasurer as directed by law and all other officers shall be paid the amounts assigned them by law in accordance with the provisions of this subdivision.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 1018, Printer's No. 581 on third reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1019, as follows:

An Act amending the act of May 12, 1943 (P. L. 259) entitled as amended "An act providing for the payment by the State Treasurer of the amount of the tax on premiums paid by foreign casualty insurance companies to the treasurers of the several cities boroughs towns townships and certain counties and for the payment thereof into police pension funds and in certain cases into the Municipal Employes' Retirement System and for Pension Annuity Contracts and in certain other cases into the State Employes Retirement Fund for certain purposes" further defining policemen and changing the time when unused funds are returned to the General Fund for redistribution

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (9) of section 1 act of May 12 1943 (P. L. 259) entitled as amended "An act providing for the

payment by the State Treasurer of the amount of the tax on premiums paid by foreign casualty insurance companies to the treasurers of the several cities boroughs towns townships and certain counties and for the payment thereof into police pension funds and in certain cases into the Municipal Employes' Retirement System and for Pension Annuity Contracts and in certain other cases into the State Employes' Retirement Fund for certain purposes" amended May 10 1951 (P. L. 250) is amended to read

Section 1 As used in this act the term

* * *

(9) "Policeman" means a full time paid policeman or policewoman working a definite number of hours not less than forty per week at a definite salary

Section 2 Section 1.2 of the act added July 19 1951 (P. L. 1127) is amended to read

Section 1.2 All moneys distributed under the terms hereof that are not used for the purposes set forth herein within [one year] two years after receipt thereof by the treasurers of the several cities boroughs towns and townships shall be returned to the General Fund for distribution in accordance with the terms of Formula 3 of the act herein amended

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1020, as follows:

An Act amending the act of May 26 1949 (P. L. 1828) entitled "An act concerning the investment powers and duties of guardians committees trustees and other fiduciaries except personal representatives and prescribing the nature and kind of investments which may be made and retained by such fiduciaries" further prescribing the eligibility for authorized investments of the obligations of municipality authorities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (3) of section 5 act of May 26 1949 (P. L. 1828) known as the "Fiduciaries Investment Act of 1949" amended August 19 1953 (P. L. 1154) is amended to read

Section 5 Obligations of Pennsylvania Governmental Organizations Obligations of the following Pennsylvania governmental organizations shall be authorized investments

* * *

(3) Municipality Authorities Obligations of any municipality authority issued pursuant to the laws of the Commonwealth relating to the creation or operation of municipality authorities if the obligations are not in default and if the project for which the obligations were issued is under lease to a municipality or municipalities or subject to a service contract with a municipality or municipalities pursuant to which the authority will receive lease rentals or service charges available for fixed charges on the obligations of not less than one and one-fifth times the annual fixed charges of such obligations over the life thereof or if the obligations are not in default and if for the period of five fiscal years next preceding the date of acquisition the income of such authority available for fixed charges has averaged not less than one and one-fifth times its average annual fixed charges of such obligations over the life of such obligations As used in this clause the term "income available for fixed charges" shall mean income after deducting operating and maintenance expenses and unless the obligations are payable in serial annual maturities or are supported by annual sinking fund payments depreciation but excluding extraordinary nonrecurring items of income or expenses and the term "fixed charges" shall include principal both maturity and sinking fund and interest on bonded debt In computing such income available for fixed charges for the purposes of this section the income so available of any corporation acquired by any municipality authority may be included such income to be calculated as though such corporation had been operated by a municipality authority and an equivalent amount of bonded debt were outstanding

The eligibility for investment purposes of obligations of each project of a municipality authority shall be separately considered hereunder and if the project of a municipality authority is a public school building no earning record shall be required as a condition of eligibility for investment by fiduciaries

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. FLEMING. Mr. President I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 1022, Printer's No. 584;
Senate Bill No. 1028, Printer's No. 590;
House Bill No. 1083, Printer's No. 463;
House Bill No. 1311, Printer's No. 1496;
House Bill No. 1413, Printer's No. 834; and
House Bill No. 1418, Printer's No. 1524.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1450, as follows:

An Act to amend section 404 of the act approved the first day of June one thousand nine hundred forty-five (P. L. 1242) entitled "An act relating to roads streets highways and bridges amending revising consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto" by requiring that the additional bond covering labor and materials furnished by the contractor shall also cover equipment rental

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 404 of the act approved the first day of June one thousand nine hundred forty-five (P. L. 1242) entitled "An act relating to roads streets highways and bridges amending revising consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto" is hereby amended to read as follows

Section 404 Awarding Contracts Bonds In awarding any contract the work shall be given to the lowest responsible bidder with option on the part of the secretary to reject any or all bids if the prices named for the work or materials to be used are higher than the estimated cost or for any other reason appearing to the secretary Every person before being awarded any contract for the construction or improvement of any State highway under the provisions of this act shall furnish a bond with sufficient surety or sureties in a sum equal to fifty per centum of the contract price of the work conditioned that the contractor shall well and truly and in a manner satisfactory to the secretary complete the work contracted for and shall save harmless the Commonwealth of Pennsylvania from any expense incurred through the failure of said contractor to complete the work as specified or from any damages growing out of the carelessness of said contractor or his or its servants Where the amount of such contract is in excess of five hundred dollars ($500) it shall be the duty of the department to require every person co-partnership association or corporation entering into such contract before commencing work thereunder to execute and deliver to the Commonwealth of Pennsylvania an additional bond for the use of all persons interested in a sum equal to fifty per centum of the contract price of the work which bond shall be conditioned for the prompt payment of all material furnished and labor supplied or performed rental of equipment used and services rendered by public utilities in or in connection with the prosecution of the work whether or not such material equipment rental or labor entered into and became component parts of the work or improvement contemplated Such additional bond shall be deposited with and held by the department for the use of any party interested therein Every such additional bond shall provide that every person who whether as subcontractor or otherwise has furnished material or equipment on rental or supplied or performed labor or services on or in connection with the prosecution of the work and who has not been paid therefore may sue in assumpsit on such additional bond in the name of the Commonwealth for his use and prosecute the same to final judgment for such sum or sums as may be justly due him and have execution thereon The Commonwealth shall not be liable for the payment of any costs or expense of any such suit Each of such surety bonds shall have as surety thereon one or more surety companies legally authorized to transact business in this Commonwealth and satisfactory to the secretary Provided however that such additional bond shall be conditioned only for the prompt payment of actual equipment rentals and shall not be conditioned upon or guarantee payment of equipment rentals all or any part of which directly or indirectly apply on the purchase price of such equipment under the terms of a bailment lease or conditional sales contract or by any other arrangement by which title to the equipment will be transferred to the contractor and the rentals form any part of the consideration

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1451, as follows:

An Act to further amend Section 33 of the act approved the thirty-first day of May one thousand nine hundred eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the con-

tents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by changing the percentage of payments to be withheld by the Secretary of Highways pending satisfactory completion of contracts for the construction of State highways and bridges

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 33 of the act approved the thirty-first day of May one thousand nine hundred eleven (P. L. 468) entitled "An act providing for the establishment of a State Highways Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said township or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as last amended by the act approved the twenty-sixth day of June one thousand nine hundred thirty-one (P. L. 1388) is hereby further amended to read as follows

Section 33 (a) The total cost of the improvement and maintenance of the State-aid highways constructed under the provisions of this act as provided by the terms of the contract or otherwise as herein provided when properly certified by the Secretary of Highways shall be audited by the Auditor General and when audited and allowed shall be paid out of moneys specifically appropriated for this purpose by warrants drawn therefor by the Auditor General upon the State Treasurer

(b) The share of the county shall be paid as provided by its contract and otherwise by the provisions of this act to the State Treasurer by the county treasurer upon the warrant of the county commissioners in such sum or sums as shall be certified by the Secretary of Highways from time to time during the performance of the work or contract or as provided by the contract and otherwise by the provisions hereof after the same shall be completed

(c) The share of the township or townships or of any borough or boroughs or of any incorporated town or towns shall be paid to the State Treasurer by the township supervisors or commissioners or by the boroughs treasurer or by the town treasurer as the case may be in the manner and form as in the case of counties and as other debts of said townships or boroughs are paid when and as demanded by certificate of the Secretary of Highways during the performance of the work or contract or in like manner after the same shall be completed

(d) Upon the completion of any State-aid highway improvement or upon the ascertainment of any additional improvement cost or of any maintenance expense incurred thereon thereafter by the Deartment of Highways the Secretary of Highways shall certify the same to the State Treasurer and to the county commissioners and township supervisors or borough or town authorities as the case may be the respective shares of said cost or expense for which the county township borough or incorporated town is liable If the said shares or amounts so certified by the Secretary of Highways of the cost and expense of the improvement or of the subsequent maintenance thereof as provided by contract and the provisions of this act of the county township borough or incorporated town or all or either of them shall not be paid to the State Treasurer within thirty days after being certified then the said shares of the county township borough or incorporated town either or all of them remaining unpaid shall be charged by the State Treasurer against any funds of said county township borough or incorporated town which may be in the hands of the State Treasurer or which may thereafter come into his hands excepting school funds and may also be recovered by action at law or equity as any other debts of such counties townships boroughs or incorporated towns are by law recoverable

(e) The amounts paid under this act to the State Treasurer by the counties townships boroughs and towns shall be placed by him to the credit of the proper fund for highway construction or maintenance and shall immediately be available for the use of the Department of Highways for construction or maintenance as the case may be and the Secretary of Highways is hereby authorized and empowered to apportion the said amounts thus paid into the State Treasury by the counties townships boroughs and incorporated towns among the several counties as hereinbefore provided for

(f) The Secretary of Highways may make partial payments to any contractor performing any highway improvement under this act as the same progresses upon estimate made by the Department of Highways [but not more than ninety (90) per centum of the estimate of the work done or of the contract price shall be paid in advance of the full and satisfactory completion of said improvement and acceptance of same by the Secretary of Highways Provided That the Secretary of Highways may in his discretion make payments in excess of ninety (90) per centum of the work done or of the contract price when at least nine-five (95) per centum of the work under

the contract has been completed] Ten per centum (10%) of the amount due on partial payments shall be withheld from the contractor pending completion of fifty per centum (50%) of the total contract price Thereafter two per centum (2%) of the amount due on partial payments shall be withheld from the contractor pending completion of ninety-five per centum (95%) of the total contract price provided that the Secretary of Highways may in his discretion make payments in excess of the percentages withheld when at least ninety-five per centum (95%) of the work contracted has been completed The amount retained under said contract for the work done and performed shall in all cases be sufficient to cover double the contract price or estimated cost of the work remaining to be done to satisfactorily complete the contract [And provided further That the]

(g) The Secretary of Highways may in addition to the payments herein authorized also pay seventy-five (75) per centum of the bid price of fabricated steel necessary in the construction of bridges after the same has been delivered on the site of the work and inspected and approved by a duly authorized representative of the Department of Highways but whenever any such payment is made the Commonwealth shall take as security for the placing of the steel in the structure proper documents transferring to it the aboslute legal title thereto

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1570, as follows:

An Act amending the act of May 11, 1925 (P. L. 561) entitled "An act to provide for the selection of jurors to serve in the several courts criminal and civil of counties of the second class and defining the qualifications of such jurors providing for the organization of a commission for the selection of jurors in such counties and prescribing its powers and duties and authorizing it to investigate as to the qualifications of prospective jurors imposing the expense of maintaining and operating said commission upon said counties and requiring the county commissioners to provide suitable quarters equipment and supplies authorizing the employment of the necessary clerks and other employes and providing for a salary board composed of the commission the county commissioners and the controller of said counties to fix the number and compensation of such employes requiring county officers and boards to furnish information to said commission concerning taxables resident in said county as to their elegibility for jury service repealing inconsistent legislation and prescribing punishment for the violation hereof" authorizing the president judge of the court of common pleas to transfer and assign jurors summoned to serve in any court civil and criminal of the county and changing form of venire and summons to comply therewith

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 13 act of May 11, 1925 (P. L. 561) entitled "An act to provide for the selection of jurors to serve in the several courts criminal and civil of counties of the second class and defining the qualifications of such jurors providing for the organization of a commission for the selection of jurors in such counties and prescribing its powers and duties and authorizing it to investigate as to the qualifications of prespective jurors imposing the expense of maintaining and operating said commission upon said counties and requiring the county commissioners to provide suitable quarters equipment and supplies authorizing the employment of the necessary clerks and other employes and providing for a salary board composed of the commission the county commissioners and the controller of said counties to fix the number and compensation of such employes requiring county officers and boards to furnish information to said commission concerning taxables resident in said county as to their eligibility for jury service repealing inconsistent legislation and prescribing punishment for the violation hereof" amended June 12, 1931 (P. L. 538) is amended to read

Section 13 When and as such venires are received from the several courts the sheriff and the commission shall thereupon fix a day at which the members of the commission or a majority of them shall attend In the presence of the members of the commission the said sheriff shall draw from said jury wheel the number of names required by the said venire or venires and a permanent record of the names withdrawn together with the occupation and residence address of each shall be made in the form of a list thereof as part of the minutes of the said meeting of the commission and the sheriff and the members of the commission attending shall sign their names certifying to the correctness of said list and that the law has been complied with in the drawing thereof and a certified copy of such minutes including said list shall be attached by the sheriff to the return made upon the writ of venire and shall be returned with said writ on the return day thereof to the court for which such venire was drawn and the persons so drawn shall forthwith be summoned to appear at the time and before the court designated in the venire and [it] shall serve as jurors in that court or any other court civil or criminal of the county as the president judge of the court of common pleas may in his discretion direct It shall be the duty of the sheriff to summon at least ten days before the return of venire the persons whose attendance shall be thereby required by delivering to each of the said persons a separate ticket in the customary form specifying the duty enjoined or by leaving such ticket at their usual places of abode respectively.

Section 2 Sections 12 and 14 of the act are amended to read

Section 12 Venire for jurors in the several courts of the respective county shall be issued from time to time in the manner now provided by law and shall be substantially in the following form

Commonwealth of Pennsylvania } ss
County of ..... }

To the sheriff and the commission for the selection of jurors

You are hereby directed to draw from the jury wheel the name of ..... persons to serve as ..... jurors in the court of .....to be held in and for the county of ..... on ..... at ..... o'clock .....M to serve as jurors in that court or in any other court of the county civil or criminal as the president judge of the court of common pleas may direct and you are directed to summon the persons so selected to

appear in said court at said time and place and to have then and there this writ with the names addresses and occupations of the persons summoned respectively in a panel hereto annexed and then and there make return as to the manner in which you have executed this writ

Witness the hand and seal of the Honorable.....
Judge of said court this ..... day of .....
.....(Seal)

Attest
.....

Section 14 The summons to the jurors drawn upon each venire shall be in substantially the following form

Sheriff's Office

Commonwealth of Pennsylvania }
County of ..... } ss

To .....

Sir

You are hereby summoned to appear before the judges of the court of .....at (the building in which the court will be held) on the ..... day of ..... at ..... o'clock .....M there to serve as a .....juror in that court or in any other court of the county civil or criminal as the president judge of the court of common pleas may direct

Witness the hand and seal of the Honorable .....
.....Judge of said court this.....
day of .....
.....(Seal)..

Attest
.....(Sheriff..

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1592, as follows:

An Act amending the act of May 14, 1907 (P. L. 197) entitled "An act to provide for the establishing and maintenance of one or more sanatoria or colonies in Pennsylvania for the free care and treatment of indigent persons suffering from tuberculosis and making an appropriation therefor" extending its provisions to all persons suffering or suspected of suffering from tuberculosis

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and section 1 act of May 14, 1907 (P. L. 197) entitled "An act to provide for the establishing and maintenance of one or more sanatoria or colonies in Pennsylvania for the free care and treatment of indigent persons suffering from tuberculosis and making an appropriation therefor" are amended to read

AN ACT

To provide for the establishing and maintenance of one or more sanatoria or colonies in Pennsylvania for the free care and treatment of [indigent] persons suffering or suspected of suffering from tuberculosis and making an appropriation therefor

Section 1 Be it enacted &c That one or more sanatoria or colonies be established in the State for the reception and treatment of [indigent persons affected with incipient tuberculosis and those so far advanced with the same disease that may be made comfortable and removed from their families and the people at large to prevent the spread of the contagion] persons affected or suspected of being affected with tuberculosis and removed from their families and people at large to prevent the spread of contagion

For these purposes the Department of Health with the approval of the Governor shall be authorized to acquire property erect buildings equip the same and do all things necessary to accomplish such work for the best interests of the people of this Commonwealth in curing and preventing tuberculosis

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

House Bill No. 1617, Printer's No. 946; and

House Bill No. 1619, Printer's No. 1354.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1642, as follows:

An Act to add clause (1) to section two thousand one hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by authorizing and making it the duty of the Department of Health to provide limited training in the field of public health work for certain State and municipal employes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand one hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (P L 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" a's amended by the act approved the eighteenth day of July one thousand nine hundred forty-one (P L 412) is hereby further amended by adding at the end thereof a new clause to read as follows

Section 2102 General Health Administration The Department of Health shall have the power and its duty shall be

(1) To train and make available appropriate facilities to train certain otherwise qualified State County and municipal employes in the field of public health work to become more familiar with and therefor better understand the various administrative and technical problems peculiar to public health services

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Mullin,	Taylor,
Blass,	Hays,	Pechan,	Van Sant,
Camiel,	Kessler,	Peelor,	Wade,
Chapman,	Kopriver, Jr.,	Propert,	Wagner,
Dent,	Lane,	Ruth,	Watkins,
Diehm,	Madigan,	Schmidt,	Watson,
DiSilvestro,	Mahany,	Scott,	Weiner,
Donolow,	Mallery,	Seyler,	Whalley,
Flack,	McCreesh,	Silvert,	Wolfe,
Fleming,	McGinnis,	Stevenson,	Yosko,

NAYS—1

McMenamin,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

House Bill No. 1720, Printer's No. 1146; and

House Bill No. 1793, Printer's No. 1181.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1886, as follows:

An Act to amend section two hundred one of the act approved the eighteenth day of April one thousand nine hundred forty-nine (P. L. 512) entitled "An act relating to the administration and distribution of decedents' estates trust estates minors' estates and absentees estates both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases the appointment bond removal and discharge of fiduciaries of such estates their powers duties and liabilities the rights of persons dealing with such fiduciaries and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning guardians of the person of minors the powers duties and liabilities of sureties and of foreign fiduciaries the abatement survival and control of actions and rights of action and the presumption of death and also generally dealing with the jurisdiction powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries" by changing the amount of wages or salary which an employer may pay to a deceased employee's spouse or other certain persons whether or not a personal representative has been appointed

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred one of the act approved the eighteenth day of April one thousand nine hundred Forty-nine (P. L. 512) entitled "An act relating to the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates both as to real and personal property and the procedure relating thereto including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases the appointment bond removal and discharge of fiduciaries of such estates their powers duties and liabilities the rights of persons dealing with such fiduciaries and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees and containing provisions concerning guardians of the person of minors the powers duties and liabilities of sureties

and of foreign fiduciaries the abatement survival and control of actions and rights of action and the presumption of death and also generally dealing with the jurisdiction powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries" is hereby amended to read as follows

Section 201 Payment of Wages or Salary to Family Any employer of a person dying domiciled in the Commonwealth at any time after the death of the employee whether or not a personal representative has been appointed may pay wages or salary in an amount not exceeding [two] seven hundred and fifty dollars due to the deceased employee to the spouse any child the father or mother or any sister or brother (preference being given in the order named) of the deceased employee Any employer making such a payment shall be released to the same extent as if payment had been made to a duly appointed personal representative of the decedent and he shall not be required to see to the application thereof Any person to whom payment is made shall be answerable therefor to anyone prejudiced by an improper distribution

Section 2 The provisions of this act shall become effective immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kopriver, Jr.,	Pechan,	Van Sant,
Chapman,	Kessler,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1924, as follows:

An Act to amend the act approved the thirty-first day of August one thousand nine hundred fifty-five (P. L.) (Act No. 131) entitled "An act permitting and regulating wrestling and boxing contests and exhibitions requiring licenses and permits conferring powers and imposing duties upon the State Athletic Commission providing for the granting suspension and revocation of licenses and permits issued by the Commission preserving the rights of existing licensees and permittees prescribing penalties fines forfeitures and misdemeanors requiring bonds and insurance creating a Medical Advisory Board providing for rules and regulations and making appropriations" by regulating the use of a fictitious or assumed name by any participant in any amateur boxing contest or exhibition

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the thirty-first day of August one thousand nine hundred fifty-five (P. L.) (Act No. 131) entitled "An act permitting and regulating wrestling and boxing contests and exhibitions requiring licenses and permits conferring powers and imposing duties upon the State Athletic Commission providing for the granting suspension and revocation of licenses and permits issued by the Commission preserving the rights of existing licensees and permittees prescribing penalties fines forfeitures and misdemeanors requiring bonds and insurance creating a Medical Advisory Board providing for rules and regulations and making appropriations" is hereby amended by adding immediately following section two hundred three a new section to read as follows

Section 203.1 Fictitious Names No person shall participate in any amateur boxing contest or exhibition under a fictitious or assumed name unless such fictitious or assumed name has first been registered with the Commission

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1964, as follows:

An Act making the offices of constable and justice of the peace or alderman incompatible

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall not be lawful for any constable to hold or exercise the office of justice of the peace or alderman

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Diehm,	Madigan,	Ruth,	Watkins,
DiSilvestro,	Mahany,	Schmidt,	Watson,
Donolow,	Mallery,	Scott,	Weiner,
Flack,	McCreesh,	Seyler,	Whalley,
Fleming,	McGinnis,	Silvert,	Wolfe,
			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1967, as follows:

An Act to amend section seventeen of the act approved the twenty-ninth day of March one thousand eight hundred three (P. L. 542) entitled "An act to establish a Board of Wardens for the port of Philadelphia and for the regulation of pilots and pilotages and for other purposes therein mentioned" by permitting second class pilots to pilot vessels drawing twenty-seven feet of water or under and permitting third class pilots to pilot vessels drawing twenty-three feet of water or under

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seventeen of the act approved the twenty-ninth day of March one thousand eight hundred three (P. L. 542) entitled "An act to establish a Board of Wardens for the port of Philadelphia and for the regulation of pilots and pilotages and for other purposes therein mentioned" as last amended by the act approved the ninth day of June one thousand nine hundred eleven (P. L. 750) is hereby amended to read as follows

Section 17 Every person not now a licensed pilot and who desires to exercise the profession of pilot in the bay and river Delaware shall apply in person to the aforesaid Board of Commissioners of Navigation for a license to entitle him to follow that occupation and it shall be the duty of the said Board of Commissioners of Navigation to call to their assistance as many pilots of the first class as they may see fit not less than three in number to examine every person so applying as to his fitness in all respects to perform the duties of a pilot and to grant licenses to all such as they deem qualified according to their respective abilities Those of the first class to persons capable of piloting ships or vessels of any practicable draught of water those of the second class to persons capable of piloting ships or vessels drawing [twenty-three] twenty-seven feet of water or under and those of the third class to persons capable of piloting ships or vessels drawing [fifteen] twenty-three feet of water or under which licenses shall be in force for one year from the date thereof and until the pilots respectively shall next after the expiration of the year arrive with any ship or vessel at the Port of Philadelphia and no longer but every pilot delivering up his license shall be entitled to receive a new one in lieu thereof giving like security as hereinafter directed unless it shall appear to the said Board of Commissioners of Navigation that the person applying is disqualified from exercising the duties of a pilot and if any person shall in any manner exercise or attempt to exercise the profession of of pilot in the bay or river Delaware except in vessels under seventy-five tons burden without license duly granted or at any time after his license shall have expired he shall be guilty of a misdemeanor and upon conviction thereof he shall be imprisoned for not less than one month nor more than one year and be fined a sum not exceeding two hundred dollars at the discretion of the court

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 2049, as follows:

An Act amending the act of May 25 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in simliar boards superseded by the fund and board herein created" further regulating payments to certain beneficiaries under the fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 12 act of May 25 1933 (P L 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment of beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" amended February 1 1956 (Act No 306) is amended to read

Section 12 (a) Beneficiaries under the fund who retire on or after January 1 1956 shall be entitled to receive from the fund per month [fifty per centum of the highest average annual salary] an amount equaling not less than fifty per centum of the average monthly salary earned by tne contributor as an employe of tne bureau of fire of the city during any five calendar years of service or the last sixty months immediately preceding retirement but in no event shall the maximum monthly pension payment exceed two hundred and fifty dollars per month

* * *

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,

Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 2050, as follows:

An Act amending the act of May 25 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and mannner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" further regulating the withdrawal of service increment contributions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (4) of section 12.4 act of May 25 1933 (P. L. 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" added October 21 1955 (P. L. 717) is amended to read

Section 12.4 In every city of the second class in addition to the pension which is authorized by law and notwithstanding the limitations therein placed upon pensions and upon contributions every contributor who shall have otherwise become entitled to the pension and who has reached the age of fifty years shall also be entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth

* * *

(4) Service increment contributions shall be paid at the same time and in the same manner as pension contributions and may be withdrawn in full without interest by persons who leave the employment of the bureau of fire subject to the same conditions by which pension contributions may be withdrawn or by persons who retire before becoming entitled to any service increment When any person is re-employed by the bureau of fire after withdrawal of pension contributions his or her prior service shall not be used in the computation of service increment unless the amount of such contributions be repaid into the pension fund subject to the same conditions by which pension fund withdrawals are permitted to be repaid

* * *

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Harney,	McPherson, Jr.,	Stiefel,
Berger,	Hays,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,	Stevenson,	Yosko,
Haluska,			

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SECOND READING CALENDAR

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 240, entitled:

An Act reenacting and amending the act of July twenty-nine one thousand nine hundred fifty-three (P. L. 996) entitled "An act creating an Anthracite Mine Drainage Study Commission for the purpose of making a study investigation and legislative recommendation relating to the drainage of anthracite mines and making an appropriation" by authorizing the commission to act in an advisory capacity in the allocation of funds.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 324, Printer's No. 546;
House Bill No. 669, Printer's No. 416;
Senate Bill No. 816, Printer's No. 369.
House Bill No. 861, Printer's No. 1577;
House Bill No. 873, Printer's No. 1578;
House Bill No. 904, Printer's No. 1417;
House Bill No. 929, Printer's No. 876;
House Bill No. 944, Printer's No. 1523; and
House Bill No. 984, Printer's No. 1518.

go over in their order:

The PRESIDENT: Is there objection? The Chair hears none.

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 996, Printer's No. 592, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1021, entitled:

An Act authorizing the recovery of damages from parents of children destroying property.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 1023, Printer's No. 585;
Senate Bill No. 1024, Printer's No. 588; and
Senate Bill No. 1025, Printer's No. 589.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1036, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "Local Tax Enabling Law" increasing the maximum millage amount for certain political subdivisions.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1037, entitled:

An Act providing for the reassessment of properties for tax purposes where new improvements have been made and the addition thereof to existing tax duplicates of political subdivisions.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 1289, Printer's No. 1579;
House Bill No. 1507, Printer's No. 1020;
House Bill No. 1571, Printer's No. 629;
House Bill No. 1593, Printer's No. 944;
House Bill No. 1643, Printer's No. 948;
House Bill No. 1725, Printer's No. 1580;
House Bill No. 1734, Printer's No. 955;
House Bill No. 1752, Printer's No. 1581;
House Bill No. 1755, Printer's No. 1582;
House Bill No. 1769, Printer's No. 1014;
House Bill No. 1849, Printer's No. 1583;
House Bill No. 1874, Printer's No. 1174;
House Bill No. 1962, Printer's No. 1336; and
House Bill No. 1963, Printer's No. 1337.

The PRESIDENT. Is there objection? The Chair hears none.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1736

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1736, entitled:

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code," removing the right of appeal to the Governor in cases of incorporation, merger, consolidation and conversion of building and loan associations and Federal savings and loan associations, and making the decision of the Department of Banking conclusive.

BILLS ON FIRST READING

Mr. FLEMING. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consdieration of Senate Bill No. 240, entitled:

An Act amending the act of June 27, 1923 (P. L. 858) entitled "State Employes' Retirement Law" removing the limitation on the amount of State annuities.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 900, entitled:

An Act making an appropriation to the Trustees of the the University of Pennsylvania for the University Museum.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 973, entitled:

An Act to promote the welfare of the people of the Commonwealth by the reduction of unemployment in certain areas of the Commonwealth determined to be critical economic areas; providing for the establishment of industrial development projects in such areas; creating The Pennsylvania Industrial Development Authority as a body corporate and politic with power to allocate funds for and make secured loans to industrial development agencies for the payment of a part of the cost of industrial development projects in critical economic areas; authorizing the Authority to enter into agreements with the Government of the United States or any Federal agency or industrial development agency; empowering the Authority to take title to, sell, convey and lease industrial development projects where necessary to protect loans made by the Pennsylvania Industrial Development Authority on industrial development projects; providing that no debt of the Commonwealth, its municipalities or political subdivisions shall be incurred in the exercise of any powers granted by this act; and providing for the examination of the accounts and affairs of the Authority; and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 997, entitled:

An Act amending the act of June 27, 1923 (P. L. 858) entitled "State Employes' Retirement Law" extending the benefits of the act to employes of institutions of political subdivisions acquired by the Commonwealth for use as hospitals or sanatoriums in the care and treatment of indigent persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1008, entitled:

An Act to further amend the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "The Game Law," by further regulating violations and the imposition of penalties the duration of field trials and fox hunting and modifying the limitation of the purchase price of State game lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1041, entitled:

An Act making an appropriation to the Senate committee appointed to investigate and study the reasons for the disapproval of the Allentown State Hospital by the American Psychiatric Association.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1809, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code" providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1810, entitled:

An Act amending the act of May 13, 1927 (P. L. 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the Second' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning. . . ." providing for the lease of subdivision improvement encumbrances in certain instances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1811, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "The First Class Township Code," providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1812, entitled:

An Act amending the act of May 4, 1927 (P. L. 519) entitled "The Borough Code," providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1813, entitled:

An Act amending the act of May 1, 1933 P. L. 103) entitled "The Second Class Township Code," providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. FLEMING. Mr. President, I move that the Senate do now adjourn until Monday, March 19, 1956, at 2:00 o'clock, p.m., Eastern Standard Time.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:21 o'clock, a.m., Eastern Standard Time, until Monday, March 19, 1956, at 2:00 o'clock, p.m., Eastern Standard Time.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., MONDAY, MARCH 19, 1956. No. 155.

SENATE

MONDAY, March 19, 1956.

The Senate met at 2:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair

PRAYER

Honorable FRANK W. RUTH, a Member of the Senate from Berks County, offered the following prayer:

In the Name of the Father and of the Son and of the Holy Spirit, Amen.

Almighty God, our Heavenly Father, again we have met here for another week's work and we pray that Thou wilt give us physical strength, mental alertness and a feeling in our hearts that we have a great opportunity to serve Thee and to serve our fellowmen. Guide us, by Thy wisdom, that we may be willing to give, even as Thou hast been willing to give to us Thine only begotten Son, to bring back to us the assurance of eternal life. We ask it in Thy Holy Name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MAHANY and Mr. MULLIN, further reading was dispensed with, and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE CONCURRENT RESOLUTION RECALLING SENATE BILL No. 321, PRINTER'S No. 211

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 321, Printer's No. 211, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDENT. The bill will be laid on the table.

APPROVED AND SIGNED SENATE CONCURRENT RESOLUTION, RECALLING SENATE BILL No. 929, PRINTER'S No. 535

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 929, Printer's No. 535, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

The PRESIDENT. The bill will be laid on the table.

APPROVED AND SIGNED SENATE BILL No. 655, PRINTER'S No. 498

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 655, Printer's No. 498, entitled "An Act amending the act of December 27, 1951 (P. L. 1742) entitled as amended 'An act to provide revenue by imposing a State tax relating to certain documents and transactions prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations sheriffs recorders of deeds and the Department of Revenue saving certain State and local taxes and authorizing amendments extensions and supplement to the ordinances and resolutions relating thereto and providing penalties' exempting from the tax certain trustee and correctional deeds certain straw transactions and certain transfers to the United States the Commonwealth or otheir agencies instrumentalities or political subdivisions."

GEORGE M. LEADER.

APPROVED AND SIGNED SENATE BILL No. 773, PRINTER'S No. 506

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 773, Printer's No. 506, entitled "An Act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the

titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' prohibiting the operation of motor vehicles with certain types of mufflers or exhaust systems and changing penalties."

GEORGE M. LEADER.

SENATE BILL No. 797, PRINTER'S No. 499, RETURNED WITHOUT APPROVAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 797, Printer's No. 499, entitled "An Act amending the act of June 24, 1931 (P. L. 1206) entitled 'An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' requiring entrance of bond in appeals from board of adjustment rulings affecting zoning regulations."

This bill attempts to alter existing procedures in taking appeals in zoning cases. The language used to effect the changes is vague and indefinite and imposes serious problems of constitutionality.

Furthermore, the bill provides that where an appeal is taken from the grant of a permit to build in conformity with the zoning ordinance, the appellant must file a bond of not less than 25% of the cost of construction. This requirement would impose an excessive burden on the taking of appeals in such cases and would undoubtedly close our courts to legitimate appeals. I do not believe that such procedure is desirable or necessary.

For these reasons, the bill is not approved.

GEORGE M. LEADER.

SENATE BILL No. 877, PRINTER'S No. 385, RETURNED WITHOUT APPROVAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 877, Printer's No. 385, entitled "An Act amending the act of May 21, 1943 (P. L. 571) entitled as amended 'An act relating to assessment for taxation in counties of the fourth fifth sixth seventh and eighth classes designating the subjects property and persons subject to and exempt from taxation for county borough town township school except in cities and county institution district purposes and providing for and regulating the assessment and valuation thereof for such purposes creating in each such county a board for the assessment and revision of taxes defining the powers and duties of such boards providing for the acceptance of this act by cities regulating the office of ward borough town and township assessors abolishing the office of assistant triennial assessor in townships of the first class providing for the appointment of a chief assessor assistant assessors and other employes providing for their compensation payable by such counties prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits imposing duties on taxables making improvements on land and grantees of land prescribing penalties and elminating the triennial assessment' imposing certain temporary restrictions on the taxing authorities of political subdivisions affected by the provisions of said act."

This bill amends The Fourth to Eighth Class County Assessment Law by imposing certain restrictions on such counties following the establishment of the permanent record system and the making of its first assessment of real property under that system. The act requires that if political subdivisions which levy its real estate taxes on the basis of that first assessment must for the first year reduce its tax rate so that the total amount of taxes levied for the year equal the same total amount levied during the preceding year. The only way to avoid this restriction is with approval of the court of common pleas of the county.

Such a requirement would be unduly restrictive on the thousands of local subdivisions throughout the Commonwealth which will be affected by county reassessments, many of which would normally require increases to meet their obligations during the first year following the reassessment. Furthemore, to require them to obtain the approval of the court before increasing the tax rate would create an excessive burden on the courts. The disadvantages which would accrue as a result of passage of this bill far outweigh any possible protection afforded property owners.

For these reasons, this bill is not approved.

GEORGE M. LEADER.

NOMINATIONS BY THE GOVERNOR

REFERRED TO COMMITTEE

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Oscar W. Briggs, R. D., Petersburg, Huntingdon County, for appointment as Justice of the Peace in and for the Township of West, Huntingdon County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

REGISTER OF WILLS, RECORDER OF DEEDS AND CLERK OF THE ORPHANS' COURT IN AND FOR THE COUNTY OF JUNIATA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Esther Hower, Mifflintown, Juniata County, for appointment as Register of Wills, Recorder of Deeds, and Clerk of the Orphans' Court in and for the County of Juniata, to serve until the first Monday of January 1958, vice Carl E. Hower, deceased.

GEORGE M. LEADER.

MEMBER OF THE PHILADELPHIA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Myne Freed (Dem.), 1738 North Franklin Street, Philadelphia, Philadelphia County, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Miss Marion E. Buzby, Philadelphia, whose term expired.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles Arbogast, 107 South High Street, Selinsgrove, Snyder County, for appointment as Justice of the Peace in and for the Borough of Selinsgrove, Snyder County, to serve until the first Monday of January 1958, vice Miss Mary M. Long, resigned.

GEORGE M. LEADER.

MEMBERS OF THE PENNSYLVANIA STATE PARK AND HARBOR COMMISSION OF ERIE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania State Park and Harbor Commission of Erie, to serve until the third Tuesday of January 1959, and until their successors shall have been appointed and qualified:

Robert W. Parker, 4185 Knoblach Road, Erie, Erie County. (Reappointment)

Edward J. Sinnott, 3020 Post Avenue, Erie, Erie County, vice Patrick J. Grant, Erie, resigned.

Paul L. Nunes, 609 Lincoln Avenue, Erie, Erie County, vice Adrian J. Collins, Erie, whose term expired.

John R. Dwyer, 345 West Thirty-ninth Street, Erie, Erie County, vice Norman Wilson, Erie, whose term expired.

Dr. Harold W. Kinter, 920 East Avenue, Erie, Erie County, vice Dr. J. A. Bougie, Erie, whose term expired.

Edward Palmer, R. D. 1, Fairview, Erie County, vice Eben J. Gunnison, Girard, whose term expired.

Mrs. Violet S. Waldron, 1022 Raspberry Street, Erie, Erie County, vice Clare A. Hillstrom, Corry, whose term expired.

GEORGE M. LEADER.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 39, entitled:

An Act amending the act of July 11, 1917 (P. L. 758), entitled "An act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribng, and use of certan drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veteraiarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties," changing the penalties for the illegal sale, dispensing or giving away drugs.

Senate Bill No. 159, entitled:

An Act amending the act of May 31, 1893 (P. L. 188, No. 138), entitled "Legal Holiday Law," changing the name of Armistice Day to Veterans' Day.

House Bill No. 173, entitled:

An Act providing for the establishment of police pension funds or pension annuities in boroughs, towns and townships, and the regulation and maintenance thereof; providing for continuance of existing funds or transfer thereof to funds herein established; prescribing rights of beneficiaries; and repealing certain acts.

House Bill No. 524, entitled:

An Act making an appropriation to the House Committee on Conservation and Wild Life for study of our game, fish, forest and water resources, and their proper use and management for the benefit of the public.

Senate Bill No. 661, entitled:

An Act amending the act of May 21, 1943 (P. L. 571), entitled, as amended, "Fourth to Eighth Class County assessment Law," increasing the compensation of assessors.

Senate Bill No. 865, entitled:

An Act to amend the act approved the twenty-ninth day of July one thousand nine hundred fifty-three (P. L. 1050) entitled "The Intra-State Tunnel Revenue Bond Act" by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenue of the commission including tolls or from such funds as may be available to the commission for such purposes providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds.

Senate Bill No. 868, entitled:

An Act authorizing the Department of Forests and Waters to exchange certain lands located in Union Township, Bedford County, Pennsylvania, necessary for improved administration of Blue Knob State Park.

Senate Bill No. 988, entitled:

An Act amending the act of August 9, 1955 (P. L. 323), entitled "The County Code," giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

Senate Bill No. 989, entitled:

An Act amending the act of July 28, 1953 (P. L. 723), entitled "Second Class County Code," giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems.

House Bill No. 1736, entitled:

An Act amending the act of May 5, 1933 (P. L. 457), entitled "Building and Loan Code," removing the right of appeal to the Governor in cases of incorporation, merger, consolidation and conversion of building and loan associations and Federal savings and loan associations, and making the decision of the Department of Banking conclusive.

House Bill No. 1848, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "Vehicle Code," excluding the weight of safety devices in determining gross weight.

Whereupon,

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 794 AND POINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists on its non-concurrence in Senate amendments to House Bill No. 794, entitled:

An Act amending the act of January 21, 1947 (P. L. 3), entitled "An act relating to officers and employes of the General Assembly; fixing the number, qualifications, compensation, mileage and duties of the officers and employes of the Senate and of the House of Representatives; providing for their election or appointment, term of office, or of service, removal, and manner of filling vacancies; and making appropriations to the Senate, House of Representatives and Legislative Reference Bureau," changing the title of and compensation of certain House employes; and providing for the appointment of additional employes therein.

and has appointed Messrs. STANK, PETROSKY and BOWER as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 794 AND APPOINTS COMMITTEE OF CONFERENCE

Mr. MAHANY. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 794, and that a Committee of Conference on the part of the Senate be appointed.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Messrs. FLEMING, SCOTT and DENT as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two Houses in relation to House Bill No. 794.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. BLASS, from the Committee on Judiciary General, reported as amended, Senate Bill No. 12, entitled:

An Act relating to and regulating the solicitation of moneys and property.

Mr. KOPRIVER, Jr., from the Committee on Local Government, reported as committed, House Bill No. 2075, entitled:

An Act amending the act of May 22 1935 (P. L. 233) entitled "Policemen's Relief and Pension Fund Law," further regulating the withdrawal of service increment contributions.

BILLS INTRODUCED AND REFERRED

Mr. RUTH (By request) read in his place and presented to the Chair Senate Bill No. 1042, entitled:

An Act amending the act of August 6, 1941 (P. L. 861) entitled "Pennsylvania Board of Parole Law" removing the ceiling on salaries of the secretary of the board and of district supervisors.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 1043, entitled:

An Act amending the act of December 22, 1955 (Appropriation Acts No. 29A), entitled "An act to provide for the ordinary expenses of the Department of Public Instruction for two years beginning June first, one thousand nine hundred fifty-five, . . ." increasing the amount of the appropriation for farm and home safety education.

Which was committed to the Committee on Education.

Messrs. DENT and MAHANY read in place and presented to the Chair Senate Bill No. 1044, entitled:

An Act amending the act of July 1, 1937 (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; . . . " further regulating membership of the commission and the powers and duties of the commission and providing for the scheduling of its meetings, imposing powers and duties on standing committees of the General Assembly.

Which was committed to the Committee on State Government.

PETITIONS AND REMONSTRANCES

Mr. SEYLER. Mr. President, it is my purpose today to make a remonstrance and, at the same time, to make an appeal to the Chairman and the Members of the Labor and Industry Committee of this Senate. I would like to speak to that point, about House Bill No. 1587, which, to my mind, is one of the important measures introduced at this Session for the benefit of industry in this Commonwealth. A lot of pious cant goes on in this august Hall with regard to our solicitude for the well-being of industry.

Mr. President, here is a bill which, in my opinion, is very important for the health of many of our important industries in this Commonwealth. This bill was introduced in the House of Representatives in June of 1955. It was passed, came to this Senate and it was referred to the Committee on Labor and Industry on October 3, 1955. Since that time, in addition to my own efforts, hundreds of letters have been written by industry throughout this Commonwealth on behalf of this bill and addressed to Members of this Senate. Upon inquiry, I learned that a very large number of letters have been written on the same subject to our Department of Labor and Indusry.

This bill is evidently not a political bill. There is nothing in it that should be at all controversial or of a partisan nature. I have not talked to anyone who has even suggested that there is anything political about it. We, therefore, cannot charge any delay to that score. This bill would certainly benefit industry. This is testified to by the hundreds of letters and the personal appeals

of many of the engineers who are engaged in industry on behalf of this bill. This is a bill which would provide for the better safety of our workers in industry and the citizens of the Commonwealth. This bill has the support of most of the industries in this Commonwealth and, especially, those industries which are engaged in manufacturing, using pressure vessels or boilers. This bill, I understand, is supported by the Manufacturers' Association of Pennsylvania. It certainly has the support of the Department of Labor and Industry of this Commonwealth. It is a bill which conforms to most of the laws that are already in existence to protect the safety of citizens of other States. Most of the States in this Country have similar laws upon their books.

If all this is true, Mr. President, then who opposes it? To the best of my knowledge, I have been able to find only one source of opposition, but apparently it has been a very powerful and, certainly, a very successful one. This is a part of the oil industry in Pennsylvania. Before I go into the reasons for this opposition, let me tell you a little bit about the bill so that you can try to figure out, as I have, why anyone should oppose it.

The main purpose of this bill is to make it possible for the Department of Labor and Industry to enforce our present boiler law in a sane and sensible manner, in an effective manner, which will really provide for the safety of our citizens, particularly those in industry. The present boiler law is badly outmoded and almost impossible to enforce. It was passed twenty-seven years ago, in 1929, at a time when unfired pressure vessels, which now form a major part of the enforcement activities under this bill for the Department of Labor and Industry, were practically unknown. No one even thought any law concerning them was necessary. Eight years later, when these pressure vessels began to be used, the boiler law was amended and the definition of the word "boiler" was amended to include these unfired pressure vessels. All of the provisions of the act, which applied to boilers, were made to apply to these unfired pressure vessels.

Today, the use of these pressure vessels has expanded in a fashion that I can only describe as incredible. Today these pressure vessels are used to contain air, water, oil, oxygen, hydrogen, nitrogen, other gases and many chemicals. These pressure vessels range in size from vessels which are one inch in diameter, about as big as my thumb, to vessels which have a capacity of 50,000 pounds. The use of these vessels has expanded to include a fascinating array of uses in industries and in professions. However, under the law, passed in 1929 and amended eight years later, the term "boiler" includes all these various types of unfired pressure vessels. It makes it practically impossible to have any sort of sensible or effective enforcement. It requires all of this pressure equipment of all these different types, regardless of how big or how small, regardless of whether it is very high pressure or very low pressure, to be constructed, to be stamped and to be annually inspected under exactly the same terms as the largest boiler in the Commonwealth.

On the face of it, this is obviously ridiculous and impossible of enforcement. It makes it really impossible for the Department to maintain a competent inspection to protect the safety of our citizens.

What would this bill do, Mr. President? House Bill No. 1587 would simply split up this antiquated definition of the word "boiler." It would put boilers in one category and it would put unfired pressure vessels in a separate category. It would further authorize the Department to make exemptions of those pressure vessels which, let us say, were very small or of very low pressure and did not require the rigorous controls and specifications necessary for huge boilers, under thousands of tons of pressure. In other words, it will allow the Department to treat these unfired pressure vessels separately from boilers.

This, of course, is necessary in order to have good enforcement. The Department, at present, is unable to give that kind of enforcement to the law. It would save money for the Commonwealth; it would save the Department from unnecessary "snoopervision" over certain types of vessels which are made by the thousands and which do not need the rigorous examination that the larger ones do. In view of these facts, Mr. President, it is hard to see why anyone in the Commonwealth would be opposed to this. However, I have already told you that a part of the oil industry has registered opposition so successfully that this bill is still incarcerated in committee.

What are the reasons for the opposition of a part of the oil industry? You can believe that I, of course, was very much interested in this. I talked to the engineers of numerous corporations, particularly in refrigeration. The engineers of this industry are very anxious to have this bill passed because they use unfired pressure vessels. I talked to members of the Department of Labor and Industry and both of them told me that they had met with representatives of the oil industry, at least that part of it which is opposed to this bill, and had asked them what they thought was wrong with the bill. They asked how this bill would hurt them. They asked whether they could do something about it to make it conform to their wishes. They asked what was wrong with this bill. The answer that both of the members of the Department of Labor and Industry got, according to what they told me, is that the oil industry has no objection whatever to the provisions of this bill. There is nothing in this bill, according to my sources, which will hurt the oil industry. The oil industry, they say, admits this. Then, why do they not let go of their iron grip on this thing and let us have this bill, which is so necessary to many of our important industries? The answer is that although there is nothing in the bill that will hurt them, they are asking the proponents of the bill to agree to an amendment which would accept the inspection reports of their company's own paid inspectors in lieu of the inspection which is mandated by the present law through the Department of Labor and Industry's inspections. I wonder if you see what that means. It means that instead of the inspectors of the Department of Labor and Industry of this Commonwealth going out and making these inspections, these companies wish the Department to accept the inspection of their own paid employees in lieu thereof. Such a privilege, to my knowledge, has never been granted to any industry in any kind of manufacturing.

It is obvious that the public's interest is involved in this thing. The Department cannot simply abdicate and say, "Yes, you have your own inspectors inspect them." If they did it for this industry, it is very obvious that

other industries would ask for the same privilege. Steel companies manufacturing, let us say, large hoists which, if they are not safely constructed, would come crashing down and threaten the lives of employees and citizens, might ask for the same privilege. They might ask that their own inspection be considered adequate and to have the Department's inspection cease. This, of course, is an impossible request from the standpoint of public safety because we run this Commonwealth not for the interest of a small segment of our industry, but for the safety of the whole citizenry of this Commonwealth and for all the employees.

Since House Bill No. 1587 in no way is injurious to the interest of the oil industry and since it would provide so many benefits for a very important part of our industry in this Commonwealth, in addition to making a mild remonstrance about it, I would at this time like to appeal to the Chairman and to the Members of the Committee on Labor and Industry to give House Bill No. 1587 consideration and to bring it forth to be voted on on this floor, at which time we can present to the Senators who will vote upon it a case for it. In that event, I am confident that it would receive the support of this Senate, that it would be signed by the Governor and that it would become law.

Mr. BERGER. Mr. President, the remarks of the gentleman from York are, in a large measure, correct. Most of the support for this bill, and there has been a great deal of support for it, has come from manufacturers of what are termed unfired pressure vessels. I do not have the benefit of a technical discussion prepared for me by, I presume, the Department of Labor and Industry or the manufactury in the county from which the gentleman hails, which manufacturing company is interested in the passage of this bill and has had their chief engineer up here discussing it with me and with others on a couple occasions.

However, Mr. President, in the northwestern part of Pennsylvania, as we all know, there are a number of medium size and small refining operations. These industries inform me that, first, they have a number of patented processes in operation which are operated under royalty agreements. Inspections are made of those vessels, which I presume are fractionating towers and similar installations, by the owners of those processes and by the insurance companies covering those owners as well as the refineries.

Under this bill, Mr. President, if they were required to submit to an inspection on the part of the Department of Labor and Industry at times when their continuous processes might be interrupted, it would cause the manufacturers a great deal of expense in the conduct of their refining operations. That is the principal objection I have had to this bill. If that matter can be straightened out, as I have stated to the Secretary of Labor and Industry and to others who are interested in the manufacture of a totally difierent type of pressure vessel, possibly the committee might give further consideration to the bill.

For the benefit of the gentleman from York, and this information has been current for several months, this bill has been considered in committee. It has been carefully considered not only in a regular meeting but in meetings with the engineer, to whom I referred, in private discussions. Incidentally, that engineer admitted that the chemical and oil industry might have a valid objection.

Mr. President, it might be possible to work something out, as I wrote to the Secretary of Labor and Industry when I said this:

"When the men from the Department were here last week, I went over this matter with them and an endeavor will be made to satisfy the industries which feel they would be hampered by passage of this bill.

"It has been suggested also that the A.S.M.E. Code be incorporated in the bill. However, I feel that as Codes are subject to change through advancements and changes in industries that the Department should have wide latitude in adopting rules," which is, I believe, a part of the bill and with which I agree.

However, that one obstacle remains, Mr. President, and aside from the fact that the bill has been considered in committee unfavorably, as yet no satisfactory answer has been made to me.

SENATE CONCURRENT RESOLUTION, SERIAL No. 170, TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Concurrent Resolution, Serial No. 170, for consideration at this time.

The Clerk read the resolution as follows:

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO STUDY AND INVESTIGATE WIRE TAPPING

In the Senate, March 12, 1956.

Wire tapping and its effect on the privacy of the citizens and other residents of this Commonwealth is a matter of grave concern to this law making body.

The use of evidence secured by wire tapping is of importance in the proper disposition of court cases involving the liberty and finances of many Pennsylvanians; therefore be it

Resolved, (the House of Representatives concurring) That the Joint State Government Commission be directed to study and investigate the probelm of wire tapping and its effect on the people of Pennsylvania, and to include in the study a comprehensive review and consideration of federal laws and the laws of other states on the subject of wire tapping; and be it further

Resolved, That the Joint State Government Commission report to the next regular session of the General Assembly, its findings and recommendations, with drafts of legislation necessary to carry the recommendations into effect.

SENATE CONCURRENT RESOLUTION, SERIAL No. 170, ADOPTED

Mr. MAHANY. Mr. President, I move that the resolution just read by the Clerk be adopted.

Mr. BERGER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

SENATE CONCURRENT RESOLUTION, SERIAL No. 165, TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table

Senate Concurrent Resolution, Serial No. 165, for consideration at this time.

The Clerk read the resolution as follows:

DIRECTING THE CONTINUANCE OF THE SUB-COMMITTEE ON DECEDENTS' ESTATE LAWS OF THE JOINT STATE GOVERNMENT COMMISSION

In the Senate, January 16, 1956.

Resolved, (The House of Representatives concurring), That the Subcommittee on Decedents' Estate Laws of the Joint State Government Commission be continued until the end of the legislative session of 1957 for the purpose of considering necessary and desirable changes in the decedents' estate laws and related statues developed by the Subcommittee, and to make recommendations to the commission with drafts of legislation necessary to cary the recommendations into effect.

SENATE CONCURRENT RESOLUTION SERIAL No. 165, ADOPTED

Mr. MAHANY. Mr. President, I move that the resolution just read by the Clerk be adopted.

Mr. WEINER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

SENATE RESOLUTION, SERIAL No. 12, TAKEN FROM TABLE

Mr. MAHANY. Mr. President, I call from the table Senate Resolution, Serial No. 12, for consideration at this time.

The Clerk read the resolution as follows:

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO STUDY AND INVESTGATE THE SAFEGUARDING OF THE HEALTH OF THE CITIZENS OF THE COMMONWEALTH BOTH THROUGH THE PREVENTION OF MANUFACTURE AND SALE OF MISBRANDED ADULTERATED UNWHOLESOME OR DELETERIOUS FOODS

In the Senate, March 13, 1956.

Whereas, The protection of the public health includes both the prevention of adulteration and misbranding of foods and the imposition of positive duties upon food manufacturers, processors, and sellers to offer pure, wholesome food, accurately and truthfully labeled; and

Whereas, While the laws enacted by the Federal Government dealing with both the misbranding and adulteration and the truthful labeling and representation of foods, in their application to interstate commerce, operate to some extent to protect the citizens of the Commonwealth, yet the Commonwealth's obligation to provide safeguards for the health of its citizens is not discharged by a reliance upon the Federal Government, and it remains the right and duty of the Commonwealth to take whatever steps necessary to insure that foods manufactured, processed, and sold within our state be wholesome and be completely and accurately labeled; and

Whereas, The Commonwealth's food laws deal primarily with preventing the adulteration and misbranding of foods and but infrequently provide for the complete and accurate labeling and advertising of foods; now, therefore be it

Resolved, That the Joint State Government Commission be directed to study and investigate the safeguarding of the health of the citizens of the Commonwealth, both through the prevention of manufacture and sale of misbranded, adulterated, unwholesome, or deleterious foods and through requirements for complete and accurate labeling and advertising of foods.

SENATE RESOLUTION, SERIAL No. 12, ADOPTED

Mr. MAHANY. Mr. President, I move that the Resolution just read by the Clerk be adopted.

Mr. MADIGAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The resolution was agreed to.

SENATE BILL No. 929, RECALLED FROM THE GOVERNOR, TAKEN FROM TABLE

Mr. HALUSKA. Mr. President, at this time I call from the table Senate Bill No. 929, Printer's No. 535, which was recalled from the Governor for the purpose of amendment.

RECONSIDERATION OF SENATE BILL No. 929

Mr. HALUSKA. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 929, entitled:

An Act amending the act of April 12, 1951 (P. L. 90), entitled "Liquor Code," providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. HALUSKA. Mr. President, I voted with the majority.

Mr. SEYLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. HALUSKA. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. HALUSKA. Mr. President, I voted with the majority.

Mr. SEYLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SEYLER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. HALUSKA. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows: Amend Sec. 1 (Sec. 602), page 3, line 19, by inserting a bracket before "the" where it appears the first time, and after "property" and inserting immediately thereafter: "said liquor, alcohol or malt or brewed beverage or still, equipment, material or utensil"; Amend Sec. 1(Sec. 602), page 3, line 20, by striking out the bracket before and after "shall" and "may in its discretion"; Amend Sec. 1 (Sec. 602), page 3, line 20, by inserting a bracket before and after "it" and

inserting immediately thereafter: "the same"; Amend Sec. 1 (Sec. 602), page 4, line 1, by inserting after "provided": "or if it apepars that said vehicle, boat, vessel, container, animal or aircraft was unlawfully possessed or used the court may in its discretion adjudge same forfeited and condemned as hereinafter provided"; Amend Sec. 1 (Sec. 603), page 4, line 5, by inserting a bracket before and still, equipment, material or utensil"; Amend Sec. 1 (Sec. 603), page 4, line 5, in inserting a bracket before and after "property" and inserting immediately thereafter: "used such liquor, alcohol or malt or brewed beverage or still, equipment, material or utensil shall be adjudged forfeited and condemned: or if it appears that any vehicle, boat, vessel, container, animal or aircraft was"; Amend Sec. 1 (Sec. 603), page 4, lines 6 and 7, by inserting a bracket before "liquor" where it appears the second time in line 6 and after "or" where it appears the second time in line 7.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Ordered, That the bill as amended lie over for printing.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 333, Printer's No. 562, on concurrence in House amendments, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 813

The Senate proceeded to the consideration of the report of Committee of Conference on Senate Bill No. 813, as follows:

To the Members of the Senate and House of Representatives:

We, the undesigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 813, entitled: An Act amending the act of October 27, one thousand nine hundred fifty-five (Act No. 222) entitled "An act prohibiting certain practices of discrimination because of race color religious creed ancestry age or national origin by employers employment agencies labor organizations and others as herein defined creating the Pennsylvania Fair Employment Practice Commission in the Department of Labor and Industry defining its functions powers and duties providing for procedure and enforcement providing for formulation of an educational program to prevent prejudice providing for judicial review and enforcement and imposing penalties" providing that termination of employment or the operation of provisions having the effect of a minimum service requirement under a bona fide retirement insurance or pension plan shall not constitute an unfair employment practice changing certain restrictions relative to age and requiring that attorneys appointed by the commission be approved by the Attorney General.

Respectfully submit the following bill as our report:

ROBERT D. FLEMING,
PAUL L. WAGNER,
HARRY E. SEYLER
(Committee on the part of the Senate)

HERMAN TOLL,
J. P. MORAN,
CHARLES C. SMITH
(Committee on the part of the House of Representatives)

An Act amending the act of October 27 one thousand nine hundred fifty-five (Act No. 222) entitled "An act prohibiting certain practices of discrimination because of race color religious creed ancestry age or national origin by employers employment agencies labor organizations and others as herein defined creating the Pennsylvania Fair Employment Practice Commission in the Department of Labor and Industry defining its functions powers and duties providing for procedure and enforcement providing for formulation of an educational program to prevent prejudice providing for judicial review and enforcement and imposing penalties" providing that termination of employment or the operation of provisions having the effect of a minimum service requirement under a bona fide retirement insurance or pension plan shall not constitute an unfair employment practice changing certain restrictions relative to age and requiring that attorneys appointed by the commission be approved by the Attorney General

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsections (a) and (b) of section 5 and subsection (c) of section 7 act of October 27 one thousand nine hundred fifty-five (Act No. 222) known as the "Pennsylvania Fair Employment Practice Act" are amended to read

(b) For any employer employment agency or labor organization prior to the employment or admission to membership to

(1) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race color religious creed ancestry [age] or national origin of any applicant for employment or membership

(2) Print or publish or couse to be printed or published any notice or advertisement relating to employment or membership indicating any preference limitation specification or discrimination based upon race color religious creed ancestry age or national origin

(3) Deny or limit through a quota system employment or membership because of race color religious creed ancestry age national originn or place of birth

(4) Substantially confine or limit recruitment or hiring of individuals with intent to circumvent the spirit and purpose of this act to any employment agency employment service labor organization training school or training center or any other employe-referring source which services individuals who are predominately of the same race color religious creed ancestry age or national origin

* * *

Section 7 Powers and duties of the commission The commisison shall have the following powers and duties

* * *

(c) To appoint such attorneys with the approval of the Attorney General and other employes and agents as it may deem necessary fix their compensation within the limitations provided by law and prescribe their duties

* * *

Section 5 Unlawful Employment Pratices It shall be an unlawful employment practice unless based upon a bona fide occupational qualification or except where based upon applicable security regulations established by the United States or the Commonwealth of Pennsylvania

(a) For any employer because of the race color religious creed ancestry age or national origin of any individual to refuse to hire or employ or to bar or to discharge from employment such individual or to otherwise discriminate against such individual with respect to compensation hire tenure terms conditions or privileges of employment If the individual is the best able and most competent to perform the services required The provisions of this paragraph shall not apply to (1) termination of employment because of the terms or conditions of any bona fide retirement or pension plan (2) operation of the terms or con-

ditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement (3) operation of the terms or conditions of any bona fide group or employe insurnace plan

Section 2 This act shall take effect immediately

On the question,

Will the Senate adopt the report of the Committee of Conference?

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 813

Mr. MAHANY. Mr. President, I move that the Senate adopt the report of the Committee of Conference on Senate Bill No. 813.

Mr. FLEMING. Mr. President, I second the motion,

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.,	Stevenson,
Berger,	Harney,	Miller,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,	McMenamin,		Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

FINAL PASSAGE CALENDAR

APPROPRIATION BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 656, Printer's No. 566 on final passage, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

THIRD READING CALENDAR

APPROPRIATION BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that the following appropriation bills, on third reading, go over in their order:

House Bill No. 1648, Printer's No. 1507;

House Bill No. 1650, Printer's No. 1594; and

House Bill No. 1694, Printer's No. 1510.

The PRESIDENT. Is there objection? The Chair hears none.

HOUSE BILL No. 1311 CALLED UP OUT OR ORDER

Mr. WADE. Mr. President, I call up out of order, from page 5 of today's Third reading Calendar, House Bill No. 1311, Printer's No. 1496.

BILL RECOMMITTED

Mr. WADE. Mr. President, I move that House Bill No. 1311, on third reading, entitled:

An Act providing a permanent allocation of a part of the fuels and liquid fuels tax proceeds to cities boroughs incorporated towns and townships for their road street and bridge purposes conferring powers and imposing duties on local officers and the Department of Highways and making an appropriation out of the Motor License Fund

be recommitted to the Committee on Highways, for the purpose of holding a public hearing.

Mr. TAYLOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WADE. Mr. President, the reason I have called this bill up at this time is so that the different organizations and subdivisions of government may be notified if we take that action now; whereas if we wait and the Calendar should not be entirely considered today, it would be late to get notice to these groups.

Mr. LANE. Mr. President, I desire to interrogate the gentleman from Cumberland, Senator Wade.

The PRESIDENT. Will the gentleman from Cumberland, Mr. Wade, permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. LANE. Senator Wade, we are in agreement on your motion, but I would like to known if you have set a definite date when your are going to hold the public hearing and where it is going to be held.

Mr. WADE. Mr. President, promptly upon the adoption of this motion, I wanted to announce to the Senate that the hearing would be held on Wednesday, the 21st of March at 1:00 o'clock, in the Republican Senate Caucus Room. Does that answer the gentleman's question?

Mr. LANE. I wish to thank the gentleman.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to

ANNOUNCEMENT OF PUBLIC HEARING ON HOUSE BILL No. 1311, PRINTER'S No. 1496

Mr. WADE. Mr. President, it is hardly necessary now to announce that the public hearing will be held on Wednesday, March 21st, at 1:00 o'clock, p. m., in the Republican Senate Caucus Room.

THIRD READING CALENDAR

BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order.

Mr. President, I would like to elaborate on this request by stating that Senator Wagner, in all probability, has not arrived here as yet and he was supposed to contact the Department of Public Instruction in regard to the approximate actual cost of this piece of legislation. This is the reason for my request that the bill go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent

that Senate Bill No. 232, Printer's No. 572, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 240, as follows:

An Act reenacting and amending the act of July twenty-nine one thousand nine hundred fifty-three (P. L. 996) entitled "An act creating an Anthracite Mine Drainage Study Commission for the purpose of making a study investigation and legislative recommendations relating to the drainage of anthracite mines and making an appropriation" by authorizing the commission to act in an advisory capacity in the allocation of funds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act of July twenty-nine one thousand nine hundred fifty-three (P. L. 996) entitled "An act creating an Anthracite Mine Drainage Study Commission for the purpose of making a study investigation and legislative recommendations relating to the drainage of antharcite mines and making an appropriation" are reenacted and amended to read

An Act creating an Anthracite Mine Drainage Study Commission for the purpose of making a study investigation and legislative recommendations relating to the drainage of anthracite mines authorizing the commission to act in an advisory capacity in the allocation of funds and making an appropriation

Section 1 There is hereby created a commission to be known as the "Anthracite Mine Drainage Study Commission" which shall consist of the Secretary of Mines and six other members who shall be appointed by the Governor as follows Three from the employes' bargaining agent of the anthracite mining industry and three from the mine owners or their association The Secretary of mines shall be chairman of the commission The members of the commission shall serve without compensation but shall be reimbursed for all expenses incurred in the discharge of their duties Vacancies occurring in the membership of the commission shall be filled in the same manner as the member whose place is vacated

Section 2 It shall be the duty of the commission to make a complete study and investigation either independently or in conjunction with any other State or Federal agency of economic social or governmental problems related to connected with or resulting from the flooding of anthracite mines and feasible solutions thereof

Section 3 The commission shall have power to employ and fix the compensation of such engineers experts assistants clerks stenographers and other employes as may be deemed necessary to carry out the work of the commission The commission shall require and secure the cooperation of the Department of Mines and any State official who may be of assistance to the commission in the discharge of its duties

Section 4 The commission is authorized to act in an advisory capacity in the allocation of funds made available for the alleviation of the mine drainage situation

Section [4] 5 The commisison shall make a final report to the Governor and the General Assembly on or before the first day of [February one thousand nine hundred fifty-five together with such proposed legislation as it deems necessary to carry its recommendations into effect] July one thousand nine hundred fifty-seven

Section [5] 6 The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the Anthracite Mine Drainage Study Commission for the payment of the expenses and compensation of the engineers experts assistants clerks stenographers and other employes of the commission for the purchase of supplies material and equipment for printing postage telephone telegraph rent and miscellaneous expenses and generally for the purposes of carrying into effect the provisions of this act

Section 2 This reenacting and amending act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. LANE. Mr. President, before considering House Bill No. 323, Printer's No. 1521, may we be at ease for about five minutes?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

BILL RECOMMITTED

Mr. McGINNIS. Mr. President, I have received a number of objections to this bill,, especially from the National Rifle Association of Washington, D. C. The objections are aimed at section five of the bill.

I have an amendment prepared to eliminate section five from the bill. I have been advised that there will be objection to that amendment.

Therefore, Mr. President, I move that House Bill No. 323, on third reading, entitled:

An Act providing for the protection of the public safety by regulating the sale offering or exposing for sale at retail and the use of air rifles defining air rifles authorizing cities boroughs towns and townships to issue permits for licensing and to regulate target ranges imposing duties on the Pennsylvania State Police sheriffs police officers and constables and providing penalties

be recommitted to the Committee on Law and Order, for the purpose of amendment.

Mr. WADE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LANE. Mr. President, I want to make my position specifically clear here today. I believe that we could amend House Bill No. 323 here on the floor. I feel, too, that it is good constructive legislation, which is going to provide a law which we actually have needed for a long, long time.

Mr. President, I do not agree with the recommitment of

this bill and, therefore, I want to be recorded as voting "no."

Mr. SCHMIDT. Mr. President, I happen to be a member of an organization known as the Lions International which is very much interested in this question of the protection of the eyesight of children and blindness, a lot of which has been caused by the mishandling of air rifles.

I have two sons who use rifles and who belong to clubs where they are taught how to use their rifles, but I still believe that this bill should be passed. This bill can be passed by wiping out section five, which is the objectionable feature of the bill in so far as these sportsmen's clubs are concerned. I see no necessity to return the bill to committee. I think the amendments proposed to be offered by Senator McGinnis would suffice. Therefore, I, likewise, wish to be recorded as voting "no" on the recommitment.

Mr. RUTH. Mr. President, I am opposed to recommiting this bill because I am interested in saving the eyes of our children. I want to be recorded as voting "no" on the recommittal motion.

Mr. MULLIN. Mr. President, I desire to be recorded as voting "no" on this motion.

Mr. STIEFEL. Mr. President, apparently the only reason that motivated Senator McGinnis in sending this bill back to committee is that he is afraid the Great Dane will be injured if this bill is not sent back to committee.

I am worried very little about the Great Dane but, like Senator Schmidt, I am worried about the safety of our children. I, too, want to voice my objection to recommitting this bill.

The PRESIDENT. If there is no objection, the Clerk will call the roll on this motion.

And the question recurring,

Will the Senate agree to the motion?

The roll was called and was as follows:

YEAS—23

Berger,	Kessler,	Pechan,	Van Sant,
Blass,	Kopriver, Jr.	Peelor,	Wade,
Chapman,	Madigan,	Propert,	Weiner,
Diehm,	Mahany,	Seyler,	Whalley,
Flack,	McGinnis,	Stevenson,	Wolfe,
Fleming,	McPherson, Jr.,	Taylor,	

NAYS—11

Dent,	Hays,	Mullin,	Silvert,
Derk,	Lane,	Ruth,	Stiefel,
Haluska,	Mallery,	Schmidt,	

So the question was determined in the affirmative.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 400, as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" changing the time within which a notice of hearing upon a citation may be issued and the nature of the notice and requiring notice of violations noted by an agent or employe of the board as a prerequisite to the imposition of a penalty suspension or revocation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows.

Section 1 Section 471 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" is amended to read

Section 471 Revocation and Suspension of Licenses Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol or malt or brewed beverages or of any regulations of the board adopted pursuant to such laws of any violations of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor or malt or brewed beverages by any licensee within the scope of this article his officers servants agents or employes or upon any other sufficient cause shown the board may within [one year] ninety days from the date of such violation or cause appearing cite such licensee to appear before it or its examiner not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked Such notice shall contain a complete statement and particulars of the charges Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license Upon such hearing if satisfied that any such violation has occurred or for other sufficient cause the board shall immediately suspend or revoke the license notifying the licensee thereof by registered letter addressed to his licensed premises Such suspensions and revocations shall not go in effect until twenty days have elapsed from the date of notice of issuance of the board's order during which time the licensee may take an appeal as provided for in this act When a license is revoked the licensee's bond may be forfeited by the board Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked In the event the board shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises in which case the board may in its discretion issue or transfer a license within the said year In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board he shall have the right to appeal to the court of quarter sessions or the county court of Allegheny County in the same manner as herein provided for appeals from refusals to grant licenses Upon appeal the court so appealed to shall in the exercise of its discretion sustain reject alter or modify the findings conclusions and penalties of the board based on the findings of fact and conclusions of law as found by the court The aforesaid appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise The licensee or the board may within thirty days from the filing of the order or decree of said court file an appeal therefrom to the Superior Court In those cases where the board shall suspend a license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension In the case of a manufacturer of malt or brewed bever-

ages the offer in compromise shall be at the rate of one hundred dollars ($100) for each day of suspension in the case of a liquor importer sacramental wine licensee and a malt or brewed beverage importing distributor thirty dollars ($30) in the case of a distributor of malt or brewed beverages twenty dollars ($20) for each day of suspension and in the case of a hotel restaurant and club liquor licensee and a retail malt or brewed beverage dispenser or transporter for hire ten dollars ($10) for each day of suspension No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of 100 days

No penalty or suspension or revocation of license provided by this section shall be imposed by the board or any court for any violation of the provisions of this section by a licensee his agent servant or employe on the licensed premises noted by any agent or employe of the board unless within fifteen days after the violation noted by the agent or employe of the board the board notifies the licensee in writing of the nature and time of the violation

The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 590, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "Public School Code of 1949" authorizing school directors of districts in a jointure of vote at county convention meetings in the county where the joint school is located.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. MAHANY. Mr. President, I ask unanimous consent to offer an amendment at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows: Amend Sec. 1 (Sec. 901), page 4, lines 5, 6 and 7, by striking out "which has the largest area of land within the joint school system" and inserting in lieu thereof: "contaning the largest proportion of the population of the administrative unit as shown by the last United States census."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILLS OVER IN ORDER

Mr. MAHANY. Mr. President, I ask unanimous consent that Senate Bill No. 590, Printer's No. 605, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 675, Printer's No. 417, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 943, Printer's No. 575, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 980, as follows:

An Act amending the act of May 6 1929 (P L 1551) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the height location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand the size of courts yards and other open spaces appurtenant thereto and the density of population and for these purposes to establish districts and boundaries to designate and regulate residential commercial and industrial or other uses within such districts and boundaries and providing for the appointment of a zoning commission and a board of adjustment the creation of a bureau of zoning and setting forth the duties and functions of said commission board and bureau providing for the administration and enforcement of rules and ordinances authorized by this act and penalties for violations thereof" regulating appeals based on invalidity of zoning ordinances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The second paragraph of section 8 act of May 6 1929 (P L 1551) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the height location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand the size of courts yards and other open spaces appurtenant thereto and the density of population and for these purposes to establish districts and boundaries to designate and regulate residential commercial and industrial or other uses within such districts and boundaries and providing for the appointment of a zoning commission and a board of adjustment the creation of a bureau of zoning and setting forth the duties and functions of said commission board and bureau providing for the administration and enforcement of rules and ordinances authorized by this act and penalties for violations thereof" is amended to read

Section 8 Board of Adjustment * * *

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer department board or bureau of the city affected by any decision of the administrative officer [Such appeal] except that appeals which are based on a claim that a zoning ordinance is invalid shall be taken within thirty days after such decision directly to a court of common pleas of the county by petition duly verified setting forth the grounds relied upon A copy of the petition shall be served upon the officer from whom the appeal is taken who shall forthwith transmit to the court all the papers constituting the record upon which the action appealed from was taken The court shall take such testimony as is necessary for the proper disposition of the appeal and shall render such decision as may appear just and proper Any such appeal to the board of adjustment shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken

* * *

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1018, as follows:

An Act amending the act of July 25 1955 (P. L. 273) entitled "An act authorizing counties cities boroughs incorporated towns townships school districts poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law and to amend such claims when the property affected is not sufficiently described and to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments" extending the time during which political subdivisions may act under the provisions thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of July 25 1955 (P L 273) entitled "An act authorizing counties cities boroughs incorporated towns townships school districts poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law and to amend such claims when the property affected is not sufficiently described and to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims ;and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments" is amended to read

Section 1 Whenever any county city borough incorporated town township school district poor district or county institution district has heretofore failed to file in the office of the prothonotary of the county any tax claim or municipal claim assessed against any property within the time limit required by law for such filing whereby the lien of such tax or municipal claim is lost or has heretofore filed any tax claim or municipal claim assessed against any property and in such claim has described the property against which the claim was assessed only by the name of the owner and the distance from a given point or has heretofore filed in the office of the prothonotary of the proper county any tax or municipal claim and the county city borough incorporated town township school district poor district or county institution district has not within the period of five (5) years after the date on which any such claim was filed sued out a writ of scire facias to reduce the same to judgment or has not done so in time or in the case of a tax or municipal claim has not within said period of five (5) years filed a suggestion of nonpayment and an averment of default or whenever any writ of scire facias has been issued to reduce any such claim to judgment and by reason of defense or any other court proceedings or by reason of failure to file a praecipe on time judgment has not been entered within the period of five (5) years after the date on which such writ was issued or whenever any such tax or municipal claim has been reduced to judgment and the county borough incorporated town township school district poor district or county institution district has not within the period of five (5) years after the date on which such judgment was entered or within five (5) years after the date on which such judgment was last revived filed a suggestion of nonpayment an averment of default or sued out a writ of scire facias to revive the same then in any such case any such county city borough incorporated town township school district poor district or county institution district may [within six (6) months after the effective date of this act] prior to July 31 1956 file such tax or municipal claim or amend such claim so as to properly describe the property against which the claim is assessed or issue its praecipe for a writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in case a writ scire facias has been issued but the same has not been reduced to judgment within five (5) years from the date of issuance issue its praecipe for an alias writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax on municipal claims or in the case of a tax or municipal claim where no judgment has been entered file a suggestion of nonpayment and an averment of default or in case of judgment has been entered on a tax or municipal claim either file a suggestion of nonpayment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival and such claim or judgment so entered or revived shall be a valid claim or judgment and be a lien upon the real estate upon which it was a lien at the time the claim was filed or the judgment was entered and said claim or judgment was entered and said claim or judgment may be revived or further revived and collected as other claims or judgments upon tax or municipal claims are revived and collected Provided That the lien of any such claim or judgment shall not reattach against any real estate transferred to any purchaser before such claim is filed or during the time when the lien of any such tax or municipal claim or judgment was lost nor shall the lien of any

such claim or judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the county city borough incorporated town township school district poor district or county institution district to file such claim or to properly describe the property against which the claim was assessed or to sue out the writ of scire facias or file a suggestion of nonpayment and an averment of default within the five (5) year period or was entered of record during the time the lien of such tax or municipal claim or judgment was lost nor shall any such lien so revived impair or affect the priority of the lien of any mortgage or other lien which was entered prior to the tax or municipal claim or which gained priority during the time such lien was not revived or was not effective

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING DEFEATED ON FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1021, entitled:

An Act authorizing the recovery of damages from parents of children destroying property

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SCHMIDT. Mr. President, Senate Bill No. 1021, Printer's No. 587, in my opinion, is a very poor type of legislation to put on the books of Pennsylvania. This bill would endeavor to change a law which we have had from time immemorial, and that is to exempt parents from responsibility for the so-called torts of their children.

This bill, Mr. President, says that if a child maliciously and wantonly destroys property of the Commonwealth or of any subdivision of the Commonwealth or any private individual, the parent of that child shall be liable to the extent of $150.

Being a parent myself, I have, at all times, tried to teach my children to appreciate the property of others and to refrain from any destruction. However, you and I know that there is wanton and malicious destruction of property by children who come from homes of parents who have not neglected the care of those children. To say that those parents shall be liable for the destruction by these children is something I do not believe in.

Mr. President, the average parent will pay for any of this damage voluntarily, but to impose this legal responsibility is something that if we go one step further, we are liable to say that if a child commits a crime the parents are going to be liable for that crime. I do not think anybody here feels that this should happen.

This bill is also drawn very loosely, because there is nothing in the bill to determine whether or not a child has committed the damage and whether or not the damage done was wanton and willful. Mr. President, a child may be with a group and some damage is done and there is no way to determine whether or not the child has committed that damage. Yet, you propose to say by this act that you shall assess damages up to $150 on the parent. I think this is a very loosely written bill and it is a step in the wrong direction. Therefore, I ask the Members of this Senate to vote "no" on the bill.

Mr. PECHAN. Mr. President, as sponsor of this piece of legislation, I want to say that I believe the bill will have a great deal of merit if for no other reason than the moral issue which is behind it.

Today, Mr. President, we see juveniles who willfully and maliciously destroy property. They will go along with knife blades and scratch automobiles; they will break into school houses and do thousands of dollars of damage. There may be a group of these children together, but if those boys and girls knew that their parents were held responsible, they might think twice before they do anything destructive. The bill, as I originally drew it, provided for damages of $300 to be collected from the parents, but the committee saw fit to amend it to $150.

Two States, Michigan and New York, have this law on their books. In both of these States, the amount of damage that has been done has been reduced to as much as fifty per cent because these juveniles realize their parents are responsible financially for some of this malicious and willful destruction which they do to the school houses or to people's property.

One more thing, Mr. President. Senator Schmidt spoke about the fact that he did not think the parents should be responsible for their children's damage. Our books carry laws which say that if a dog or cat goes into your garden and destroys your flowers, the owner of that dog or cat is responsible. Certainly if they are responsible for their animals, they should be responsible for the acts of their children. I think this is a good piece of legislation.

Mr. SILVERT. Mr. President, I rise to speak in favor of this bill. To me, a perfect bill is one which expresses what it intends in a half page. You do not need long bills to make laws. This bill is not loosely written because it is short.

This bill makes parents financially responsible to the extent of $150 for willful and malcious destruction of property. I am convinced, and so are a great many people, that possibly fifty to seventy-five per cent of the juvenile delinquency we are suffering in this State, and particularly in Philadelphia, is due to delinquent parents.

Mr. President, there is a difference between making

parents financially responsible civilly and criminally. This does not impose criminal responsibility, nor will it lead to it.

Mr. President, this bill has only been on the Calendar a short time. I should like to read, for the record, portions of a letter which I received from Mr. H. Paul Janes, Coordinator of Special Services of the Board of Education of Camden, New Jersey. He says:

"In my opinion, after nearly thirty years of daily experience with juvenile delinquency, this law will prevent one-half to three-fourths of the juvenile delinquency in the State of Pennsylvania."

He goes on further and says:

"What holding parents responsible for so simple a responsibility as keeping their children in school will accomplish has been amply demonstrated in Camden fifteen years ago. When our school attendance was disgracefully poor, we were taking over 300 children a year to juvenile court. Then we changed policy."

Mr. President, this change in policy was that they held the parents responsible. They would call the parents instead of the children into juvenile court.

"Today we never take a child to court unless he must first be placed in protective custody. Instead we prosecute parents when their children do not attend school.

"It is our hope that New Jersey will enact such a law," similar to the law in the State of Pennsylvania.

Mr. President, I feel this is healthy, worthwhile legislation which will eliminate a great deal of juvenile delinquency.

Mr. LANE. Mr. President, I would like to interrogate the sponsor of this legislation, the gentleman from Armstrong, Senator Pechan.

The PRESIDENT. Will the gentleman from Armstrong, Mr. Pechan, permit himself to be interrogated?

Mr. PECHAN. I will, Mr. President.

Mr. LANE. Senator Pechan, I am sort of curious about this piece of legislation. How would you take action to recover in your trespass action? In other words, supposing there is a child who damaged property up to $150. How would you take action to recover the damages?

Mr. PECHAN. I would get me a lawyer.

Mr. LANE. Let us not be facetious about this matter. After all, we are passing legislation here and I think the people want to know just what you are going to do. How are you going to recover those damages? Are you going to recover in a magistrate's court, a justice of the peace court, the Court of Quater Sessions or Common Pleas Court?

Mr. PECHAN. I would go to the parent first of all. It is not so much the $150 you are going to get as it is the responsibility that this parent has, and that this child realizes he has to his parent.

I am not worrying about the $150. What I am worrying about is parental responsibility and trying to get that child not to go out and do malicious and willful damage to other people's property.

Mr. LANE. Doctor Pechan, what we are talking about is the law which we are about to pass. After all, that may be your opinion, but once this legislation is passed we want to know the procedure. How are you going to proceed to recover the damages?

Mr. PECHAN. I am going to get me a lawyer, if his father does not pay me.

Mr. LANE. I wish to thank the gentleman. Mr. President, I am quite sure he does not know how the damages will be recovered.

I am sort of sympathetic with the attempt as far as this piece of legislation is concerned, but I am very much afraid it is going to destroy the intent of our Juvenile Court Act. I say that because in the event a child is brought up or the parents are brought up before the court—naturally the child is going to be subpoenaed and has to be a witness in court—he is, therefore, going to be exposed to public ridicule. The Juvenile Court Act was passed for the purpose of rehabilitating junvenile delinquents. The primary purpose is to conceal them from ridicule as far as the public is concerned. On top of that, Mr. President, most of your Juvenile Court Judges in Pennsylvania are not sympathetic with this type of legislation.

I firmly believe that since justices of the peace have had their jurisdiction enlarged to $300, therefore, a parent could bring the action in a justice of the peace's court and the parent of the defendant would appear and be sued. The parents would really be the defendants but they would have to produce their children. I do not believe that we want our children in justice of the peace courts or aldermen's courts because, under the present Juvenile Court Law, they cannot hold a hearing on juveniles under eighteen years of age unless they have committed a felony. All they do is sign a petition and forward the petition to Juvenile Court and the Juvenile Court then takes jurisdiction in the case. The children are not exposed to public view under the Juvenile Court Law and, therefore, I cannot vote for this legislation in its present form.

Mr. STIEFEL. Mr. President, I feel that Senator Pechan deserves commendation for sponsoring this bill. He did a very good job and I am in full support of it but, before he repairs to the back, I just wanted to point out that to complete his job, he should report from his committee the bills dealing with forest camps for delinquents. These bills are very important. Once he starts on a good job, he should complete the job.

So far as the fears voiced by Senator Lane are concerned, I believe that most of the laws enacted are more or less of a preventive measure. They throw a fear, and in that way they preclude such cases where damages have to be paid.

I do hope that Senator Pechan, in his wisdom, will see to it that those two bills which are now in his committee, dealing with delinquents, will be moving and appearing soon on the Calendar.

Mr. WEINER. Mr. President, it is my humble opinion, as a lawyer, that this act will not hold up many juveniles to ridicule. All this is is a simple action in assumpsit, and that is a civil action to the civil side of the court and not the criminal side. The way I interpret this bill is that the parents would be brought into court as the defendants and the damages would be assessed against them. The youngster, in this bill, probably would be the witness for either side, whichever one wanted to call him, in order to determine the amount or the extent of the damages. The only thing that I want to point out in this Act—and I believe in what it is purporting to do—is that I believe it is unnecessary because there is al-

ready an act on the books that covers this type of a situation.

Someone gave an example here a little while ago that if any animal does any damage, then the owner is liable. However, I believe you will find that the rule is that every dog or every animal is entitled to one bite. Therefore, they have interpreted it, as far as youngsters or juveniles are concerned, that if a youngster has vicious propensities and the family or the person who is in charge, or the guardian of that youngster, has reason to know this and the youngster then does some damage, thereafter he would be held liable.

I do not believe that this bill. the intent and purport of which are good, will cover the problem. I do not believe that it makes any innovation in the law other than the amount of damage that is involved. It allows whoever has been injured to have a civil suit. Whether we can do that or not, I have some grave question in my mind.

Mr. BERGER. Mr. President, I am not certain that the remarks made by the gentleman from Philadelphia, Senator Stiefel, or my own are strictly in order when discussing this bill. However, I want to reassure he and the Members of the Senate that the bill, I believe it is House Bill No. 1073, relating to the use of conservation camps for delinquents, is in my possession as a member of a subcommittee to get some amendments. It has already been acted upon by the Committee on Public Health and Welfare, and we are quite certain that this bill can be reported out tomorrow.

Mr. MAHANY. Mr. President, I might be able to clear up some of the doubt that exists in Senator Lane's mind relative to this bill. First, I do not believe that you would be embarrassing the child in any way by bringing him into court. Under the present law, if someone, we will say, seventeen year of age who has an operator's license and drives a car runs into you, you have a right to bring suit and that person would be a witness and also a defendant and would be in court. This is not a crminal proceeding; it is merely a civil proceeding for the purpose of allowing the person who has property, which has been damaged by willful and malicious acts of a child, to bring suit against the parent up to $150.

Contrary to what Senator Weiner said, I do not believe that we have a present remedy under the law other than in those cases where the parent has been found negligent. In other words, you would have to show that the parent was negligent in giving a gun to a child and that the gun caused the damage, or giving some other instrumentality to a child which caused the damage. Therefore, the parent would be negligent. In that case, you could sue the parent for any amount, even in excess of $150, because that action would be in trespass and would be a court action. This is an action in assumpsit, and I believe that this would enable you to proceed against the parent, even though he might not be negligent. The child, for instance, could be out on his own and could break a window. In that case, the parent would be responsible for the damage caused.

As far as your jurisdiction is concerned, your court would probably be, in a case such as this, the justice of the peace court to start with. I believe you could bring your action before a justice of the peace inasmuch as the amount here involved would be less than the jurisdictional limit of the justice of the peace, which is $300. Then, any judgment which the justice of the peace handed down would be appealable to the Court of Common Pleas, such as any other judgments which are handed down under the present law. You could, therefore, appeal to the Court of Common Pleas and if you did so, you would have a jury trial.

I do believe that if we pass this bill and it becomes law, it will act as a deterrent against children breaking windows and causing a lot of damage. I believe if the parents know that they are going to be responsible for the damage up to $150, they are going to exercise a little bit more supervision over their children.

Mr. SCHMIDT. Mr. President, the Majority Leader, being an attorney, realizes that this type of an action—although it is referred to as an action in assumpsit in this proposed bill—is, in actuality, an action in trespass. He also knows that a justice of the peace is without jurisdiction in a trespass committed by an agent because the parent who is being sued is not the one committing the trespass and, therefore, there is no jurisdiction in so far as the justice of the peace is concerned, were it an action in trespass. It is not a direct trespass.

Mr. President, the average parent whose child breaks a window or who does slight damage ordinarily pays the damage and does not say anything about it. This bill is aimed at these young boys and girls who have become vandals and who have vandalized school property, property belonging to public institutions and so on, where the damage is in the hundreds and thousands of dollars. This bill, as you see here, limits the liability of a parent to $150. Whether or not the thought upon the part of youngsters who act as vandals, that their parents are going to be liable to pay whatever damage they do up to $150, will act as a deterrent, I doubt very much. It just does not happen that way.

What this bill would tend to do would be this. It would promote some more of these backyard squabbles between parents and their children, where children get into childish pranks and the parents become involved. If you throw this thing open to suits before justices of the peace, you are going to have some more of these backyard squabbles and they will end up with neighbors being mortal enemies and getting nowhere with it. I do not think that this bill, even though the purpose behind its sponsor is to endeavor to stop vandalism, is going to stop it.
Therefore, Mr. President, I feel that it is only going to clutter up our books with useless law.

Mr. LANE. Mr. President, I just want to ask the Majority Leader whether, in his comparison of a child who is seventeen years of age operating a vehicle whereby damages are sustained by a third party, it would actually be an action in trespass. In this particular case, where a child would willfully and maliciously destroy property, then you would have an action of assumpsit here. Naturally, it is going to bring the children into the magistrates' courts. They are going to go into the magistrates' courts after they have been before Juvenile Court.

I say to you, and I say to the Members of this Senate, that if we pass this legislation in its present form, what we are actually doing is destroying the Juvenile Court Law.

I recall when we had quite a number of debates on

that legislation, when we raised the age of juveniles to eighteen years of age in order to protect them and keep them out of courts. When a child is taken into Juvenile Court, generally speaking, it is a private hearing. This way, you are going to expose these children in a magistrate's, alderman's, or justice of the peace court and, where an appeal is taken, up into the Court of Common Pleas. I say it is wrong. Of course, the intent is right. I think there should be a responsibility. However, this is not the approach. I believe it is going to subject our juveniles to ridicule. Therefore, I am going to vote "no" on this legislation.

Mr. SILVERT. Mr. President, over the past week end, twelve boys in a suburb of Philadelphia broke into a house where five girls were having a party. The boys proceeded to break up furniture and things of value just maliciously and willfully. For us to say here that the parents of those boys should be let go scot-free, I think would be very bad policy. I, personally, believe that it is time to stop pampering juvenile delinquency.

And the question recurring,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

VERIFICATION OF THE ROLL

Mr. SCHMIDT. Mr. President, I ask for a verification of the roll.

Mr. LANE. Mr. President, I ask for a verification of the roll.

The PRESIDENT. Request has been made to have the roll verified.

The Clerk will call the names of those recorded as having voted in the affirmative.

The Clerk read the names of those recorded as having voted in the affirmative as follows:

Berger,	Kessler,	Peelor,	Stiefel,
Blass,	Madigan,	Propert,	Taylor,
Chapman,	Mahany,	Ruth,	Van Sant,
Flack,	Mallery,	Seyler,	Wade,
Fleming,	McPherson, Jr.	Silvert,	Weiner,
Haluska,	Pechan,	Stevenson,	Whalley,
			Wolfe,

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative roll will stand as verified.

The Clerk will read the names of those recorded as having voted in the negative.

The Clerk read the names of those having voted in the negative as follows:

Barr,	Diehm,	Lane,	Mullin,
Dent,	Hays,	McGinnis,	Schmidt,

The PRESIDENT. Are there any corrections? The Chair hears none. The negative roll will stand as verified.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Berger,	Madigan,	Propert,	Taylor,
Blass,	Mahany,	Ruth,	Van Sant,
Chapman,	Mallery,	Seyler,	Wade,
Flack,	McPherson, Jr.,	Silvert,	Weiner,
Fleming,	Pechan,	Stevenson,	Whalley,
Haluska,	Peelor,	Stiefel,	Wolfe,
Kessler,			

NAYS—8

Barr,	Diehm,	Lane,	Mullin,
Dent,	Hays,	McGinnis,	Schmidt,

Less than a Constitutional majority of all the Senators having voted 'aye," the question was determined in the negative.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 1022, Printer's No. 584, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1028, as follows:

An Act amending the act of May 1 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissable as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" permitting certain persons to equip and use warning devices on commercial motor vehicles for limited purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 814 act of May 1 1929 (P. L. 905) known as "The Vehicle Code" is amended by adding after subsection (b) a new subsection to read

Section 814 Horns and Warning Devices

* * *

(c) It shall be lawful for any owner or operator of a commercial motor vehicle to equip the vehicle with a warning device of a type approved by the secretary to which there may be attached and made a part thereof a siren bell compression or sparkling whistle The warning device shall be designed and operated in such a manner that the sounding thereof will automatically cut off the ignition system of the vehicle and prevent further operation of the vehicle on the highway until the warning device has been shut off The warning device authorized by this subsection shall not be used for any purpose other than to sound a warning to the public and the police of an attempted robbery or burglary of the freight or merchandise transported in the vehicle

* * *

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.,	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming.	McMenamin.	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1036, as follows:

An Act amending the act of June 25 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitation for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" increasing the maximum millage amount for certain political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

* * *

Section 1 Subsection (c) of section 1 act of June 25 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" reenacted and amended October 7 1955 (P. L. 673) is amended to read

Section 1 * * *

C Over-All Limit of Tax Revenues The aggregate amount of all taxes imposed by any political subdivision under this section and in effect during any fiscal year shall not exceed an amount equal to the product obtained by multiplying the total assessed valuation of real estate in such political subdivision by [ten (10)] fifteen (15) mills in cases of cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class [and] townships of the second class and [by fiftteen (15) mills in cases of] school districts of the second class third class and fourth class Provided That the aggregate amount of taxes imposed by any financially handicapped or distressed school district under this section and in effect during any fiscal year shall not exceed an amount equal to the product obtained by multiplying fifteen (15) mills by the latest total market valuation of real estate in such school district as certified by the State Equalization Board In school districts of the third and fourth class taxes imposed on sales involving the transfer of real estate property shall not be included in computing the aggregate amount of taxes for any fiscal year in which one hundred (100) or more new homes or other major improvements on real estate were constructed in the school district The provisions of the preceding sentence shall continue in effect until but not including the first Monday of July 1959

* * *

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING, DEFEATED ON FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1037, entitled:

An Act providing for the reassessment of properties for tax purposes where new improvements have been made and the addition thereof to existing tax duplicates of political subdivisions

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Mr. LANE. Mr. President, I desire to be recorded as voting "no" on this legislation.

The PRESIDENT. The gentleman from Washington will be so recorded.

Mr. MULLIN. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDENT. The gentleman from Philadelphia will be so recorded.

Mr. FLEMING. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDENT. The gentleman from Allegheny will so recorded.

Mr. BERGER. Mr. President, I desire to change my vote from "aye" to "no."

The PRESIDENT. The gentleman from Potter will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—20

Blass,	Madigan,	Peelor,	Taylor,
Chapman,	Mahany,	Propert,	Van Sant,
Diehm,	Mallery,	Schmidt,	Wade,
Flack,	McPherson, Jr.,	Silvert,	Whalley,
Kessler.	Pechan,	Stevenson,	Wolfe,

NAYS—9

Berger,	Lane,	Mullin,	Seyler,
Fleming,	McGinnis,	Ruth,	Weiner,
Haluska,			

Less than a Constitutional majority of all the Senators having voted "aye," the question as determined in the negative.

BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1083, Printer's No. 463, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1413, Printer's No. 834, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1418, as follows:

An Act Amending the act of June 5 1935 (P L 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" further regulating exceptions to contracts of sale and actions at law for unfair competition

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 1 and 2 act of June 5, 1935 (P L 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" amended June 12 1941 (P L 128) is amended to read

Section 1 Be it enacted &c That no contract relating to the sale or resale of a commodity which bears or the label or content of which bears or the vending equipment from which said commodity is sold to the consumer bears the trade-mark brand or the name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the State of Pennsylvania by reason of any of the following provisions which may be contained in such contract

(a) That the buyer will not resell such commodity except at the price stipulated by the vendor

(b) That the buyer of such commodity require upon his resale of such commodity that the purchaser from him agree that such purchaser will not in turn resell except at the price stipulated by the vendor of the buyer

Such provisions in any contract shall be deemed to contain or imply conditions that such commodities may be resold without reference to such agremment in the following cases

(a) In closing out the owners stock for the purpose of discontinuing delivering any such commodity Provided That the owner shall first have offered in writing to return such commodity to the producer thereof or the owner of such trade-mark brand or name for a price no more than the net invoiced cost plus transportation sharges of the owner proposing to discontinue delivery of such commodity which offer has not been accepted within twenty (20) days after receipt thereof

(b) When the goods are damaged or deteriorated in quality or removed from the fair trade price schedule of the producer or owner of the trade-mark brand or name and notice is given the public thereof

(c) By any officer acting under orders of any court or in the execution of any writ or distress

Section 2 Wilfully and knowingly advertising for sale or selling any commodity at less than the price stipulated in any contract entered into pursuant to the provisions of section one of this act whether the person so advertising offering for sale or selling is or is not a party to such contract is unfair competition and is auctionable at the suit of [such vendor buyer or purchaser of such commodity] It shall be a complete defense to such an action for defendant to prove that the party stipulating such price after at least seven days written notice prior to the commencement of such action has failed to take reasonably effective steps to insure compliance by those in competition with the defendant

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1617, as follows:

An Act amending the act of July 11, 1917 (P. L. 769) entitled "An act to regulate the importation into the State of Pennsylvania of dependent delinquent or defective children and providing a penalty for the violation thereof" authorizing use of forfeited bond for the further placing of children

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of July 11, 1917 (P. L. 769) entitled "An act to regulate the importation into the State of

Pennsylvania of dependent delinquent or defective children and providing a penalty for the violation thereof" amended June 19, 1939 (P. L. 436) is amended to read

Section 2 Such person corporation association or institution before bringing or sending or causing to be brought or sent any such child into this State shall first give an indemnity bond in favor of the State of Pennsylvania or to the agency the Secretary of Welfare may designate or both in the penal sum of one thousand dollars to be approved by the Department of Welfare and such other guarantee to the Department of Welfare as it may require conditioned as follows That they will not send or bring or cause to be brought or sent into this State any child that is incorrigible or one that is of unsound mind or body that they will at once upon the placement of such child report to the Department of Welfare its name and age and the name and residence of the person with whom it is placed that if any such child shall before it reaches the age of twenty-one years become a public charge they will within thirty days after written notice shall have been given them of such fact by the Department of Welfare remove such child from the State and if any such dependent child shall be convicted of crime or misdemeanor and imprisoned within three years from the time of its arrival within the State such person corporation association or institution will remove from the State such child immediately upon its being released from such imprisonment and upon failure after thirty days' notice and demand to remove any such child who shall have either become a public charge as aforesaid or who shall have been convicted as aforementioned in either event such person corporation association or institution shall at once and thereby forfeit the sum of one thousand dollars as a penalty therefor to be recovered upon such bond by a suit in the name of the State of Pennsylvania which sums or any part thereof collected by the State may be assigned by the Secretary of Welfare to the agency designated by the Secretary of Welfare to place the child elsewhere and if the bond is given in the name of an agency other than the State of Pennsylvania the agency may proceed to accomplish forfeiture of the entire sum or part thereof and collect the entire sum or part thereof under the terms of the bond and utilize the funds forfeited or collected to place the child elsewhere that they will place or cause to be placed each of such dependent children under written contract which will secure to such child a proper home and will make the person so receiving such child responsible for its proper care education and training that they will properly supervise the care and training of each of such children and that each of such children shall be visited at least twice a year by a responsible agent of the person corporation association or institution so placing or causing to be placed such child as herein provided that they will make to the said department such reports of their work as said department from time to time may require

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1619, Printer's No. 1354, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1720, as follows:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 842) entitled "An act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth making available for public water supply purposes water rights heretofore or hereafter acquired but not used providing for hearings by the Water and Power Resources Board and for appeals from its decisions fixing fees granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters repealing all acts or parts of acts inconsistent herewith including Act No. 109 P. L. 152 approved April 13, 1905 Act No. 307 P. L. 455 approved June 7, 1907 Act No. 64 P. L. 258 approved April 8, 1937" by further regulating the period within which water rights must be acquired

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight of the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 842) entitled "An act relating to the acquisition of rights to divert water from rivers streams natural lakes and ponds or other surface waters within the Commonwealth or partly within and partly without the Commonwealth defining various words and phrases vesting in the Water and Power Resources Board certain powers and authorities for the conservation control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth making available for public water supply purposes water rights heretofore or hereafter acquired but not used providing for hearings by the Water and Power Resources Board and for appeals from its decisions fixing fees granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters repealing all acts or parts of acts inconsistent herewith including Act No. 109 P. L. 152 approved April 13, 1905 Act No. 307 P. L. 455 approved June 7, 1907 Act No. 64 P. L. 258 approved April 8, 1937" is hereby amended to read as follows

Section 8 The board shall [have the further power to revoke any permit granted under the terms of this act in case the water rights are not acquired within one year after the issuance of said permit and said acquisition shall be null and void and of no effect to the extent required to make water and water rights from such source available for acquisition under the terms of this act if any actual taking of water be not made within four years after the issuance of said permit] specify in

each permit issued by it that an actual taking of the water covered by said permit shall be made within four years from the date thereof If the project required for the taking of water has been commenced in good faith or if the commencement thereof has been prevented by events beyond the control of the permittee the board shall have the power upon application of the permittee to grant such extensions of said period as the board deems to be necessary to enable the permittee to complete the project required for the taking of water If an actual taking is not made within the time specified in the permit or in any extension thereof the water and water rights covered thereby shall become available for acquisition by other public water supply agencies under the terms of this act

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming.	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1793, Printer's No. 1181, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SECOND READING CALENDAR

APPROPRIATION BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 900, Printer's No. 1599, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

APPROPRIATION BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1041, entitled:

An Act making an appropriation to the Senate committee appointed to investigate and study the reasons for the disapproval of the Allentown State Hospital by the American Psychiatric Association

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

APPROPRIATION BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1306, Printer's No. 1593, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 240, entitled:

An Act amending the act of June 27 1923 (P. L. 858) entitled "State Employes' Retirement Law" removing the limitation on the amount of State annuities

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 324, Printer's No. 546, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 669, entitled:

An Act amending the act of April 14 1905 (P. L. 162) entitled "An act regulating the method and procedure in the erection of line or partition fences" authorizing surveyors appointed by judges of common pleas courts to act as fence viewers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that Senate Bill No. 816, Printer's No. 369, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 861, entitled:

An Act amending the act of August 9 1955 (P. L. 323) entitled "The County Code" increasing the maximum appropriation which may be made for agricultureal extension work

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 873, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code," prescribing duties and limitations for township supervisors as to holding other township offices the number of meetings to be held keeping of records and fixing compensation of certain township officers fixing officers of the State Association changing the expense allowance for delegates to supervisors' conventions and the eligible officer to attend fixing the procedure for selling township property making tax exempt properties liable for certain costs for fire protection prescribing duties of auditors and fixing compensation of members of zoning board of adjustment providing for the construction of sidewalks and curbs and the payment therefor changing the provisions relating to abandoned cemeteries the publication of ordinances connecting with sewers of adjacent municipalities and the dedication laying out opening improving changing relocating taking over and vacating roads and street and highways.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 904, Printer's No. 1417, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 929, entitled:

An Act amending the act of July 20 1917 (P. L. 1158) entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" increasing mileage

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 944, entitled:

An Act amending the act of August twenty-fourth one thousand nine hundred fifty-one (Pamphlet Laws 1417) entitled as amended "Corporation Income Tax Law" changing formula for determining gross receipts of corporations owning property or carrying on activities within and without the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 973, entitled:

An Act to promote the welfare of the people of the Commonwealth by the reduction of unemployment in certain areas of the Commonwealth determined to be critical economic areas providing for the establishment of industrial development projects in such areas creating The Pennsylvania Industrial Development Authority as a body corporate and politic with power to allocate funds for and make secured loans to industrial development agencies for the payment of a part of the cost industrial development projects in critical economic areas authorizing the Authority to enter into agreements with the Government of the United States or any Federal agency or industrial development agency empowering the Authority to take title to sell convey and lease industrial development projects where necessary to protect loans made by the Pennsylvania Industrial Development Authority on industrial development projects providing that no debt of the Commonwealth its municipalities or political subdivisions shall be incurred in the exercise of any powers granted by this act and providing for the examination of the accounts and affairs of the Authority and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RE-REFERRED

Mr. FLEMING. Mr. President, I move that Senate Bill No. 973, the bill just read, be re-referred to the Committee on Appropriations.

Mr. MAHANY. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 984, Printer's No. 1518, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 996, Printer's No. 592, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 997, entitled:

An Act amending the act of June 27 1923 (P. L. 858) entitled "State Employes' Retirement Law" extending the benefits of the act to employes of institutions of political subdivisions acquired by the Commonwealth for use as hospitals or sanatoriums in the care and treatment of indigent persons

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. FLEMING. Mr. President, I move that House Bill No. 1008, on second reading. entitled:

An Act to further amend the act approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1225), entitled "The Game Law," by further regulating violations and the imposition of penalties, the duration of field trials and fox hunting, and modifying the limitation of the purchase price of State game lands.

b e recommitted to the Committee on Forests and Waters, Game and Fish, for the purpose of further study.

Mr. WADE. Mr. President, I second the motion

The motion was agreed to.

BILLS OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 1023, Printer's No. 585;
Senate Bill No. 1024, Printer's No. 588; and
Senate Bill No. 1025, Printer's No. 589.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1289, entitled:

An Act amending the act of May 4 1927 (P. L. 519) entitled "The Borough Code" authorizing the issuance of non-debt revenue bonds for capital improvements to certain public service facilities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1507, Printer's No. 1020, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1571, entitled:

An Act amending the act of April 9 1929 (P. L. 177) entitled "The Administrative Code of 1929" changing the name of the Department of Mines to the Department of Mines and Mineral Industries and changing the title of the head of said department from Secretary of Mines to Secretary of Mines and Mineral Industries further providing that where the term "Department of Mines" or "Secretary of Mines" are used or referred to in any other law contract or document such term of reference shall be deemed to refer to and include respectively the terms "Department of Mines and Mineral Industries" making an appropriation and "Secretary of Mines and Mineral Industries"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RE-REFERRED

Mr. FLEMING. Mr. President, I move that House Bill No. 1571, the bill just read, be re-referred to the Committee on Appropriations.

Mr. WADE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1593, entitled:

An Act regulating waste disposal areas in certain parts of the Commonwealth providing for permits placing duties upon the Department of Mines and imposing penalties

The first section was read and agreed to.

The second section was read.

On the question.

Will the Senate agree to the section?

Mr. FLACK offered the following amendment:

Amend Sec. 2, page 3, line 12, by inserting after "material": "but shall not include any job or other refuse from coal mining operations".

It was agreed to.

The section was agreed to as amended.

The third, fourth, fifth, sixth, seventh, eighth and ninth sections and title were read and agreed to.

And said bill having been read at length the second time, and agreed to as amended,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1643, entitled:

An Act amending the act of April 9 1929 (P. L. 177) entitled "The Administrative Code of 1929" redefining the powers and duties of the Department of Health

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1725, entitled:

An Act relating to the use of conveyor belts in coal mines providing for the safety of persons employed therein and the protection of property connected therewith conferring powers and imposing duties upon the Department of Mines and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1734, entitled:

An Act amending the act of July 15 1935 (P. L. 1034) entitled "An act requiring operators of anthracite coal mines to report shipments to the Department of Mines" requiring breakers washeries or preparation plants to file reports and changing the time for filing reports

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1752, entitled:

An Act amending the act of June 9 1911 (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" changing applicability of act and the requirement of a mine foreman in small mines

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1755, entitled:

An Act amending the act of June 27, 1947 (P. L. 1095) entitled as amended "Anthracite Strip Mining Law" further regulating strip mining operations making changes with respect to backfilling and permits and providing for filing of maps.

And said bill having been read at length the second time, and agreed to,
Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1769, Printer's No. 1014, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1809, entitled:

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code" providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the second time, and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1810, entitled:

An Act amending the act of May 13, 1927 (P. L. 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the Second' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning . . ." providing for the release of subdivision improvement encumbrances in certain instances.

And said bill having been read at length the second time, and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1811, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "The First Class Township Code" providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the second time, and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1812, entitled:

An Act amending the act of May 4, 1927 (P. L. 519) entitled "The Borough Code" providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the second time, and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1813, entitled:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "The Second Class Township Code" providing for the release of land subdivision improvement encumbrances in certain instances.

And said bill having been read at length the second time, and agreed to,
Ordered, To be transcribed for a third reading.

BILL ON SECOND READING AMENDED

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of House Bill No. 1849, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198) entitled "Bituminous Coal Open Pit Mining Conservation Act" further regulating mining operations requiring the

filing of maps changing provisions with respect to registration bonds backfill overburden enforcement of the act appeals and penalties and providing for the payment of fines into a special fund.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. FLEMING, on behalf of Mr. MAHANY, offered the following amendment:

Amend Sec. 1 (Sec. 4), page 7, line 13, by striking out "13" and inserting in lieu thereof: "31."

It was agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The third section was read.

On the question,

Will the Senate agree to the section?

Mr. FLEMING, on behalf of Mr. MAHANY, offered the following amendment:

Amend Sec. 3 (Sec. 5), page 11, line 4, by striking out "the."

It was agreed to.

The section was agreed to as amended.

The fourth and fifth sections and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. FLEMING. Mr. President, I ask unanimous consent that House Bill No. 1849, Printer's No. 1583, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1874, entitled:

An Act amending the act of July 15, 1897 (P. L. 287) entitled "An act to protect the lives and limbs of miners from the dangers resulting from incompetent miners working in the antharcite coal mines of this Commonwealth . . ." prescribing powers and duties of certain miners examining boards.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1962, entitled:

An Act amending the act of June 9, 1911 (P. L. 756) entitled "An act to provide for the health and safety of Persons employed in and about the bituminous coal-mines of Pennsylvania changing qualifications requirements of candidates for the office of mine inspector and changing provisions concerning reappointment and certification of inspectors.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1963, entitled:

An Act amending the act of July 1, 1937 (P. L. 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Antharcite Mine Inspectors . . ." making certain mine inspectors eligible for reappointment without examination.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 672 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. FLEMING. Mr. President, I call from the Second Reading Postponed Calendar, Senate Bill No. 672, Printer's No. 280, for the purpose of having it appear on tomorrow's Calendar.

The PRESIDENT. There being no objection, this bill will appear on tomorrow's Second Reading Calendar.

SENATE BILL No. 673 CALLED UP FROM SECOND READING POSTPONED CALENDAR

Mr. FLEMING. Mr. President, I call up from the Second Reading Postponed Calendar, Senate Bill No. 673, Printer's No. 270, for the purpose of having it appear on tomorrow's Calendar.

The PRESIDENT. There being no objection, this bill will appear on tomorrow's Second Reading Calendar.

BILLS ON FIRST READING

Mr. BARR. Mr. President, I just looked at the clock and find that it is now 6:10 o'clock p.m. Therefore, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. SEYLER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 12, entitled:

An Act relating to and regulating the solicitation of moneys and property.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 2075, entitled:

An Act amending the act of May 22 1935 (P. L. 233) entitled "Policemen's Relief and Pension Fund Law," further regulating the withdrawal of service increment contributions.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nomination, made by His Excellency, the Governor of the Commonwealth:

REGISTER OF WILLS, RECORDER OF DEEDS AND CLERK OF THE ORPHANS' COURT IN AND FOR THE COUNTY OF JUNIATA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Esther Hower, Mifflintown, Juniata County, for appointment as Register of Wills, Recorder of Deeds, and Clerk of the Orphans' Court in and for the County of Juniata, to serve until the first Monday of January 1958, vice Carl E. Hower, deceased.

GEORGE M. LEADER.

CONSIDERATION OF EXECUTIVE NOMINATION

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nomination read by the Clerk.

EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. BERGER,

That the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nomination reported at today's Session.

Which was agreed to.

Whereupon,

A motion was made by Mr. WOLFE and Mr. BERGER,

That the Senate do advise and consent to the nomination reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

Two-third of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. BERGER. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. FLEMING. Mr. President, I move that the Senate do now adjourn until Tuesday, March 20, 1956, at 1:00 o'clock, p.m. Eastern Standard Time.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:33 o'clock, p.m., Eastern Standard Time, until Tuesday, March 20, 1956, at 1:00 o'clock, p.m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 19, 1956

The House met at 1:00 p. m.
The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Almighty, God, Thou Who are Holiness, Truth, Life, Eternity Justice. Thou Who art all in all, the beginning and the end, the first and last have mercy upon us as we stand at the crossroads in this hour of crisis and decision.

Hold us back O Lord from going this way or that way because some mighty, some wise, some great have been calling to us, noisily and oftentimes confused and frustrated.

God, rather lead us to the foot of the cross. Then we will see light, love, goodness, unselfishness, humility. What more does our world need than light, love, goodness? Then and only then, will we be truly instructed in the ways of peace and freedom. Then will we direct our every energy to the total good of all mankind.

We beseech Thee, give this divine insight to all these representatives and unto all who have the rule and authority over us. For Christ's sake pity us and hear us. Amen.

JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journal of Monday, February 27, Tuesday, February 28 and Wednesday, February 29, 1956? If not, and without objection, the Journals are approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Wednesday, March 14, 1956 will be postponed until printed. The Chair hears none.

BILL INTRODUCED AND REFERRED

By Mr. READINGER. HOUSE BILL No. 2096.

An Act amending the act of June 1, 1889 (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax and changing the gross receipts fraction applicable to foreign corporations.

Referred to the Committee on Ways and Means.

COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 258, 647, 660, 844, 970, 1160, 1197, 1432, 1530, 1591, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1732, 1733 and 1914.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 258, Printer's No. 162, entitled "An Act amending the act of May 11, 1921 (P. L. 522) entitled as amended 'An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties' providing for free license tags for guide dogs for the blind."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 647. Printer's No. 1063, entitled "An Act amending the act of June 12, 1951 (P. L. 533) entitled 'An act relating to mental health including mental illness mental defect epliepsy and inebriety and amending revising consolidating and changing the laws relating thereto' fixing the date for liability of costs of patient care."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 660, Printer's No. 1399, entitled "An Act amending the act of May 16, 1923 (P. L. 207) entitled 'An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisance removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly' further regulating the sale of real property for the nonpayment of tax and municipal claims and providing for the discharge of all liens mortgages ground rents estates and claims against such property of such sale subject to the right of redemption in cities of the first class."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 844, Printer's No. 1382, entitled "An Act amending the act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling

including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' authorizing use of warning figures commonly known as 'silent policemen' to be erected within school zones on highways and State highways by certain political subdivisions."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 970, Printer's No. 1397, entitled "An Act amending the Act of May 1, 1929 (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' by changing requirements and penalties concerning lamps and illuminating devices."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1160 Printer's No. 1243, entitled "An Act amending the act of June 16, 1836 (P. L. 715) entitled 'An act relating to Reference and Arbitration' providing for payment by the county of part of arbitrator's fees in certain cases."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1197, Printer's No. 1402, entitled "An Act relating to the satisfaction of mortgages in cities and counties of the first class by the recording of a satisfaction piece prescribing forms therefor and fixing the fees thereof."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1432, Printer's No. 835, entitled "An Act amending the act of June 24, 1937 (P. L. 2051) entitled 'An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board changing provisions relating to children eligible for assistance."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1530, Printer's No. 1403, entitled "An Act amending the act of June 23, 1931 (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' prescribing an additional amount of tax which may be levied and collected for general revenue purposes upon order of court."

GEORGE M. LEADER.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1591, Printer's No. 1445, entitled "An Act amending the act of June 1, 1889 (P. L. 420) entitled 'A further supplement to an act entitled "An act to provide revenue by taxation" approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine' Postponing the manufacturing exemption with regard to capitol stock tax and the franchise tax on domestic and foreign corporations joint-stock associations partnerships and companies and changing the gross receipts fraction in the Franchise Tax."

GEORGE M. LEADER.

March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1666, Printer's No. 743, entitled "An act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund."

GEORGE M. LEADER.

March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1667, Printer's No. 744, entitled "An Act making an appropriation from the State Stores Fund to the State Employes' Retirement

Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund."

GEORGE M. LEADER.

March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1668, Printer's No. 745, entitled "An act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund."

GEORGE M. LEADER.

March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1669, Printer's No. 746, entitled "An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund."

GEORGE M. LEADER.

March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1670, Printer's No. 747, entitled "An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund."

GEORGE M. LEADER.

March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1671, Printer's No. 748, entitled "An act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement system with respect to State employes receiving compensation from the State Workmen's Insurance Fund."

GEORGE M. LEADER.

March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1672, Printer's No. 749, entitled "An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund."

GEORGE M. LEADER.

March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1732, Printer's No. 1060, entitled "An Act lapsing unexpended and unencumbered balances of certain appropriations from the Motor License Fund."

GEORGE M. LEADER.

March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1733, Printer's No. 892, entitled "An act amending the act of September 29, 1951 (P. L. 1652) entitled 'An act providing for the construction by The General State Authority of an addition of a medical and surgical hospital building to the Philadelphia State Hospital on lands heretofore or about to be conveyed to it by the Mercy-Douglass Hospital and authorizing the Department of Property and Supplies to sublease said lands and building to the Mercy-Douglass Hospital' clarifying the word hospital."

GEORGE M. LEADER.

March 15, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1914, Printer's No. 1404, entitled "An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey one acre and eighteen square perches more or less of land situate in Buckingham Township Bucks County."

GEORGE M. LEADER.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 173.

An Act providing for the establishment of police pension pension funds or pension annuities in boroughs towns and townships and the regulation and maintenance thereof providing for continuance of existing funds or transfer thereof to funds herein established prescribing rights of beneficiaries and repealing certain acts

HOUSE BILL No. 524.

An Act making an appropriation to the House Committee on Conservation and Wild Life for study of our game fish forest and water resources and their proper use and management for the benefit of the public

HOUSE BILL No. 1736.

An Act amending the act of May 5, 1933 (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" removing the right of appeal to the Governor in cases of incorporation merger consolidation and conversion of building and loan associations and Federal savings and loan associations and authorizing appeals to the court of common pleas of Dauphin County

HOUSE BILL No. 1848.

An Act amending the act approved the first day of May

one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace offcers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" excluding the weight of safety devices in determining gross and axle weights

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 1880.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1880, Printer's No. 1447, entitled "An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled 'A further supplement to an act entitled "An act to provide revenue by taxation" approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine' by requiring additional reports and changing the due date of certain payments of capital stock tax and francise tax changing the gross receipts fraction applicable to foreign corporations and further providing for the computation and payment of the tax by domestic corporations joint-stock associations limited partnerships and companies."

This bill was introduced on November 21, 1955, and was designed to place payment of the capital stock and franchise taxes on a current basis. Such result was to be accomplished by accelerating the payment of such taxes for 1956, requiring 80% of the tax due for that year to be paid on March 15th. A tentative return likewise was to be filed on that date. The purpose of this proposal was to provide additional revenues for the current biennium.

The bill was passed finally by the House on November 23, 1955, and immediately sent to the Senate where it was referred to the Finance Comimttee. It languished in that committee for nearly two months, until January 17, 1956, when it was reported out and received first reading. It should be noted that at this point the bill remained in this same form as its original draft. Then, for some inexplicable reason, the bill was recommitted to the Finance Committee and not re-reported out until February 28, 1956, this time with amendments. Final passage occurred on March 2, 1956.

Following recommission of the bill to the Senate Finance Committee on January 23, 1956, it was amended to give domestic corporations doing business outside the Commonwealth the option of being taxed under either the domestic capital stock tax or the foreign franchise tax. The present law requires all domestic corporations to pay tax under the former.

By allowing these corporations so to choose their tax serious fiscal, administrative and legal problems would occur. First, the foreign franchise tax being an excise, not a property tax, it permits allocation of revenue on the basis of the usual fractions. Thus, a domestic corporation allowed so to allocate could materially reduce the amount of tax it otherwise would be required to pay under the capital stock tax. The resulting decrease in revenue to the Commonwealth is inestimable, but it might well have absorbed the full value of the acceleration feature proposed by the Administration.

The bill does not set forth the taxable year to which the option first would apply. Moreover, it would permit a corporation to exercise its option in either direction in any year, thus prompting confusion in the administration of these taxes. If the taxpayer chose to be taxed under the franchise tax formula and the State's taxing officers later redetermined that such formula results in a higher tax than under the capital stock tax formula, the taxpayer could then switch his option to the latter and hopelessly involve the taxing officers in the elusive game of trying to pin down the taxpayer.

Finally, the amendment discriminates against domestic corporations which do all of their business in Pennsylvania by denying to them this option given to similar corporations doing a multiple State business. This situation may well be construed by the courts as an unconstitutional discrimination. Nor does the solution lie in extending the option to all domestic corporations.

It is remarkable to note that the present capital stock and franchise tax structure has existed since 1935 without any serious demand for the option until recently. It does not seem far-fetched to assume that this sudden desire for change stems from the present Administration's policy of enforcing the capital stock and franchise taxes properly and collecting the full measure of these taxes. At a time when the Commonwealth's financial condition is so dire as to necessitate new taxes, it is the extreme of hypocrisy to emasculate an existing tax law.

Further more, the behavior of the Senate Finance Committee in first reporting the bill out unchanged and then having it returned to insert this amendment, reveals only too clearly that private interests were hard at work to achieve the passage of the amendment. I cannot countenance such manipulation under any circumstances; but when the fiscal situation is so desperate, the committee's actions deserve severe condemnation.

Beyond this patent show of favoritism, the committee should be further reproached for its long delay in reporting out the bill. Between November 21, 1955, and March 6, 1956 (when I received the bill), there elapsed a period of 106 days. For 91 of these the bill lay in the Senate Finance Committee. By the time it finally passed, it was obviuosly impossible as a practical matter for a corporation to comply with the requirements that tax be paid and a tentative return filed on March 15, 1956. I can attribute no other motives to these occurrences than a desire on the part of the committee to favor certain private interests and to hinder the Commonwealth even more in its search for revenue.

For these reasons, the bill is not approved.

GEORGE M. LEADER.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

APPROPRIATION BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 563, entitled:

An Act amending the "Pubic School Employes Retirement Law" * * * providing credit for retirement purposes for out-of-state service in certain cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 890, entitled:

An Act amending the "Public School Employes Retirement Law" * * * by further providing for return to service with full retirement rights

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 895, entitled:

An Act amending the "Public School Employes Retirement Law" * * * by permitting disability annuitants who withdraw from school service to elect to become members of the one one-hundred-fortieth (1/140) class upon restoration to school service

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1130, entitled:

An Act to further amend the "Public School Employes Retirement Law" * * * by permitting employes to make up back payments to the retirement system from the time they enter school service and securing to such employes the full benefits of the retirement system from the time they entered school service

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1253, entitled:

An Act amending the "Public School Employes Retirement Law" approved July 18 1917 (P. L. 1043) authorizing contributors in the one one-hundred-sixtieth class to transfer to the one one-hundred-fortieth class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1935, entitled:

An Act amending the act of May 31, 1947 (P. L. 377) a supplement to the State Employes' Retirement Law providing for credit for time spent by employes of the Bureau of Unemployment Security in the Department of Labor and Industry as employes of the United States Government

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate Bill No. 160, entitled:

An Act amending the "State Employes' Retirement Law * * *" changing the provisions as to contributors who dided before retirement

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

APPROPRIATION

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 7, entitled:

An Act to provide for an additional law judge of the court of common pleas in the nineteenth judicial district

And said bill having been read at length the second time and agreed to.
Ordered, Te be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 297, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number eight and providing for the appointment and election of judges for the court

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 505, entitled:

An Act amending the "Public School Employes Retirement Law" * * * by defining "final salary"

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 879, entitled:

An Act to further amend the "Public School Employes Retirement Law" * * * by further defining "employe" and extending the time for officers and employes of the Pennsylvania State University to withdraw from the retirement system and receive reimbursement for moneys paid in

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 880, entitled:

A Supplement to the "State Employes' Retirement Law" * * * by permitting any State employe as a contributor under the provisions of the State employes' retirement system and who was an employe under the public school system of the Commonwealth and made contributions to the Public School Employes' Retirement Fund on account of such public school service to obtain credit for such service in the State employes' retirement system under certain conditions

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 881, entitled:

A Supplement to the "Public School Employes Retirement Law" * * * by permitting former contributors who have become State employes and members of the State Employes' Retirement Association to restore membership in the Public School Employes' Retirement Association and authorizing the transfer of monetary credits in the Public School Employes' Retirement Association to the State Employes' Retirement Association under certain conditions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 882, entitled:

A supplement to the "Public School Employes Retirement Law * * *" by permitting any school employe as a contributor under the provisions of the school Employes' Retirement System and who was an employe under the State Employes' Retirement System of the Commonwealth and made contributions to the State Employes' Retirement Fund on account of such State service to obtain credit for such service in the School Employes' Retirement System under certain conditions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 883, entitled:

A supplement to the "State Employes Retirement Law * * *" by permitting former contributors who have become public school employes and members of the Public School Employes' Retirement Association and authorzing the transfer of monetary credits in the State Employes' Retirement Association under certain conditions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 889, entitled:

An Act providing for an additional law judge of the court of common pleas in the thirty-eighth judicial district

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1217, entitled:

An Act amending the act of July 12 1913 (P. L. 711) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" increasing the number of judges of the Municipal Court of Philadelphia

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1433, entitled:

An Act amending the act of January 14 1952 (P. L. 2015) entitled "A supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled 'An act establishing a public school employes' retirement system * * *' by extending certain benefits heretofore granted to school employes entering the armed forces of the United States to certain other similarly qualified school employes" extending the provisions of the act to employes reemployed by any school district or vocational school district after service with the American Red Cross and other service organizations

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Education.

The motion was agreed to

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 2024, entitled:

An Act making an appropriation to the Department of Forests and Waters for the development of Erie Harbor and land adjacent thereto

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 209, entitled:

An Act amending the "Vehicle Code" * * * providing for an annual registration fee for issuance of special registration plates to certain persons

The first section was read.

On the question,

Will the House agree to the section?

Mr. AMARANDO offered the following amendment:

Amend Section 1 (Section 702), page 3, line 5, by inserting after "partment": "For the purpose of this section a special registration plate is defined as a plate issued upon application for a specific registration number The Secretary shall have authority to designate a series of registration numbers from which special registration plates may be issued, to require applicants to specify alternate requested registration numbers, and upon application for a special registration plate to issue a plate with a number similar to that requested."

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 221, entitled:

An Act amending the "State Employes Retirement Law"

* * * by permitting certain contributors to change from the one one-hundred-sixtieth (1/160) class to the one one-hundredth (1/100) class and defining the benefits to be obtained thereby

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1474, entitled:

An Act amending "The Borough Code" approved May 4 1927 (P. L. 519) further regulating the power of boroughs to levy and collect the annual tax for general borough purposes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1504, entitled:

An Act reenacting and amending the act of April 11 1899 (P. L. 37) entitled "An act relating to the keepers of junk shops second hand dealers in cities of this Commonwealth" extending its provisions to municipalities and townships

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1842, entitled:

An Act amending the "County Institution District Law" approved June 24 1937 (P. L. 2017) changing the amount the institution district may pay for burial costs in each case

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1843, entitled:

An Act amending the act of June 13 1883 (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" regulating the burial costs for unclaimed bodies unfit for anatomical purposes and making provisions conform to existing law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1845, entitled:

An Act amending the "Transfer Inheritance Tax Law" approved June 20 1919 (P. L. 521) changing the tax rate on property transferred to lineal descendants of adopted children

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1890, entitled:

An Act reenacting and amending the "Trademarks Registration Act" approved September 26 1951 (P. L. 1518) extending the act to service-marks used to identify certain services and distinguish them from others

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1941, entitled:

An Act to further amend "The Liquid Fuels Tax Act" * * * by reducing the amount of tax on fuels used for the generation of power in aircraft and aircraft engines further regulating the collection disposition and refund thereof and the licensing of distributors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1942, entitled:

An Act to amend the "Fuel Use Tax Act" * * * by imposing a tax on fuels used in aircraft or aircraft engines fixing the amount thereof and changing definitions of dealers-users fuels and use

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2043, entitled:

An Act amending "The General State Authority Act of 1949" * * * increasing the power of the Authority to borrow money and issue evidence of indebtedness therefor and allocating the proceeds of the increased borrowing

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

BILLS PASSED OVER

There being no objection

Senate Bill No. 317, Printer's No. 595 and

Senate Bill No. 318, Printer's No. 596

were passed over at the request of the SPEAKER.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. READINGER, Mr. Speaker, I move that House Bill No. 1514, Printer's No. 600 together with communication from the Senate be taken from the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, pre-

sented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION RECALLING HOUSE BILL No. 1514 FROM GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 1, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution recalling from the Governor House Bill No. 1514, Printer's No. 600, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE M. LEADER.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. LOVETT. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. READINGER vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Westmoreland, Mr. LOVETT vote on the final passage of this bill?

Mr. LOVETT. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the qeustion recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

Amend Section 1 (Section 2) page 3, line 5, by inserting after "continuous", "and exclusively"

The SPEAKER. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Charles C. Smith for Mr. AUKER because of illness

Mr. Charles C. Smith for Mrs. KOOKER because of being snow-bound.

Mr. Charles C. Smith for Mr. WOOD because of being snow-bound.

Mr. Charles C. Smith for Mr. POMEROY because of being snow-bound.

Mr. Polen for Mr. FLYNN because of serious illness in the family.

The SPEAKER. The Chair requests the gentleman from Cameron, Mr. Tompkins, to preside temporarily.

Mr. TOMPKINS IN THE CHAIR.

BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

BILL PASSED OVER

There being no objection

House Bill No. 620, Printer's No. 1527

was passed over at the request of the SPEAKER pro tempore.

BILLS ON FINAL PASSAGE

BILLS PASSED OVER

There being no objection

House Bill No. 1644, Printer's No. 1574

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1865, as follows:

An Act amending the act of August 24, 1951 (P. L. 1304) entitled "An act to improve local health administration throughout the Commonwealth by authorizing the creation establishment and administration of single-county or joint-county department of health in all counties except counties of the first class exempting certain municipalities from the jurisdiction of single-county or joint-county departments of health permitting the dissolution of departments or boards of health in certain municipalities authorizing State grants to counties which establish departments of health and to certain municipalities if they meet prescribed requirements conferring powers and duties upon the State Department of Health in connection with the creation establishment and administration of single-county or joint-county departments of health and administration of the health laws in parts of certain municipalities not subject to the jurisdiction of single-county or joint-county departments of health and the administration of State grants and repealing an act which confers health powers upon counties of the first class' regulating pension and retirement rights of employes of single-county and joint-county departments of health except in counties of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of August 24, 1951 (P. L. 1304) known as the "Local Health Administration Law" is amended by adding after section 26 a new section to read

Section 26.1 Retirement of Employes (a) Each employe of any single-county department of health except in counties of the second class and each employe of any joint-county department of health may join the State employe's retirement association in the manner authorized by the act of June 27 1923 (P. L. 858)

(b) Each mploye of any single-county department of health may join the retirement system of the county by which such department was created except in counties of the second class wherein such employe shall be a member of the county employes' retirement system in the manner authorized by the act of July 28, 1953 (P. L. 723) known as the "Second Class County Code" and its amendments.

(c) Each employe of any joint-county department of health may join the retirement system of any county participating in the creation of the joint-county department

of health The participating counties shall pay to the retirement fund of the system joined by the employe the amount the county would be required to pay if the employe were a county employe

(d) Any employe of a municipality who is a member of the retirement system established by the municipality who shall be employed by a county department of health except in counties of the second class may retain his membership in the retirement system of the municipality by which he was previously employed

(e) The single-county department of health or joint-county department of health shall deduct from the employe's salary the amount of such employe's contribution to the pension or retirement fund of the pension or retirement system joined by the employe and pay the amount thereof to the pension or retirement fund in counties of the second class the employe's contribution as paid into the retirement fund shall be made in the manner authorized by the act of July 28 1953 (P. L. 723) known as the "Second Class County Code" and its amendments.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Banker,	Gibson,	McGee,	Sherman,
Barnatovich,	Goldstein,	McInroy,	Sigman,
Bazin,	Gramlich,	McKeever,	Smith, C. C.,
Bell,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Blair,	Guss,	McWherter,	Snider,
Boles,	Guthrie,	Meholchick,	Stank,
Bonner,	Hamilton, R. K.,	Metz,	Stebbins,
Boory,	Hass,	Mihm,	Steckel,
Bower,	Haudenshield,	Mikula,	Stephens,
Branca,	Heavey,	Miller,	Stevenson,
Breisch,	Helm,	Mills,	Stone,
Brennan, A. P.,	Henzel,	Monroe,	Stoner,
Brennan, J. J.,	Hewitt,	Moody,	Strausser,
Brenninger,	Hocker,	Moran,	Stroup,
Breth,	Holt,	Moscrip,	Swartz,
Brown,	Horst,	Muldowney,	Taylor,
Bucchin,	Houk,	Mullen,	Thomas,
Bullen,	Isaacs,	Munley,	Thompson,
Capano,	Jenkins,	Murphy,	Toll,
Cianfrani,	Johnson,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Comer,	Jump,	Musto,	Varner,
Connelly,	Kamyk,	Naugle,	Vaughan,
Cooper,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Down,	Kolankiewicz,	Parry,	Waterhouse,
Dougherty,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitenight,
Ewing,	Leiby,	Polen,	Willaredt,
Farabaugh,	Leisey,	Price,	Williams,
Filo,	Leonard,	Pursley,	Wilt,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—5

Auker,	Flynn,	Kooker,	Pomeroy,
			Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1984, Printer's No. 1572

was passed over at the request of Mr. BANKER.

There being no objection

House Bill No. 2051, Printer's No. 1573

was passed over at the request of the SPEAKER pro tempore.

BILLS ON FINAL PASSAGE POSTPONED

TIME EXTENDED ON BILLS

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 667, Printer's No. 1256, on page 10 of today's calendar, bills on final passage postponed.

APPROPRIATION BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 654 as follows:

An Act making an appropriation to The Boys' Industrial Home of Western Pennsylvania located at Oakdale Allegheny County for new buildings and repairs to existing buildings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred eighty-five thousand dollars ($185,000) or as much thereof as is necessary is hereby appropriated to The Boys' Industrial Home of Western Pennsylvania located at Oakdale Allegheny County for the construction of new building or buildings or additions and improvements to existing buildings of said home to meet the needs and requirements generally to be paid according to law

And said bill having been read at length the third time, considered and agreed to.

On the question?

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adam,	Gaffney,	Mahan,	Rubin,
Agnew,	Garlock,	Markley,	Rudisill,
Amarando,	Gelfand,	Maxwell,	Sarraf,
Anderson, M. S.,	George,	McCann,	Scarcelli,
Anderson, S. A.,	Gibb,	McCormack,	Schuster,
Ashton,	Gibson,	McGee,	Sherman,
Banker,	Goldstein,	McInroy,	Sigman,
Barnatovich,	Gramlich,	McKeever,	Smith, C. C.,
Bazin,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Bell,	Guss,	McWherter,	Snider,
Blair,	Guthrie,	Meholchick,	Spencer,
Boles,	Hamilton, R. K.,	Metz,	Stank,
Bonner,	Hass,	Mihm,	Stebbins,
Boory,	Haudenshield,	Mikula,	Steckel,
Bower,	Heavey,	Miller,	Stephens,
Branca,	Helm,	Mills,	Stevenson,
Breisch,	Henzel,	Monroe,	Stone,
Brennan, A. P.,	Hewitt,	Moody,	Stoner,
Brennan, J. J.,	Holt,	Moran,	Strausser,
Brenninger,	Hocker,	Moscrip,	Stroup,
Breth,	Horst,	Muldowney,	Swartz,
Brown,	Houk,	Mullen,	Taylor,
Bucchin,	Isaacs,	Munley,	Thomas,

Bullen,	Jenkins,	Murphy,	Thompson,
Capano,	Johnson,	Murray, H. P.,	Toll,
Cianfrani,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Cochran,	Jump,	Musto,	Varallo,
Comer,	Kamyk,	Naugle,	Varner,
Connelly,	Kehler,	Needham,	Vaughan,
Cooper,	Keller,	Ogilvie,	Verona,
Curwood,	Kent,	Olsen,	Wall,
Davis,	Kline,	O'Neil,	Wallace,
Donahue,	Knecht,	Pacchioli,	Walsh,
Donaldson,	Kolankiewicz,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Down,	Kratz,	Paulhamus,	Weidner,
Ehrgood,	Kromer,	Petrosky,	Welsh,
Eilberg,	Lafore,	Pettigrew,	Wescott,
Erb,	Lawyer,	Polaski,	Wheeler,
Eshleman,	Leiby,	Polen,	Whitenight,
Ewing,	Leisey,	Price,	Willaredt,
Farabaugh,	Leonard,	Pursley,	Williams,
Filo,	Leven,	Readinger,	Wilt,
Fineman,	Light,	Reibman,	Worley,
Flint,	Limper,	Reidenbach,	Yetter,
Floyd,	Lippincott,	Renwick,	Yetzer,
Foster,	Lopresti,	Rigby,	Young,
Frank,	Lovett,	Rosen,	Ziegler,
Frascella,	Lutty,	Rovansek,	Andrews,
Frost,	Magee,	Royer,	Speaker

NAYS—0

NOT VOTING—5

Auker,	Flynn,	Kooker,	Pomeroy,
			Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 695, as follows:

An Act making an appropriation to the Trustees of the George Jr Republic Association Grove City Pennsylvania for construction of new buildings and repairs and improvements to existing buildings at the George Jr Republic School in Mercer County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seventy-five thousand dollars ($75,000) is hereby specifically appropriated to the Trustees of the George Jr Republic Association Grove City Pennsylvania for construction of new buildings and repairs and improvements to existing buildings at the George Jr Republic School in Mercer County Pennsylvania

Section 2 This act shall take effect immediately.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Banker,	Gibson,	McGee,	Sherman,
Barnatovich,	Goldstein,	McInroy,	Sigman,
Bazin,	Gramlich,	McKeever,	Smith, C. C.,
Bell,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Blair,	Guss,	McWherter,	Snider,
Boles,	Guthrie,	Meholchick,	Stank,
Bonner,	Hamilton, R. K.,	Metz,	Stebbins,
Boory,	Hass,	Mihm,	Steckel,
Bower,	Haudenshield,	Mikula,	Stephens,
Branca,	Heavey,	Miller,	Stevenson,
Breisch,	Helm,	Mills,	Stone,
Brennan, A. P.,	Henzel,	Monroe,	Stoner,
Brennan, J. J.,	Hewitt,	Moody,	Strausser,
Brenninger,	Hocker,	Moran,	Stroup,
Breth,	Holt,	Moscrip,	Swartz,
Brown,	Horst,	Muldowney,	Taylor,
Bucchin,	Houk,	Mullen,	Thomas,
Bullen,	Isaacs,	Munley,	Thompson,
Capano,	Jenkins,	Murphy,	Toll,
Cianfrani,	Johnson,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Comer,	Jump,	Musto,	Varner,
Connelly,	Kamyk,	Naugle,	Vaughan,
Cooper,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitenight,
Ewing,	Leiby,	Polen,	Willaredt,
Farabaugh,	Leisey,	Price,	Williams,
Filo,	Leonard,	Pursley,	Wilt,
Fineman,	Light,	Readinger,	Worley,
Flint,	Leven,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—5

Auker,	Flynn,	Kooker,	Pomeroy,
			Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 789, as follows:

An Act authorizing department of military affairs to expend State funds for civil air patrol aviation education training aids and maintenance of civil air patrol aircraft and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The department of military affairs is hereby authorized to expend State funds for the purchase of civil air patrol aviation education training aids books and equipment to defray maintenance and hangar rents of "on-loan" United States Air Force aircraft to purchase or lease maintenance supplies and equipment for the communications network for the civil air patrol

Section 2 No expenditures of State funds for such purposes shall be made unless a purchase order is first approved by the department of military affairs Such funds shall be under the jurisdiction and control of the commission

Section 3 For the purpose of this act no expenditure of State funds shall be authorized by the department of military affairs unless the purchase or lease is specifically for civil air patrol aviation education training aids books and equipment to defray maintenance and hangar rent of "on loan" United States Air Force aircraft of 190 horsepower or less maintenance supplies and equipment for civil air patrol communications network and such administrative costs as may be approved by the commission

Section 4 The sum of thirty thousand dollars ($30,000)

is hereby appropriated to the Department of Military Affairs to be used for the purpose of carrying out the provisions of this act

Section 5 The act of July 29 1953 (P. L. 993) entitled "An act authorizing the Pennsylvania Aeronautics Commission to expend state funds for civil air patrol aviation education training aids and maintenance of civil air patrol aircraft" is repealed

Section 6 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McGee,	Schuster,
Banker,	Gibson,	McCormack,	Sherman,
Barnatovich,	Goldstein,	McInroy,	Sigman,
Bazin,	Gramlich,	McKeever,	Smith, C. C.,
Bell,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Blair,	Guss,	McWherter,	Snider,
Boies,	Guthrie,	Meholchick,	Stank,
Bonner,	Hamilton, R. K.,	Metz,	Stebbins,
Boory,	Hass,	Mihm,	Steckel,
Bower,	Haudenshield,	Mikula,	Stephens,
Branca,	Heavey,	Miller,	Stevenson,
Breisch,	Helm,	Mills,	Stone,
Brennan, A. P.,	Henzel,	Monroe,	Stoner,
Brennan, J. J.,	Hewitt,	Moody,	Strausser,
Brenninger,	Hocker,	Moran,	Stroup,
Breth,	Holt,	Moscrip,	Swartz,
Brown,	Horst,	Muldowney,	Taylor,
Bucchin,	Houk,	Mullen,	Thomas,
Bullen,	Isaacs,	Munley,	Thompson,
Capano,	Jenkins,	Murphy,	Toll,
Cianfrani,	Johnson,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Comer,	Jump,	Musto,	Varner,
Connelly,	Kamyk,	Naugle,	Vaughan,
Cooper,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitenight,
Ewing,	Leiby,	Polen,	Willaredt,
Farabaugh,	Leisey,	Price,	Williams,
Filo,	Leonard,	Pursley,	Wilt,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—5

Auker,	Flynn,	Kooker,	Pomeroy,
			Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1387, Printer's No. 1547 and

House Bill No. 1675, Printer's No. 1526

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1965, as follows:

An Act authorizing the Department of Property and Supplies with approval of the Governor to acquire sixty-three acres more or less of land in Washington Township Erie County for use of Edinboro State Teachers' College and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized to purchase in the name of the Commonwealth for use of Edinboro State Teachers' College all or any part less than all of the tract of land in the Township of Washington and County of Erie and Commonwealth of Pennsylvania bounded and described as followe

Beginning at the intersection of the centerline of Township Route No T-374 the eastern line of the Borough of Edinboro and the eastern line of the land of Edinboro State Teachers' College thence northwardly along the borough and college line 1750 feet more or less to a point thence northeastwardly along the easterly line of land of Edinboro State Teachers' College 700 feet more or less to a point thence eastwardly on a course approximately parallel to Route No 6N along the northern line of land of L and B Ghering 950 feet more or less to a point on the western line of land of Stafford thence southwardly along the western line of Stafford's land 1800 feet more or less to the southwest corner of Stafford's land thence southwestwardly along the residue of land of Ghering 1150 feet more or less to the centerline of Route No T-374 thence westwardly along the centerline of Route No T-374 720 feet more or less to place of beginning

Containing 63 acres more or less of land

And being part of the same land conveyed to Luceil Darrow Ghering and Boyd W Ghering her husband by deed of Helen Glick single person dated August 4, 1932 and recorded August 19, 1932 in Erie County Deed Book Volume 356 at page 383

Section 2 The land shall not be acquired until its title has been approved by the Department of Justice

Section 3 The sum of nineteen thousand dollars ($19,000) or as much thereof as is necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price and incidental expenses including the completion of an abstract of title

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibb,	McCann,	Scarcelli,
Ashton,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boies,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenshield,	Mihm,	Steckel,

Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Miller,	Stevenson,
Breisch,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Horst,	Moscrip,	Swartz,
Brown,	Houk,	Muldowney,	Taylor,
Bucchin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toll,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varallo,
Comer,	Kamyk,	Musto,	Varner,
Connelly,	Kehler,	Naugle,	Vaughan,
Cooper,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kornick,	Parry,	Waterhouse,
Down,	Kratz,	Pashley,	Weidner,
Ehrgood,	Kromer,	Paulhamus,	Welsh,
Eilberg,	Lafore,	Pettigrew,	Wescott,
Erb,	Lawyer,	Petrosky,	Wheeler,
Eshleman,	Leiby,	Polaski,	Whitenight,
Ewing,	Leisey,	Polen,	Willaredt,
Farabaugh,	Leonard,	Price,	Williams,
Filo,	Leven,	Pursley,	Wilt,
Fineman,	Light,	Readinger,	Worley,
Flint,	Limper,	Reibman,	Yetter,
Floyd,	Lippincott,	Reidenbach,	Yetzer,
Foster,	Lopresti,	Renwick,	Young,
Frank,	Lovett,	Rigby,	Ziegler,
Frascella,	Lutty,	Rosen,	Andrews,
Frost,		Rovansek,	Speaker

NAYS—0

NOT VOTING—5

Auker,	Flynn,	Kooker,	Pomeroy,
			Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2012 as follows:

An Act making an appropriation to the Department of Mines for expenses of supervising and administering the Anthracite Mine Drainage Program

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 By the act of July 7, 1955 (P. L. 258) entitled "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" the General Assembly of the Commonwealth of Pennsylvania appropriated eight million five hundred thousand dollars ($8,500,000) to the Department of Mines to match Federal moneys made available for the control and drainage of water from anthracite coal formations and it is necessary to provide funds with which to supervise and administer the program The Federal government has determined that its matching fund cannot be used for purposes of supervision and administration and has therefore arranged to provide for such expenses on its part through its regular appropriation program and not on a matching basis

Section 2 The sum of one hundred thousand dollars ($100,000) or as much thereof as is necessary is appropriated to the Department of Mines for the two fiscal years commencing June 1, 1955 for payment of necessary expenses to the Commonwealth for supervising and administering the program of controlling and draining water from anthracite coal formations and to carry out the purpose of the act of July 7, 1955 (P. L. 258) entitled "An act providing for anthracite mine drainage contingent on Federal aid and making an appropriation" providing for such program

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—201

Adam,	Frost,	Lutty,	Royer,
Agnew,	Gaffney,	Magee,	Rubin,
Amarando,	Garlock,	Mahan,	Rudisill,
Anderson, M. S.,	Gelfand,	Markley,	Sarraf,
Anderson, S. A.,	George,	Maxwell,	Scarcelli,
Ashton,	Gibb,	McCann,	Schuster,
Banker,	Gibson,	McCormack,	Sherman,
Barnatovich,	Goldstein,	McGee,	Sigman,
Bazin,	Gramlich,	McInroy,	Smith, C. C.,
Bell,	Greenwood,	McKeever,	Smith, Wm. B.,
Blair,	Guss,	McLaughlin,	Snider,
Boles,	Guthrie,	McWherter,	Stank,
Bonner,	Hamilton, R. K.,	Meholchick,	Stebbins,
Boory,	Hass,	Metz,	Steckel,
Bower,	Haudenshield,	Mihm,	Stephens,
Branca,	Heavey,	Mikula,	Stevenson,
Breisch,	Helm,	Miller,	Stone,
Brennan, A. P.,	Henzel,	Mills,	Stoner,
Brennan, J. J.,	Hewitt,	Monroe,	Strausser,
Brenninger,	Hocker,	Moody,	Stroup,
Breth,	Holt,	Moran,	Swartz,
Brown,	Horst,	Muldowney,	Taylor,
Bucchin,	Houk,	Mullen,	Thomas,
Bullen,	Isaacs,	Munley,	Thompson,
Capano,	Jenkins,	Murphy,	Toll,
Cianfrani,	Johnson,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Comer,	Jump,	Musto,	Varner,
Connelly,	Kamyk,	Naugle,	Vaughan,
Cooper,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitenight,
Ewing,	Leiby,	Polen,	Willaredt,
Farabaugh,	Leisey,	Price,	Williams,
Filo,	Leonard,	Pursley,	Wilt,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
		Rovansek,	Speaker

NAYS—1

Moscrip,

NOT VOTING—5

Auker,	Flynn,	Kooker,	Pomeroy,
			Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2048, as follows:

An Act making an appropriation to the Department of Public Instruction for the payment of costs incurred in administering the Special School Milk Program in cooperation with the Federal Government

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seventy thousand dollars ($70,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years commencing the first day of June one thousand nine hundred fifty-five for the payment of salaries wages postage printing and other necessary and general expenses in carrying out the Special School Milk Program upon the condition that the Federal Government pays the entire cost of all milk purchased in the administration of this program

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibb,	McCann,	Scarcelli,
Ashton,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boles,	Hamilton, R. K.,	Meholchick,	Stank,
Bonner,	Hass,	Metz,	Stebbins,
Boory,	Haudenshield,	Mihm,	Steckel,
Bower,	Heavey,	Mikula,	Stephens,
Branca,	Helm,	Miller,	Stevenson,
Breisch,	Henzel,	Mills,	Stone,
Brennan, A. P.,	Hewitt,	Monroe,	Stoner,
Brennan, J. J.,	Hocker,	Moody,	Strausser,
Brenninger,	Holt,	Moran,	Stroup,
Breth,	Horst,	Moscrip,	Swartz,
Brown,	Houk,	Muldowney,	Taylor,
Bucchin,	Isaacs,	Mullen,	Thomas,
Bullen,	Jenkins,	Munley,	Thompson,
Capano,	Johnson,	Murphy,	Toll,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Cochran,	Jump,	Murray, P. G.,	Varner,
Comer,	Kamyk,	Musto,	Varallo,
Connelly,	Kehler,	Naugle,	Vaughan,
Cooper,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Wall,
Davis,	Kline,	Olsen,	Wallace,
Donahue,	Knecht,	O'Neil,	Walsh,
Donaldson,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kornick,	Parry,	Waterhouse,
Down,	Kratz,	Pashley,	Weidner,
Ehrgood,	Kromer,	Paulhamus,	Welsh,
Eilberg,	Lafore,	Petrosky,	Wescott,
Erb,	Lawyer,	Pettigrew,	Wheeler,
Eshleman,	Leiby,	Polaski,	Whitenight,
Ewing,	Leisey,	Polen,	Willaredt,
Farabaugh,	Leonard,	Price,	Williams,
Filo,	Leven,	Pursley,	Wilt,
Fineman,	Light,	Readinger,	Worley,
Flint,	Limper,	Reibman,	Yetter,
Floyd,	Lippincott,	Reidenbach,	Yetzer,
Foster,	Lopresti,	Renwick,	Young,
Frank,	Lovett,	Rigby,	Ziegler,
Frascella,	Lutty,	Rosen,	Andrews,
Frost,		Rovansek,	Speaker

NAYS—0

NOT VOTING—5

Auker,	Flynn,	Kooker,	Pomeroy,
			Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 249, entitled:

An Act amending the act of June 24 1937 (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" increasing monthly pension allowance and maximum income allowance crediting encumbrances in realty valuation and abolishing the sum of income and pension as a ceiling for pension receivable

On the question?

Will the House agree to the bill on third reading?

Mr. POLEN Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Page 4, by inserting between lines 8 and 9 Section 2 The sum of two million one hundred fifty thousand dollars ($2,150,000) is hereby appropriated to the Department of Public Assistance to be used for the purpose of carrying out the provisions of this act.

Amend Page 4, line 9, by striking out "2" and inerting in lieu thereof 3.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection,

Senate Bill No. 414, Printer's No. 143,

Senate Bill No. 587, Printer's No. 290 and

Senate Bill No. 657, Printer's No. 278,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 772 as follows:

An Act to amend the act approved the third day of June one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon providing for and imposing powers and duties upon a Capitol Park Extension Commission conferring powers and duties upon the Department of Property and Supplies and making an appropriation" by empowering and directing the De-

partment of Property and Supplies to acquire by purchase or condemnation all lands buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the third day of June one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon providing for and imposing powers and duties upon a Capitol Park Extension Commission conferring powers and duties upon the Department of Property and Supplies and making an appropriation" is amended by adding after section four a new section to read as follows

Section 4.1 In addition to the acquisition of the property or properties to be acquired within the boundaries for the extension of Capitol Park as set forth in section four the Department of Property and Supplies is hereby empowered and directed to acquire all lands buildings or property located within an area which will permit the extension and continuation of East Street (Commonwealth Avenue) northwardly from the northern line of Forster Street to connect with Sixth Street at or near its intersection with Boas Street The cost of the acquisition of such property or properties as well as the cost of construction of such extension of East Street or Commonwealth Avenue by the Department of Property and Supplies shall be paid from moneys appropriated and available for the extension of Capitol Park and after the construction thereof said East Street or Commonwealth Avenue as extended shall be maintained by the Department of Highways in accordance with present or future laws applicable to the maintenance of State highways in cities of the third class Provided however That the taking of properties for such extension shall not be deemed to have taken place and viewers shall not be appointed for the determination of damages unless and until the Secretary of Property and Supplies shall have filed in the Court of Common Pleas of Dauphin County a declaration of taking for the particular property or properties involved The procedure for the determination of damages shall be otherwise in accordance with the provisions of section four of this act

Section 2 The sum of three hundred thousand dollars ($300,000) or so much as may be necessary is hereby appropriated to the Department of Property and Supplies for the purpose of carrying out the provisions of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adam,	Gaffney,	Magee,	Royer,
Agnew,	Garlock,	Mahan,	Rubin,
Amarando,	Gelfand,	Markley,	Rudisill,
Anderson, M. S.,	George,	Maxwell,	Sarraf,
Anderson, S. A.,	Gibb,	McCann,	Scarcelli,
Ashton,	Gibson,	McCormack,	Schuster,
Banker,	Goldstein,	McGee,	Sherman,
Barnatovich,	Gramlich,	McInroy,	Sigman,
Bazin,	Greenwood,	McKeever,	Smith, C. C.,
Bell,	Guss,	McLaughlin,	Smith, Wm. B.,
Blair,	Guthrie,	McWherter,	Snider,
Boles,	Hamilton, R. K.,	Meholchick,	Spencer,
Bonner,	Hass,	Metz,	Stank,
Boory,	Haudenshield,	Mihm,	Stebbins,
Bower,	Heavey,	Mikula,	Steckel,
Branca,	Helm,	Miller,	Stephens,
Breisch,	Henzel,	Mills,	Stevenson,
Brennan, A. P.,	Hewitt,	Monroe,	Stone,
Brennan, J. J.,	Hocker,	Moody,	Stoner,
Brenninger,	Holt,	Moran,	Strausser,
Breth,	Horst,	Moscrip,	Stroup,
Brown,	Houk,	Muldowney,	Swartz,
Bucchin,	Isaacs,	Mullen,	Taylor,
Bullen,	Jenkins,	Munley,	Thomas,
Capano,	Johnson,	Murphy,	Thompson,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Toll,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cochran,	Jump,	Murray, P. G.,	Toomey,
Comer,	Kamyk,	Musto,	Varallo,
Connelly,	Kehler,	Naugle,	Varner,
Cooper,	Keller,	Needham,	Vaughan,
Curwood,	Kent,	Ogilvie,	Verona,
Davis,	Kline,	Olsen,	Wall,
Donahue,	Knecht,	O'Neil,	Wallace,
Donaldson,	Kolankiewicz,	Pacchioli,	Walsh,
Dougherty,	Kornick,	Parry,	Wargo,
Down,	Kratz,	Pashley,	Waterhouse,
Ehrgood,	Kromer,	Paulhamus,	Weidner,
Eilberg,	Lafore,	Petrosky,	Welsh,
Erb,	Lawyer,	Pettigrew,	Wescott,
Eshleman,	Leiby,	Polaski,	Wheeler,
Ewing,	Leonard,	Polen,	Whitenight,
Farabaugh,	Leisey,	Price,	Willaredt,
Filo,	Leven,	Pursley,	Williams,
Fineman,	Light,	Readinger,	Wilt,
Flint,	Limper,	Reibman,	Worley,
Floyd,	Lippincott,	Reidenbach,	Yetter,
Foster,	Lopresti,	Renwick,	Yetzer,
Frank,	Lovett,	Rigby,	Young,
Frascella,	Lutty,	Rosen,	Ziegler,
Frost,		Rovansek,	Andrews, Speaker

NAYS—0

NOT VOTING—5

Auker,	Flynn,	Kooker,	Pomeroy,
			Wood,

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 802, as follows:

An Act to provide for an additional law judge of the orphan's court in the fifth judicial district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the judges provided for in the act of January 8, 1952 (P. L. 1844) entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said districts" an additional law judge is hereby authorized and provided for the orphan's court of the fifth judicial district who shall possess the same qualifications which are required by the Constitution and laws for the president judge of the orphans' court of the district and who shall hold his office for a like term and by the same tenure and shall have the same power authority and jurisdiction and shall be subject to the same duties restrictions and penalties and shall receive the same compensation provided for by law for judges learned in the law as if the same office had been established in the time of and subject to the provisions of the act of January 5, 1952 (P. L. 1821) entitled "An act to fix the salaries and compensation of the judges of the Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County certain associate judges not learned in the law and repealing certain acts inconsistent herewith"

Section 2 At the municipal election in November 1957 the qualified electors of the fifth judicial district shall elect in the same manner prescribed by law for the election of the president judge of the orphans' court of the district a competent person learned in the law to serve as additional law judge of the orphans' court of the fifth judicial district from the first Monday in January 1958

for a term of ten years Vacancies in the office hereby created whether caused by death resignation expiration of term or otherwise shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge of the court

Section 3 The Governor is hereby authorized to appoint a competent person learned in the law as additional law judge of the orphans' court of the fifth judicial district to serve until the first Monday of January 1958.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adam,	Frost,	Magee,	Royer,
Agnew,	Gaffney,	Mahan,	Rubin,
Amarando,	Garlock,	Markley,	Rudisill,
Anderson, M. S.,	Gelfand,	Maxwell,	Sarraf,
Anderson, S. A.,	George,	McCann,	Scarcelli,
Ashton,	Gibb,	McCormack,	Schuster,
Banker,	Gibson,	McGee,	Sherman,
Barnatovich,	Goldstein,	McInroy,	Sigman,
Bazin,	Gramlich,	McKeever,	Smith, C. C.,
Bell,	Greenwood,	McLaughlin,	Smith, Wm. B.,
Blair,	Guss,	McWherter,	Snider,
Boles,	Guthrie,	Meholchick,	Stank,
Bonner,	Hamilton, R. K.,	Metz,	Stebbins,
Boory,	Hass,	Mihm,	Steckel,
Bower,	Haudenshield,	Mikula,	Stephens,
Branca,	Heavey,	Miller,	Stevenson,
Breisch,	Helm,	Mills,	Stone,
Brenninger,	Henzel,	Monroe,	Stoner,
Brennan, A. P.,	Hewitt,	Moody,	Strausser,
Brennan, J. J.,	Hocker,	Moran,	Stroup,
Breth,	Holt,	Moscrip,	Swartz,
Brown,	Horst,	Muldowney,	Taylor,
Bucchin,	Houk,	Mullen,	Thomas,
Bullen,	Isaacs,	Munley,	Thompson,
Capano,	Jenkins,	Murphy,	Toll,
Cianfrani,	Johnson,	Murray, H. P.,	Tompkins
Cioffi,	Jones, G. E.,	Murray, J. J.,	Toomey,
Cochran,	Jones, T. H. W.,	Murray, P. G.,	Varallo,
Comer,	Jump,	Musto,	Varner,
Connelly,	Kamyk,	Naugle,	Vaughan,
Cooper,	Kehler,	Needham,	Verona,
Curwood,	Keller,	Ogilvie,	Wall,
Davis,	Kent,	Olsen,	Wallace,
Donahue,	Kline,	O'Neil,	Walsh,
Donaldson,	Knecht,	Pacchioli,	Wargo,
Dougherty,	Kolankiewicz,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Lawyer,	Polaski,	Whitenight,
Ewing,	Leiby,	Polen,	Willaredt,
Farabaugh,	Leonard,	Price,	Williams,
Filo,	Leisey,	Pursley,	Wilt,
Fineman,	Leven,	Readinger,	Worley,
Flint,	Light,	Reibman,	Yetter,
Floyd,	Limper,	Reidenbach,	Yetzer,
Foster,	Lippincott,	Renwick,	Young,
Frank,	Lopresti,	Rigby,	Ziegler,
Frascella,	Lovett,	Rosen,	Andrews,
	Lutty,	Rovansek,	Speaker

NAYS—0

NOT VOTING—5

Auker,	Flynn,	Kooker,	Pomeroy,
			Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILLS PASSED OVER

There being no objection

Senate Bill No. 916, Printer's No. 481 and

Senate Bill No. 957, Printer's No. 516

were passed over at the request of the SPEAKER pro tempore.

Mr. BANKER. Mr. Speaker, we have gone over a number of bills here today and I do not have the faintest idea what a lot of them are about. We are passing a lot of appropriation bills and we do not know what we are doing. I do not think it is proper that we go ahead with the calendar in this manner.

The SPEAKER pro tempore. We, of course, are proceeding on these bills under unanimous consent and any one objection will pass the bill over. So, Therefore, if there is no objection, this bill will be passed over. The Chair hears none.

BILL PASSED OVER

There being no objection

Senate Bill No. 967, Printers No. 533

was passed over at the request of Mr. BANKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 27, entitled:

An Act requiring the Pennsylvania Turnpike Commission to pay political subdivisions an amount equal to the real estate tax on account of property acquired by the commission for turnpike purposes

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILLS PASSED OVER

There being no objection

House Bill No. 454, Printer's No. 1531 and

House Bill No. 1269, Printer's No. 1532

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House bill No. 1396, entitled:

An Act to further amend section 2 of the act approved the twenty-third day of May one thousand nine hundred forty-nine (P. L. 1676) entitled as amended "An act to provide revenue in school districts of the first class by imposing a tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes school treasurer board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties" by changing certain exemptions

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1402, entitled:

An Act to further amend section 2 of the act approved the twentieth day of June one thousand nine hundred forty-seven (P. L. 733) entitled as amended "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property providing for its levy and collection conferring and imposing powers and duties on the county assessing authority board of revision of taxes receiver of school taxes school treasurer board of public education in such districts and courts providing for compensation to certain officers and employes and imposing penalties" by changing certain exemptions

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study.

The motion was agreed to.

BILLS PASSED OVER

There being no objection

House Bill No. 1544, Printer's No. 1533
House Bill No. 1785, Printer's No. 1003
House Bill No. 1872, Printer's No. 1534
House Bill No. 1876, Printer's No. 1535
House Bill No. 1905, Printer's No. 1550
House Bill No. 1934, Printer's No. 1537
House Bill No. 1945, Printer's No. 1538
House Bill No. 1946, Printer's No. 1551
House Bill No. 1970, Printer's No. 1552 and
House Bill No. 1972, Printer's No. 1539

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1976, entitled:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" changing the Brandywine Battlefield Park Commission from an independent administrative commission to a departmental administrative commission in the Department of Forests and Waters

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study.

The motion was agreed to

BILLS PASSED OVER

There being no objection

House Bill No. 2041, Printer's No. 1584
House Bill No. 2072, Printer's No. 1542
House Bill No. 2082, Printer's No. 1543
House Bill No. 2087, Printer's No. 1529
Senate Bill No. 420, Printer's No. 483
Senate Bill No. 600, Printer's No. 330 and
Senate Bill No. 906, Printer's No. 430

were passed over at the request of the SPEAKER pro tempore.

BILL ON THIRD READING POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. GRAMLICK.

The House resumed the consideration on third reading of House Bill No. 1037 entitled:

An Act authorizing the Department of Property and Supplies to sell at public sale a plot of ground presently a part of acerage administered at the Polk State School Venango County Pennsylvania containing 1.46 acres more or less

On the question.

Will the House agree to the bill on third reading?

Mr. GRAMLICK. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 1, last line of title, by striking out "1.46" and inserting 1.25

Amend Sec. 1, page 2, lines 2 to 16, by striking out all of said lines and inserting in lieu: Beginning at an iron pipe on the corner between land of Clyde C. Wood at ux, see deed book 525, page 173, dated June 3, 1946, thence by a continuation of line between Dr. Dow and Wood; South 4° 31′ West 20 feet more or less to the Northerly right of way line of the new concrete road; thence by the right of way line Westwardly by a 4° 54′ curve to the left, 416 feet to the top of the bank of North Sandy Creek; thence by the top of the bank of North Sandy Creek, Northwardly 200 feet to line of land of Dr. Robert S. and Lois V. Dow; and thence by land of Dow, South 84° 04′ East, 33.7 feet to the place of beginning.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR)

The SPEAKER. The Chair thanks the gentleman from Cameron, Mr. Tompkins, for presiding.

FOREIGN OFFICIALS WELCOMED

The SPEAKER. We have the honor today to have as our guests a delegation of jurists, judges, men learned in matters of jurisprudence. They came into the Hall of the House expecting we would have an ordinary, regular session, one of those sessions in which there were differences of opinion perhaps between those who are separated by the middle aisle.

These guests come from a great many countries. As the chair understands, they are studying at Columbia University familiarizing themselves with the way we try to run a country.

The Chair is apologizing to the Members of the delegation that we are unable because of the weather to perform as we usually do.

We have been forced this morning to proceed with a calendar based upon unanimous consent. We can only consider bills if no single Member objects. You who are familiar with parliamentary practices in your own countries know that you cannot consider very many bills if you have to proceed on a unanimous consent basis. When we do not have 106 Members in the Hall of the House, we must necessarily proceed on a basis of unanimous consent.

So we have completed our unanimous consent calendar. There are only purely routine matters to be considered. The Chair apologizes most abjectly that we are not able to produce a performance in line with our usual practices. It might be interesting if we had a day as we had a few days ago when the different policies were the objects of vigorous debate, but this is a very tame occasion. The winds and the storms have chained us. So we once again apologize to you. Thank you for coming. we hope you can return sometime when we can put on a really good show for your benefit.

The members of the delegation are the guests of the International Good Will Committee and they are as follows:

ABIDIN, Raja Zainal—Malaya—First Assistant State Secretary, Perak.

BECKER Meyer, Gustavo Walter—Guatemala—City Planner for Guatemala City.

CHU, Mun Ki—Korea—Prosecutor, Seoul District Court.

CHUNG, Hee Taik—Korea—Vice Chief, Taegu District Prosecutor's Office.

CHUNG, In Ok—Korea—Administration Officer, Local Affairs Bureau, National Home Ministry.

CORDERO Jinesta, Rodrigo—Costa Rica—Administrative Officers, Banco de Costa Rica.

CORNELIUS, Helmut Siegfried Henry—Germany—Legal Adviser, City Planning Office, Duesseldorf.

HEREDIA gonzalez, Fausto—Mexico—Attorney-at-Law.

HONG, Oey Pek—Indonesia—Judge, Court of Justice, Surabaya and Malang.

IMTIAZ, Sheikh Ali—Pakistan—Vice-Principal, Punjab University Law College, Lahore.

IDOYAGA, Richardo Cesar—Argentine Republic—Legal Adviser, National Attorney General's Office.

KIM, Bohyun—Korea—Acting Section Chief, Local Affairs Bureau, National Home Ministry.

KIM, Chang Uk—Korea—Prosecutor, Seoul District Prosecutor's Office.

KIM, Chong Soo—Korea—Prosecutor, Seoul Appellate Court.

KIM, Dong Ho—Korea—Chief, Prosecution Section, Ministry of Justice.

KRAICHITTI, Sansern—Thailand—Judge of the Law Court of Chiengmai Province.

KWON, Soon Young—Korea—Judge of Seoul District Court.

LEE, Chong Won—Korea—Prosecutor, Pusan District Prosecutor's Office.

LEE, Yong Hoon—Korea—Prosecutor, Seoul District Court

LOPEZ Munoz, Jorge—Mexico—Attorney-at-Law.

MIN, Young Hoon—Korea—Chief of Accounts Section, National Ministry of Finance.

PANG, Jae Kee—Korea—Prosecutor, Seoul Appeals Court.

PARK, Ilkyong—Korea—Director, Bureau of the Office of Legislation.

SCHNEIDER, Joseph—France—Civil Administrator. National Ministry of Finance.

SHIN, Too-Yong—Korea—Chief, Protocol Section, Korean Office of General Administration.

PARLIAMENTARY INQUIRY

Mr. MOSCRIP. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOSCRIP. Mr. Speaker, would I be in order at this time to ask for permission to interrogate one of the gentleman from the other side and to make a short statement?

The SPEAKER. Whom does the gentleman desire to interrogate?

Mr. MOSCRIP. The gentleman from Greene, Mr. McCann, the Chairman of the Education Committee.

The SPEAKER. The gentleman is at liberty to interrogate any Member who will permit himself to be interrogated.

Will the gentleman from Greene, permit himself to be interrogated?

Mr. McCANN. I shall, Mr. Speaker.

Mr. MOSCRIP. I would ask the gentleman, Mr. Speaker, whether he can tell me if and when the teacher's salary bill will be brought to the floor of this House?

Mr. McCANN. Mr. Speaker, I cannot answer when it will be brought to the floor of the House. The Committee on Education will meet tomorrow morning at 11 o'clock in Room 324.

PERMISSION TO ADDRESS HOUSE

Mr. MOSCRIP asked and obtained unanimous consent to address the House.

Mr. Speaker, I will be very brief. I hope since the gentleman said his Committee will meet he will bring to the floor of this House in a very short time the teachers' salary bill.

It is my recollection that there was an appropriation passed by this Legislature of approximately $31 million for that purpose. Since we are approaching the closing days of the session and salary increases seem to be the order of the day, I hope he will not disappoint us.

INTERROGATION

Mr. TOMPKINS. Mr. Speaker, I would like to interrogate the gentleman from Clearfield, Mr. Breth.

The SPEAKER. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. BRETH. I shall, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, over this week end I read some newspaper reports in connection with the job classifications and salary schedules of the employes of the Pennsylvania Fish Commission. I believe the gentleman from Clearfield, Mr. Breth, was a Member of the House during the 1953 session, is that right?

Mr. BRETH. That is correct.

Mr. TOMPKINS. Is the gentleman from Clearfield acquainted with the bill which was passed in the 1953 session increasing the fishing license from $2.00 to $2.50?

Mr. BRETH. Very familiar.

Mr. TOMPKINS. Is the gentleman acquainted with the debate which took place on that license increase at that time in 1953?

Mr. BRETH. I am, indeed.

Mr. TOMPKINS. I have before me—I just want to make this statement before proceeding with the next interrogation—the Legislative Journal for 1953 on pages 3210 and 3211, contains the intrrogation and explanation to which I want to refer and have it referred to in these proceedings.

Is it not the gentleman's recollection, and also as confirmed by the Legislative Journal, that so much of that fifty cent license increase as was necessary should be used for the purposes of taking care of the salary adjustments, and so forth, of the employes of the Fish Commission?

Mr. BRETH. Mr. Speaker, as I recall that debate, or the expression of sentiment, on the bill raising the fishing license fifty cents, Members on the floor, various Members and the Chairman of the Committee at that time, Mr. Stimmel, made the statement that the primary purpose of the fifty cent increase was to raise wages and salaries of the entire Fish Commission personnel.

Mr. TOMPKINS. Mr. Speaker, the gentleman is the Chairman of the Conservation and Wild Life Committee of this present session?

Mr. BRETH. I am.

Mr. TOMPKINS. As Chairman of that Committee did the gentleman's Committee hold certain hearings in connection with the salaries and wage scales of the employes of the Fish Commission?

Mr. BRETH. Yes, we did. We were acting under Resolution No. 6, which was passed early last year by this House, and we began hearings with the Fish Commission regarding the wage and salary situation in March, I believe. We held three hearings with them in March and had several other unofficial discussions with them

Mr. TOMPKINS. Mr. Speaker, as a result of those hearings, which were held along in the early part of 1955, did the gentleman learn that the Fish Commission had not done anything in connection with the adjustment of the wage and salary schedules of the Members of the Fish Commission with the exception of that of the Executive Director?

Mr. BRETH. We learned the Fish Commission had not carried out any complete reclassification of the wages and salaries of their personnel, and we did learn too that in March last year the entire Fish Commission personnel received a ten per cent increase, which was Governor Fine's increase, automatic or stated increase, for state employes.

Mr. TOMPKINS. That increase had nothing to do, as I understand it, with the job classifications and the salary adjustments which were intended in 1953 when the increased license went through, is that right?

Mr. BRETH. It was a statewide increase for all employes.

Mr. TOMPKINS. Mr. Speaker, I should like to inquire further. The story which I read over the weekend indicates that the Fish Commission even as of this date has not performed this duty. Can the gentleman state whether this is so?

Mr. BRETH. Mr. Speaker, to answer that I would like to fill in with a little background information.

After our hearings last spring with the Fish Commission, the fact that there were seven vacancies on the Board of the Fish Commission, or seven appointments that could be made by the new Governor, led us more or less into a blank wall. So the Committee at the time—if you remember, we recessed quite a lot now and then, every few weeks—did not press the matter.

By fall a new Fish Commission had been appointed, or was in the process of appointment, and a new Executive Director was appointed. We knew the new Members of the Fish Commission and the new Executive Director would not be familiar with the problem that the gentleman from Cameron is concerned about, so we did not press our hearings further.

However, shortly after the new Commission was formed last fall it did appoint a salary and wage committee to look into the problem with the aim of raising fish personnel salaries and wages.

We read in the newspapers they had been making progress, so we as a Committe waited until just recently, a couple of weeks ago, to inquire further into the matter. In inquiring into the matter here last week, the Committee interviewed Fish Commission officials and we did find that as of now there have been no raises in salaries or wages placed in effect, although recommendations have been made.

Mr. TOMPKINS. Mr. Speaker, one final question. This news article I read also intimated there was an uncertainty in the minds of the Executive Director of the Fish Commission and a Member of the Governor's Cabinet, Administrative Assistant Dr. Charlesworth, as to whether any portion of this fifty cent increase authorized two years ago, or in 1953, should be used for this purpose. I should like to ask the gentleman, Mr. Speaker, whether or not there is any doubt in his mind but what this fifty cent increase was to be used for that purpose?

Mr. BRETH. There is no doubt in my mind as to why I voted originally for the increase. That was because primarily I was told on the floor of this House by the combined interests of the State Federation of Sportsmens Clubs, the Fish Commission, the Fish Committee of this House, the Chairman of this Committee and various Members who spoke on the bill, that that was the intent in raising the license fee. But there is no specific stipulation in the bill concerning that.

Mr. TOMPKINS. I thank the gentleman, Mr. Speaker.

Mr. Speaker, we are close to three years from the time

when this increased license fee was authorized. Although there was no earmarking in the bill for that purpose, very specific statements were made on the floor of this House, which statements induced Members of the House at that time to vote in favor of the bill. Those statements at that time were in declaration of the legislative intent.

I would like some day before very long to see some of the matters of very specific legislative intent which we declare here carried out not only by the previous administration, as they should have been, but also by this administration.

PERMISSION TO ADDRESS HOUSE

Mr. WALLACE asked and obtained unanimous consent to address the House.

Mr. Speaker, as I recall the year 1953 in the Legislature, I think I was one of the men who questioned one of the sponsors on the other side of the House as to the intent and the purpose of the fifty cents increase. I do recall Members on both sides of this House saying it was a good bill.

I think we also made statements that if we ever came back here we would debate this bill to find out whether these men who are working for the Fish Commission received this increase.

To this date I do not know anything other than what we read in the paper, they are to get a raise, but whether it is to come from this fifty cent increase is another question. I do say this, when we vote a bill on the floor of the House and it is stated on the floor of the House, even though it is not stated in the bill, the intent is there. It was said on this floor that the money would be earmarked for equipment and to put a raise in for the men that are working.

There is proof here today that we voted for a bill, it was debated and we have had interested sportsmen who are Members of this House say it was a good bill

I say to day it is a shame to see the sportsmen of this state paying that fifty cent increase and getting no benefits from it.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1978

Mr. FLINT. Mr. Speaker I move that the vote by which House Bill No. 1978, Printer's No. 1377, entitled:

"An Act relating to and defining food providing for the protection of the public health the prevention of fraud and deception by prohibiting the manufacture offering for sale exposing for sale or having in possession with intent to sell adulterated misbranded or deleterious foods conferring powers and imposing duties upon State and county officials and providing penalties."

was defeated on final passage, Tuesday, March 13, 1956.

Mr. GARLOCK. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Potter, Mr. Flint vote on the final passage of this bill?

Mr. FLINT. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Fulton, Mr. Garlock vote on the final passage of this bill?

Mr. GARLOCK. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 111.

An Act to amend the act approved the twenty-first day of May one thousand nine hundred forty-three (P. L 349) entitled "An act requiring political subdivisions to refund taxes and license fees erroneously and inadvertently paid thereto and giving a right of action against such political subdivision for the recovery of such taxes and fees upon their failure to make such refunds making the provisions of the act retroactive and repealing existing laws" by further prescribing what taxes or license fees may be refunded or sued for.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 6, by striking out after the word "than" the word "six" and inserting in lieu thereof the word "three."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker. I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 320.

An Act making an appropriation to the Department of Commerce for the advertisement and advancement of Pennsylvania as a resort and travel area.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "one hundred thousand dol-

lars ($100,000)" and inserting in lieu thereof the following" "three hundred thousand ($300,000)."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 510.

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the Department of Forests and Waters to lease to religious groups

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, by inserting all of lines 5, 6, 7 and 8 as follows:

Section 2 All lease agreements entered into pursuant to the provisions of this amendatory act shall be executed on or before December 31, 1956.

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 597.

An Act making an appropriation to The Franklin Institute of the State of Pennsylvania at Philadelphia Pennsylvania.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "one hundred twenty-five thousand dollars ($125,000)" and insert in lieu thereof the following: "one hundred seven thousand dollars ($107,000)."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 887.

An Act making an appropriation to the Department of Property and Supplies for payment of the cost of necessary improvements at the Shippensburg State Teachers College and for the Commonwealth's share of expenses incurred by the Borough of Shippensburg in connection therewith

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

THE SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1. page 2, line 1, by striking out after the word "of" the following: "sixty thousand dollars ($600,000)" and inserting in lieu thereof the words: "forty thousand dollars ($40,000)."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill

from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1486.

An Act reenacting and amending the title and the act of May 20, 1949 (P. L. 1633) entitled "An act providing and regulating State assistance for housing including slum clearance and redevelopment and making an appropriation" transferring functions of State Planning Board relating to housing and redevelopment to the Department of Commerce removing slum clearance and certain restrictions as to capital grants for redevelopment purposes from provisions of act and making an appropriation

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

THE SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 5, page 20, line 4, by striking out after the word "of" the words "this act" and inserting in lieu thereof the following:

The act of May 20, 1949 (P. L. 1633) and for necessary costs of administration the allocation of the appropriation to the various areas of the Commonwealth shall be as set forth in section 8 of the said act except that prior to January 1, 1957 no more than five hundred thousand dollars ($500,000) shall be allocated to cities of the first class no more than five hundred thousand dollars ($500,000) shall be allocated to cities of the second class and no more than three hundred fifty thousand dollars ($350,000) shall be allocated to cities of the second class A after January 1, 1957 any funds unallocated or allocated but not under contract may be reallocated as heretofore provided in section 8 of said act

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SARRAF asked and obtained permission for the Committee on Ways and Means to meet during the session of the House.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1595.

An Act making an appropriation for aid to free public non-sectarian county libraries and for the purchase and transportation of books

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

THE SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "two hundred thousand dollars ($200,000)" and inserting in lieu thereof the following: "one hundred eighty thousand dollars ($180,000)."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1596.

An Act making an appropriation to aid certain school districts.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "six hundred thousand dollars ($600,000)" and inserting in lieu thereof the following: "four hundred thousand dollars ($400,000)".

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1597.

An Act making an appropriation to the Department of Public Instruction for payments to school districts on account of rentals payable to municipal authorities and nonprofit corporations.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after

the word "of" the following: "eighteen million nine hundred seventy-one thousand dollars ($18,971,000)" and inserting in lieu thereof the following: "sixteen million four hundred seventy-one thousand dollars ($16,471,000)"

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1598.

An Act making an appropriation to the Department of Public Instruction for payments to the school districts on account of obligations to the Public School Building Authority as provided by law.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "six million six hundred twenty-eight thousand dollars ($6,628,000)" and inserting in lieu thereof the following: "six million one hundred twenty-eight thousand dollars ($6,128,000)".

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1602.

An Act making an appropriation to the Williamson Free School of Mechanical Trades for maintenance.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "forty-eight thousand four hundred dollars ($48,400)" and inserting in lieu thereof the following: "fifty-six thousand dollars ($56,000)".

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1607.

An Act making an appropriation to the Orlando S. Johnson Industrial School of Scranton Pennsylvania for maintenance and purchase of supplies and equipment.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "seventy thousand dollars ($70,000)" and inserting in lieu thereof the following: "seventy-five thousand ($75,000) dollars".

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1609.

An Act making an appropriation to the Philadelphia Commercial Museum for maintenance and the purchase of apparatus supplies and equipment.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "two hundred thousand dollars ($200,000)" and inserting in lieu thereof the following: "fifty thousand dollars ($50,000)".

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1633.

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "six hundred five thousand dollars ($605,000)" and inserting in lieu thereof the following: "six hundred sixty thousand dollars ($660,000)".

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1634.

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 1, by striking out after the word "of" the following: "six hundred ten thousand dollars ($610,000)" and inserting in lieu thereof the following: "six hundred forty thousand dollars ($640,000)".

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1646.

An Act making an appropriation to the Department of Property and Supplies for a continuance of the acquisition of real estate in connection with the extension of Capitol Park in the City of Harrisburg and for carrying on the work of the Department authorized under the act approved the third day of June one thousand nine hundred forty-three (P. L. 818).

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 1, by striking out after the word "of" the following: "one million ninety thousand dollars ($1,090,000)" and inserting in lieu thereof the following: "five hundred ninety thousand dollars ($590,000)."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communcation from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1687.

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commis-

sions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" creating the Advisory Board on Problems of Older Workers within the Department of Labor and Industry and placing additional powers and duties in the Department of Labor and Industry with respect to aging and aged persons

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 2, line 5, by inserting after the word "officers" the following: "providing for the appointment of certain administrative officers";

Amend Section 1, page 3, line 2, by striking out after the word "made" the word "part" and inserting in lieu thereof the word "parts"; line 6, by striking out after the word "State" the word "Veterans" and inserting in lieu thereof the word "Veterans' ";

Amend Section 2, page 4, line 5, by inserting after the word "Governor" the following: "not more than five of such members to be from the same political party";

Amend Section 5, page 7, line 16, by striking out after the word "of" the following: "two hundred thousand dollars ($200,000)" and inserting in lieu thereof the following: "one hundred thousand dollars ($100,000)".

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1881.

An Act making an appropriation to the Department of Public Instruction for payment to school districts on account of approved reimbursable rental payable to the State Public School Building Authority municipality authorities and nonprofit corporations and on account of sinking fund charges on indebtedness for school buildings

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 1, line 4, by inserting after the word "corporations" the following: "and on account of sinking fund charges on indebtedness for school buildings";

Amend Section 1, page 2, line 6, by inserting after the word "corporations" the following: "and on account of sinking fund charges on indebtedness for school buildings"; line 13, by inserting after the word "corporations" the following: "or on account of sinking fund charges on indebtedness for school buildings."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that communication from Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1955.

An Act amending the act of September 3, 1955 (Appropriation Act No. 17-A) entitled "An act making an appropriation to the Council of Civil Defense for disaster relief in connection with the hurricane and flood damage of August one thousand nine hundred fifty-five" making the moneys appropriated available for flood damage of October 1955 and any flood or disaster damage during the year of one thousand nine hundred and fifty-six

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 1, line 6, by inserting after the figures "1955" the following: "and any flood or disaster damage during the year of one thousand nine hundred and fifty-six";

Amend Section 1, page 2, line 10, by inserting after the word "five" the following: "and any flood or disaster damage during the year of one thousand nine hundred and fifty-six."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 794, entitled:

An Act amending the act of January 21, 1947 (P. L. 3) entitled "An act relating to officers and employes of the General Assembly fixing the number qualifications compensation mileage and duties of the officers and employes of the Senate and of the House of Representatives providing for their election or appointment term of office or of service removal and manner of filling vacancies and making appropriations to the Senate House of Representatives and Legislative Reference Bureau" changing the title of and compensation of certain Senate and House employes providing for the appointment of additional employes therein and making appropriations

Mr. READINGER. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 794

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. STANK, PETROSKY and BOWER.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 53 entitled:

An Act amending the act of May one one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" prohibiting throwing of certain material from motor vehicles and further limiting and regulating certain actions

And has appointed Messrs. WADE, DIEHM and HAYS a committee of conference to confer with a similar committee of the House of Representatives. on the subject of the differences between the two Houses in relation to said bill.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1792 entitled:

An Act relating to comic books magazines and other publications prohibiting and regulating the sale thereof in certain instances and imposing penalties

COMMUNICATION AND BILL LAID ON TABLE

Mr. LOPRESTI. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. SARRAF from the Committee on Ways and Means, reported as committed, House Bill No. 2096, entitled:

An Act amending the act of June 1, 1889, (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini, one thousand eight hundred seventy-nine," requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax and changing the gross receipts fraction applicable to foreign corporations.

BILL ON FIRST READING

Pursuant to the resolution adopted February 28, 1956. bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2096, entitled:

An Act amending the act of June 1, 1889, (P. L. 420,) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini, one thousand eight hundred seventy-nine," requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax and changing the gross receipts fraction applicable to foreign corporations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENT

The SPEAKER. The Chair wishes to call to the attention of the Members that the House will convene tomorrow morning at 11:00 o'clock.

That is to clear the way for some sort of show the Chair hears they are holding in the Hall of the House tomorrow evening. There are some preparations which must be made and they want to get us out of the Hall of the House by 3:00 o'clock.

There is no further business to come before the House other than the reference of bills and a waiting communications from the Governor.

Therefore. the Members who desire to do so are at liberty to go about matters of greater concern than they will have here waiting for the reference of bills.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 31.

An Act creating a commission to arrange plans for the celebration of the One-hundredth Anniversary of the Battle of Gettysburg and Lincoln's Gettysburg Address and making an appropriation.

Referred to the Committee on Rules.

SENATE BILL No. 343.

An Act making an appropriation to the Department of Agriculture for the maintenance and operation of the Regional Poultry Diagnostic Laboratory at the National Agricultural College Farm School Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 425.

An Act making an appropriation to the Department of Property and Supplies for sanitary and surface drainage sewer disposal at the California State Teachers College.

Referred to the Committee on Appropriations.

SENATE BILL No. 449.

An Act requiring the Commonwealth of Pennsylvania to appropriate moneys for assistance to political subdivisions and municipal authorities in the construction and improvement of airports and other aeronautical facilities.

Referred to the Committee on Appropriations.

SENATE BILL No. 521.

An Act amending the act of August 24, 1951 (P. L. 1304) entitled "An act to improve local health administration throughout the Commonwealth by authorizing the creation establishment and administration of single-county or joint-county departments of health in all counties except counties of the first class exempting certain municipalities from the jurisdiction of single-county or joint-county departments of health permitting the dissolution of departments or boards of health in certain municipalities authorizing State grants to counties which establish departments of health and to certain municipalities if they meet prescribed requirements conferring powers and duties upon the State Department of Health in connection with the creation establishment and administration of single-county or joint-county departments of health and administration of the health laws in parts of certain municipalities not subject to the jurisdiction of single-county or joint-county departments of health and the administration of State grants and repealing an act which confers health powers upon counties of the first class" regulating pension and retirement rights of employes of single-county and joint-county departments of health except in counties of the second class.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 659.

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

Referred to the Committee on Appropriations.

SENATE BILL No. 791.

An Act making an appropriation to the Department of Agriculture for developing and operating a livestock show.

Referred to the Committee on Appropriations.

SENATE BILL No. 873.

An Act making an appropriation to the Brandywine Battlefield Park Commission for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five.

Referred to the Committee on Appropriations.

SENATE BILL No. 891.

An Act amending the act of June 27, 1923 (P. L. 858) entitled "State Employes' Retirement Law" changing and clarifying contributions and credit provisions where employes are placed under social security.

Referred to the Committee on Appropriations.

SENATE BILL No. 892.

An Act amending the act of June 23, 1931 (P. L. 932) entitled "The Third Class City Code" imposing duties on pension boards changing contributions and changing and clarifying certain allowances and benefits when employes are placed under social security.

Referred to the Committee on Appropriations.

SENATE BILL No. 893.

An Act amending the act of July 18, 1917 (P. L. 1043) entitled "Public School Employes Retirement Law" changing and clarifying benefit contribution and credit provisions when employes are placed under social security providing for payments by the Commonwealth and for reimbursements from appropriations.

Referred to the Committee on Appropriations.

SENATE BILL No. 895.

An Act amending the act of May 23, 1945 (P. L. 903) entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities" imposing duties on pension boards changing contributions and changing and clarifying benefits and allowances when employes are placed under social security.

Referred to the Committee on Appropriations.

SENATE BILL No. 896.

An Act reenacting and amending the act of January 5, 1952 (P. L. 1833) entitled "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended . . ." extending its provisions to include additional persons increasing contribution rates and providing for referenda and permitting modification of certain local retirement plans.

Referred to the Committee on Appropriations.

SENATE BILL No. 907.

An Act amending the act of June 24 1939 (P. L. 872) entitled "The Penal Code" prohibiting the interception of jury deliberations and prescribing penalties.

Referred to the Committee on Judiciary.

SENATE BILL No. 910.

An Act establishing minimum compensation and increments for administrators and members of the faculty of the Thaddeus Stevens Trade School and imposing duties on the board of trustees of such school and the Superintendent of Public Instruction.

Referred to the Committee on Education.

SENATE BILL No. 935.

An Act amending the compact contained in the act of June 5 1937 (P. L. 1664) entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio, relative to the development use and control of the Pymatuning Lake . . ." designating the lake area on which motor boats

may be operated limiting the horsepower of the motor boats operated thereon and fixing penalties

Referred to the Committee on State Government.

SENATE BILL No. 963.

An Act making an appropriation to the Senate committee appointed to cooperate with certain State departments and commissions with regard to certain matters concerning stream pollution in the Lehigh Canal

Referred to the Committee on Appropriations.

SENATE BILL No. 968.

An Act making an appropriation to the Department of Welfare for use in the treatment of mentally retarded children and for the repair of buildings used in the treatment of mentally retarded children.

Referred to the Committee on Appropriations.

SENATE BILL No. 975.

An Act authorizing the Department of Forests and Waters to convey certain lands located in Whitemarsh Township Montgomery County in order to facilitate the further development of Fort Washington Park.

Referred to the Committee on Conservation and Wild Life.

SENATE BILL No. 999.

An Act amending the act of May 20 1949 (P. L. 1591) entitled "An act providing for the compensation of the mayor council and appointed officers in cities of the second class A" increasing the compensation of the mayor and appointed officers in cities of the second class A.

Referred to the Committee on Cities—Counties Second and Second Class A.

SENATE BILL No. 1002.

An Act amending the act of January 8 1952 (P. L. 1851) entitled "An act providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases . . ." regulating bail for persons charged with commission of sex crimes.

Referred to the Committee on Judiciary.

SENATE BILL No. 1009.

An Act amending the act of July 28 1953 (Appropriation Acts page 16 Act No. 20-A) entitled "An act making an appropriation to the Department of Forests and Waters for the protection and stabilization of Presque Isle Peninsula and Erie Harbor at Erie" authorizing the use of funds for improvement and development purposes.

Referred to the Committee on Appropriations.

SENATE BILL No. 1013.

An Act amending the act of August 24 1951 (P. L. 1405) entitled "Estate Tax Apportionment Act of 1951" changing the method of apportionment regarding the inheritance or death tax effect with respect to charitable public or similar gifts or bequests.

Referred to the Committee on Appropriations.

SENATE BILL No. 1016.

An Act amending the act of August 9, 1955 (P. L. 323) entitled "The County Code" further regulating the payment of sheriff's salaries in certain counties.

Referred to the Committee on Counties

SENATE BILL No. 1019.

An Act amending the act of May 12, 1943 (P. L. 259) entitled as amended "An act providing for the payment by the State Treasurer of the amount of the tax on premiums paid by foreign casualty insurance companies to the treasurers of the several cities boroughs towns townships and certain counties . . ." further defining policement and changing the time when unused funds are returned to the General Fund for redistribution.

Referred to the Committee on Rules.

SENATE BILL No. 1020.

An Act amending the act of May 26 1949 (P. L. 1828) entitled "Fiduciaries Investment Act of 1949" further prescribing the eligibility for authorized investments of obligations of municipality authorities.

Referred to the Committee on Judiciary.

SENATE RESOLUTION SERIAL No. 166.

Referred to the Committee on Rules

COMMITTEE MEETINGS

COUNTIES, Mr. Wheeler, Chairman, Room 323, Tuesday, March 20, at 10.30 a. m.

EDUCATION, Mr. McCann, Chairman, Room 324, Tuesday, March 20, at 11:00 a. m.

JUDICIARY, Mr. Lopresti, Chairman, Room 145, Tuesday, March 20, at 10:00 a. m.

TOWNSHIPS. Mr. Musto, Chairman, Room 522, Tuesday, March 20, at 11:00 a. m.

The Legislative Service Club will meet for breakfast, Tuesday morning, March 20, at 8:30 a. m. in the Private Dining Room of the Capitol Cafeteria.

ADJOURNMENT

Mr. McCANN. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 20, 1956 at 11:00 a. m.

The motion was agreed to, and (at 3:50 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., TUESDAY, MARCH 20, 1956. No. 156.

SENATE

TUESDAY, March 20, 1956.

The Senate met at 1:00 o'clock, p. m., Eastern Standard Time.

The PRESIDENT pro tempore (M. Harvey Taylor) in the Chair.

PRAYER

Honorable FRANK W. RUTH, a Member of the Senate from Berks County, offered the following prayer:

Almighty God, our Heavenly Father, Thou Who dost make the seasons come and go in their time, Thou Who dost cover the man-made scars upon the beautiful earth with the pure snow, so Thou, with Thy Holy Spirit and Thy great love, dost cover the scars that we have made on our souls.

We pray that we may have faith to look up to Thee at all times. We thank Thee for the gift of this new day. May we use it to Thy honor and glory. In Thy Holy Name we ask it. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. PECHAN and Mr. FLEMING, further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. RUTH asked and obtained leave of absence for Mr. MILLER, due to illness for today's Session.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1956.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

No matter how great our effort to improve State Government, it is foredoomed to failure if we cannot attract competent people to the State's service; and if, having attracted them, we cannot induce them to remain in their jobs for a reasonable length of time.

Two vital factors which attract first-rate people to the service of their State are salary and job security.

Our State Government must improve both if we are to have efficient government.

Historically, the policy-making level of jobholders in State Government are appointed under the administrative power. And this also holds true for those whose jobs require only routine training.

But between these extremes there exists a middle group, comprising technical and professional people, to whom State service must offer a non-political career.

At best, such specialists are hard to come by, for their skills are in great demand in the Nation's market places. But it becomes almost impossible to attract them to jobs in government when the government concerned can offer them no security of employment, and therefore no opportunity for building their careers.

It is with the intent of ameliorating this situation that we propose new legislation extending Civil Service in the technical and professional field.

Before discussing this measure, however, I should like to show concrete examples of our failure, under the present system, to recruit the competent people we need for those technical and professional positions which our Commonwealth must fill.

Out of 50 graduates of the Pennsylvania State University Forestry School last year, only one entered the Pennsylvania Forestry Corps. Roughly three-quarters of these men took jobs with the Forestry Departments of our neighboring states.

Salaries were not at issue, for our own are competitive. Job security was, in all cases, the determining factor.

Pennsylvania's Department of Forests and Waters needs twelve trained foresters immediately, but Secretary Goddard, despite personal recruiting trips, has been unable thus far to get them.

We urgently need 200 civil engineers in our Department of Highways. Yet we have had only one civil engineering graduate of the Pennsylvania State University join the staff of our Highway Department since 1951.

Skilled men and women like these cannot be blamed for seeking employment which offers job security and turning their backs on positions which offers no future, or an uncertain future at best.

This Administration, which has faced the problem for upwards of a year, therefore feels that the principle of job security must be extended to some 1100 or 1200 more salaried positions.

Without such job security, we shall not be able to get the people we want, nor hold the people we have.

Accordingly, we strongly recommend a new Personnel Act, embodying the following principal features:

1. It will replace the Civil Service Act of 1941 and cover all positions mentioned in that Act.

2. The range of those positions with job security may be expanded by action of the General Assembly or the Executive Board. But no such positions may be removed from Civil Service protection except by action of the General Assembly. This provision is designed, of course, to prevent liquidation of the job security system by executive action.

3. Incumbent employes will be confirmed in their posts through qualifying examinations.

4. The name of the Civil Service Commission will be changed to the State Personnel Board.

5. The State Personnel Board will be composed of five laymen appointed for five years each on a staggered basis. Of these, no more than three shall represent a single political party. The Board will be semi-autonomous, but will be attached to the Governor's Office for administrative purposes.

6. An Executive Director will administer the Personnel Act. He will be appointed and supervised by the State Personnel Board.

7. Employes in the technical and professional classes affected will have the right to appeal dismissals and the right to reinstatement if they have been improperly dismissed.

8. No employe will have security of tensure until he has completed a six-month probationary period.

9. The status of veterans is unchanged under this legislation.

By making this bill law, the General Assembly will be taking a positive step toward more modern, more efficient and more effective State government.

The proposed Personnel Act is completely in line with the most up-to-date approach to governmental administration.

It is a strengthening of Civil Service and an extension of job security to a critical area of Commonwealth employment, and it cannot fail to ease the task of attracting top people to those professional and technical jobs which now go begging.

I strongly urge the General Assembly's early action on this vitally important legislation.

GEORGE M. LEADER.

The PRESIDENT pro tempore. This communication will be spread upon the Legislative Journal.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 608, PRINTER'S No. 268

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 608, Printer's No. 268, entitled "An Act amending the act of May 2, 1925 (P. L. 448) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' authorizing the use of long bows and arrows for capturing or killing carp."

GEORGE M. LEADER.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBER OF THE INDIANA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph I. McElhoes (Dem.), R. D. 1, Home, Indiana County; for appointment as a member of the Indiana County Board of Assistance, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice George A. Heimberger, Saltsburg, whose term expired.

GEORGE M. LEADER.

MEMBER OF THE BUTLER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Elizabeth MacKinney (Dem.), 525 East Fulton Street, Butler, Butler County, for appointment as a member of the Butler County Board of Assistance, to serve until December 31, 1957, and until her successor is duly appointed and qualified, vice P. E. Markwell, Butler, deceased.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate L. W. See, R. D. 1, Hartstown, Crawford County, for appointment as Justice of the Peace in and for the Township of East Fallowfield, Crawford County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 654, entitled:

An Act making an appropriation to The Boys Industrial Home of Western Pennsylvania located at Oakdale Allegheny County for new buildings and repairs to existing buildings

Which was committed to the Committee on Appropriations.

House Bill No. 695, entitled:

An Act making an appropriation to the Trustees of the George Jr Republic Association Grove City Pennsylvania for construction of new buildings and repairs * * *

Which was committed to the Committee on Appropriations.

House Bill No. 789, entitled:

An Act authorizing the Department of Military Affairs to expend State funds for civil air patrol aviation education training aids and maintenance of civil air patrol aircraft and making an appropriation

Which was committed to the Committee on Military Affairs and Aeronautics.

House Bill No. 1865, entitled:

An Act amending the "Local Health Administration Law" approved August 24 1951 (P. L. 1304) regulating pension and retirement rights of employes of single-county and joint-county departments of health except in counties of the second class

Which was committed to the Committee on Public Health and Welfare.

House Bill No. 1965, entitled:

An Act authorizing the Department of Property and Supplies with approval of the Governor to acquire sixty-three acres more or less of land in Washington Township Erie County for use of Edinboro State Teachers' College and making an appropriation

Which was committed to the Committee on State Government.

House Bill No. 2012, entitled:

An Act making an appropriation to the Department of Mines for expenses of supervising and administering the Anthracite Mine Drainage Program

Which was committed to the Committee on Appropriations.

House Bill No. 2048, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of costs incurred in administering the Special School Milk Program in co-operation with the Federal Government

Which was committed to the Committee on Appropriations.

HOUSE CONCURS IN SENATE BILL No. 772

He also returned to the Senate, Senate Bill No. 772, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon providing for and imposing powers and duties upon a Capitol Park Extension Commission conferring powers and duties upon the Department of Property and Supplies and making an appropriation" by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street and making an appropriation

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 802

He also returned to the Senate, Senate Bill No. 802 entitled:

An Act to provide for an additional law judge of the orphan's court in the fifth judicial district

with the information that the House has passed the same without amendments.

The PRESIDENT pro tempore. At this time, the Chair invites the gentleman from Potter, Mr. Berger, to the rostrum to preside.

The PRESIDING OFFICER (James S. Berger) in the Chair

REPORTS FROM COMMITTEES

Mr. HALUSKA, from the Committee on State Government, reported as committed, House Bill No. 110, entitled:

An Act amending the act of April nine one thousand nine hundred twenty-nine (P. L. 177) entitled "The Administrative Code of 1929," designating the days on which State employes shall be paid and repealing inconsistent legislation.

He also, from the Committee on State Government, reported as committed, House Bill No. 2045, entitled:

An Act amending the act of July 24, 1913 (P. L. 965) entitled "Commodities Weight and Measure Law" clarifying enforcement provisions of the act.

Mr. McPHERSON, JR., from the Committee on Agriculture, reported as amended, House Bill No. 897, entitled:

An Act prohibiting the serving and regulating the selling of imported wild rabbit and prescribing penalties.

He also, from the Committee on Agriculture, reported as committed, House Bill No. 1277, entitled:

An Act amending the act of April 11, 1929 (P. L. 488) entitled "Certified Seed Law" extending its provisions to crop plants vegetatively propagated.

He also, from the Committee on Agriculture, reported as amended, House Bill No. 1295, entitled:

An Act making an appropriation to the Department of Agriculture to assist the Commonwealth's 4-H Club and Future Farmers of America dairy show program by paying the expenses of holding the six existing 4-H Dairy Club and FFA district dairy shows and in addition a State-wide show to be held in the Fall of the year as preliminary to the State Farm Show.

He also, from the Committee on Agriculture, reported as amended, House Bill No. 1560, entitled:

An Act to regulate the sale and distribution of commercial feeds in the Commonwealth of Pennsylvania conferring powers and imposing duties on the Department of Agriculture and prescribing penalties.

He also, from the Committee on Agriculture, reported as amended, House Bill No. 1928, entitled:

An Act amending the act of May 20, 1949 (P. L. 1594) entitled "Ice Cream Law" extending its provisions to ice milk and ice milk confections and conferring additional powers and duties on the Department of Agriculture and regulating sales of packaged ice milk.

He also, from the Committee on Agriculture, reported as amended, House Bill No. 1977, entitled:

An Act regulating the sale and distribution of mixed fertilizers and fertilizer materials imposing powers and duties on the Secretary of Agriculture and prescribing penalties.

Mr. BLASS, from the Committee on State Government, reported as committed, Senate Bill No. 1010, entitled:

An Act declaring and adopting the poem "Pennsylvania" by Gerall G. Dovenspike as the State poem.

Mr. HAYS, from the Committee on Public Health and Welfare, reported as amended, House Bill No. 1073, entitled:

An Act providing for the establishment of forestry conservation camps by the Department of Welfare and the Department of Justice for the retaining of male delinquets.

Mr. CHAPMAN, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 973, entitled:

An Act to promote the welfare of the people of the Commonwealth by the reduction of unemployment in certain areas of the Commonwealth determined to be critical economic areas providing for the establishment of industrial development projects in such areas creating The Pennsylvania Industrial Development Authority as a body corporate and politic with power to allocate funds for and make secured loans to industrial development agencies for the payment of a part of the cost of industrial development projects in critical economic areas authorizing the Authority to enter into agreements with the Government of the United States or any Federal agency or industrial development agency empowering the Authority to take title to sell convey and lease industrial development projects where necessary to protect loans made by the Pennsylvania Industrial Development Authority on industrial development projects providing that no debt of the Commonwealth its municipalities or powers granted by this act and providing for the examination political subdivisions shall be incurred in the exercise of any of the accounts and affairs of the Authority and making an appropriation.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1324, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect.

He also, from the Committee on Appropriations, reported as amended, House Bill No. 1703, entitled:

An Act making an appropriation to the Water and Power Resources Board of the Department of Forests and Waters for payment into the Flood Control Fund for flood control purposes.

Mr. WOLFE, from the Committee on Forests and Waters, Game and Fish, reported as amended, House Bill No. 1060, entitled:

An Act defining and providing for the licensing of water well drillers prevention of pollution of underground waters conferring powers and imposing duties on the Water and Power Resources Board of the Department of Forests and Waters and prescribing penalties.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 530

Mr. FLEMING. Mr. President, I submit the report of the Committee of Conference on Senate Bill No. 530, entitled:

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land, property or material or any interest therein by political subdivisions or by authorities created by political subdivisions in the exercise of their power of eminent domain.

The PRESIDING OFFICER. This Report of Committee of Conference will appear on tomorrow's Calendar.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 841

Mr. FLEMING. Mr. President, I submit the report of the Committee of Conference on Senate Bill No. 841, entitled:

An Act to promote the welfare of the people of this Commonwealth; creating Port Authorities to function in counties of the second class as bodies corporate and politic, with power to plan, acquire, construct, maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on the authorities; authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates and services; and authorizing the authorities to collect tolls, fares, fees, rentals and charges for the use of facilities; defining the authorities' powers and duties, and defining the port districts.

The PRESIDING OFFICER. This Report of Committee of Conference will appear on tomorrow's Calendar.

COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, from the Committee on Executive Nominations, I report at this time a communication from His Excellency, the Governor of the Commonwealth, recalling the nomination of Donald C. Atwell as a Member of the Mercer County Board of Assistance.

The Clerk read the communication as follows:

RECALLING THE NOMINATION OF DONALD C. ATWELL AS A MEMBER OF THE MERCER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 7, 1956, for the appointment of Donald C. Atwell (Dem.), 540 Liberty Street, Grove City, as a member of the Mercer County Board of Assistance, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice G. G. Forquer, Grove City, deceased.

I respectfully request the return to me of the official nomination in the premises.

GEORGE M. LEADER

NOMINATION BY THE GOVERNOR REPORTED FROM COMMITTEE

Mr. WOLFE. Mr. President, I further report from the Committee on Executive Nominations, the nomination of Donald C. Atwell, and ask that it be read by the Clerk.

The Clerk read the nomination as follows:

MEMBER OF THE MERCER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Member of the Mercer County Board of Assistance:

Donald C. Atwell (Dem.), 540 Liberty Street, Grove City, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice G. G. Forquer, Grove City, deceased.

GEORGE M. LEADER

NOMINATION RETURNED TO THE GOVERNOR

Mr. WOLFE. Mr. President, I move that the nomination just read by the Clerk be returned to His Excellency, the Governor of the Commonwealth.

Mr. MAHANY. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDING OFFICER. The nomination will be returned to the Governor.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE, from the Committee on Executive Nominations, also reported with a favorable recommendation the following nominations, made by His Excellency, the Governor:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate L. Stuart Sauppe, 735 Carsonia Avenue, Pennside, Reading, Berks County, for appointment as Justice of the Peace in and for the Township of Lower Alsace, Berks County, to serve until the first Monday of January 1958, vice John A. Mell, resigned.

GEORGE M. LEADER.

MEMBER OF THE PHILADELPHIA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Myne Freed (Dem.), 1738 North Franklin Street, Philadelphia, Philadelphia County, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Miss Marion Buzby, Philadelphia whose term expired.

GEORGE M. LEADER.

MEMBERS OF LUZERNE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Luzerne County Board of Assistance:

Patrick W. Shovlin (Dem.), 471 South River Street, Wilkes-Barre, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Thomas Kehoe, Pittston, resigned.

Joseph Purcell (Rep.) 20 Mt. Greenwood Road, Trucksville, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Paul E. Paskiewicz, Plymouth, resigned.

Leonard Statkewicz (Rep.), 562 Main Road, Hanover Green, Wilkes-Barre, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice William Dombroski, Pittston, resigned.

Dr. Maurice Regan (Dem.) 153 Maple Avenue, Kingston, to serve until December 31, 1956, and until his cuscessor is duly appointed and qualified, to fill a vacancy.

GEORGE M. LEADER.

MEMBER OF THE TIOGA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a member of the Tioga County Board of Assistance:

Mrs. Rose Chamberlain (Democrat), Mainesburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Clarice M. Wilcox, Wellsboro, whose term expired.

GEORGE M. LEADER.

MEMBER OF WESTMORELAND COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Westmoreland County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Faleo J. Colonna (Dem.), 477 Reed Avenue, Monessen, vice Joseph S. Janosik, Monessen, whose term expired.

Robert F. Seiler (Dem.), 931 Gaskill Avenue, Jeannette, vice Mrs. Minnie B. Smith, Jeannette, whose term expired.

Ewing Watt (Dem.), Claridge, vice J. H. Silvis, Greensburg, whose term expired.

GEORGE M. LEADER.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph J. Alonzo, 1712 Penn Avenue, Jeannette, Westmoreland County, for reappointment as Alderman in and for the Fourth Ward of the City of Jeannette, Westmoreland County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

SHERIFF

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 29, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Otto Winkler, Jr., Greeley, Pike County, for appointment as Sheriff in and for the County of Pike, to serve until the first Monday of January 1958, vice Fred Kellogg, deceased.

GEORGE M. LEADER.

MEMBERS OF THE PENNSYLVANIA STATE PARK AND HARBOR COMMISSION OF ERIE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania State Park and Harbor Commission of Erie, to serve until the third Tuesday of January 1959, and until their successors shall have been appointed and qualified:

Robert W. Parker, 4185 Knoblach Road, Erie, Erie County. (Reappointment).

Edward J. Sinnott, 3020 Post Avenue, Erie, Erie County, vice Patrick J. Grant, Erie, resigned.

Paul L. Nunes, 609 Lincoln Avenue, Erie, Erie County, vice Adrian J. Collins, Erie, whose term expired.

John R. Dwyer, 345 West Thirty-ninth Street, Erie, Erie County, vice Norman Wilson, Erie, whose term expired.

Dr. Harold W. Kinter, 920 East Avenue, Erie, Erie County, vice Dr. J. A. Bougie, Erie, whose term expired.

Edward Palmer, R. D. 1, Fairview, Erie County, vice Eben J. Gunnison, Girard, whose term expired.

Mr. Violet S. Waldron, 1022 Raspberry Street, Erie, Erie County, vice Clare A. Hillstrom, Corry, whose term expired.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Oscar W. Briggs, R. D., Petersburg, Huntingdon County, for appointment as Justice of the Peace in and for the Township of West, Huntingdon County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Francis L. Kennedy, 127 Lombardo Avenue, St. Marys, Elk County, for reappointment as Justice of the Peace in and for the Borough of St. Marys, Elk County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

MEMBERS OF THE CLINTON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of the Clinton County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

R. O. Raymond (Dem.), 154 Twelfth Street, Renovo.
Dr. Neal F. Carlson (Rep.), 300 Huron Avenue, Renovo.
Dr. Charles E. Coxe (Rep.), 35 North Fairview Street, Lock Haven.

GEORGE M. LEADER.

MEMBERS OF THE CLARION COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Clarion County Board of Assistance:

Mrs. Frances Heeter (Dem.), 201 Seventh Avenue, Clarion, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Ralph M. Baker, Foxburg, whose term expired.

Mrs. Iris Mae Bish (Rep.) Shippenville, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment).

Charles P. Leach (Rep.), 533 East Penn Street, New Bethlehem, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment).

Mrs. Mary E. Kassel (Rep.), 108 Merle Street, Clarion, from October 26, 1954 until December 31, 1956, and until her successor is duly appointed and qualified.

GEORGE M. LEADER.

MEMBERS OF THE CHESTER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Chester County Board of Assistance:

Milton Apfelbaum, Esq. (Dem.), 529 East Lincoln Highway, Coatesville, to serve until December 31, 1958. (Reappointment).

J. Gibson McIlvain, Jr. (Rep.) Old Kings Highway, Downingtown, to serve until December 31, 1957. (Reappointment).

GEORGE M. LEADER.

BILLS INTRODUCED AND REFERRED

Messrs. WADE, PECHAN, STEVENSON, BLASS, PEELOR, CHAPMAN, DIEHM, HARNEY, LANE, WAGNER, SCOTT and WATKINS read in place and presented to the Chair Senate Bill No. 1045, entitled:

An Act amending the act of March 31, 1949 (P. L. 372) entitled "The General State Authority Act of 1949" increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor and allocating the proceeds of the increased borrowing.

Which was committed to the Committee on State Government.

PETITIONS AND REMONSTRANCES

Mr. KESSLER. Mr. President, over this past week end, I noted in the newspapers a good many stories quoting, by Governor Leader and his Attorney General, highly indignant statements made in connection with the Governor's veto of House Bill No. 1880. This bill provided for the acceleration of collection of the Capital Stock Tax.

To my mind, Mr. President, the Governor's violent reaction against so sound a bill as House Bill No. 1180 must be attributed either to misunderstanding of the bill, or to a definite bias against the improvement of the business climate in Pennsylvania.

The Governor's denunciation of the bill is the more curious because the clauses to which he particularly objects are to be found in almost identical language in Senate Bill No. 925. This bill, which I introduced on December 20th, was cosponsored at my request by Democratic State Chairman, Senator Joseph M. Barr and Senator Henry Propert. It was reported out by the Senate Finance Committee on January 17, but was recommitted the following day after the failure of House Bill No. 1879.

Now, Mr. President, House Bill No. 1880 as amended to include the provisions of Senate Bill No. 925 and approved by both Houses before being vetoed by the Governor, would have accomplished two very desirable ends:

First, it would have brought into the General Fund of the Commonwealth a total of about $50,000,000 in the biennium.

Second, it would have permitted Pennsylvania corporations to take advantage of the same formula for computing their capital stock taxes that is enjoyed by their out-of-State competitors. This move seems to me to be entirely in keeping with the Governor's avowed intention of developing existing business in Pennsylvania while inviting new business to come in.

Actually, Governor Leader evidently disagrees with both objectives. He declares that under the bill, as passed by Senate and House, the entire $52,000,000 which it was anticipated would be forthcoming to the State as a result of the "step-up" in capital stock tax collections might be lost. How Governor Leader accounts for this statement, I cannot understand. According to the best estimates of business leaders in Pennsylvania, business leaders who are definitely interested in the amount this bill will raise, the use of the out-of-State formula by Pennsylvania concerns could make a difference of about five to six million dollars in tax in the biennium. Let us be generous and assume that the change would come to around $10,000,000.

To counteract this loss, I am convinced on a study of business conditions that the Administration has under estimated the yield from the Capital Stock Tax by at least $10,000,000. Thus, at worst the Commonwealth would lose no money by its fair-play gesture to Pennsylvania business, and it might realize a full five million dollars more than the estimates made by the Administration.

People who are interested in keping and building payrolls in Pennsylvania should certainly be interested in furthering, not in preventing, such forward-looking legislation.

Governor Leader has certainly professed himself to be interested. For instance, he says in his budget message of April 19, 1955 approximately a year ago that was, when the session was only three-and-a-half months old:

"I also suggest to the Legislature that it now begin the job of clearing away some of the brush that has grown up around our tax system in Pennsylvania."

House Bill No. 1880, as amended, clears away a brush pile that had its inception in the term of Governor Leader's most recent Democratic predecessor. Governor George H. Earle. For more than 20 years, the anti-business bias of that Administration, as written into the Capital Stock Tax Law, has been permitted to spread its thorny brush around the companies which support the economic livelihood of this Commonwealth. What better time to uproot it than in the Administration of the first Democratic Governor since Governor Earle?

Furthermore, the Tax Study Committee, of which at least three prominent Democrats were members, namely, Senator Lane, Representative Readinger and G. Franklin McSorley, all associated with Governor Leader in this Administration, recommended in 1933 with respect to this very problem that:

> "Domestic corporations should certainly have the same tax advantages as foreign corporations. Allowing domestic corporations, at their option, to utilize the same allocation formula as foreign corporations would presumably entail some loss of revenue. Nevertheless the equal treatment of domestic and foreign corporations be attained by the best method available."

Again in 1955 the Committee stated:

> "Domestic corporations should have the same tax advantages as foreign corporations. One method to accomplish this result would be that of permitting such corporations to utilize the same allocation formula as foreign corporations. Providing equality of treatment in this manner would involve some loss of revenue, of an amount unknown."

And the same Committee, with these same Democrats as members, stated in their second report in 1955:

> "Pennsylvania is known as a high corporation tax state."
>
> Because a problem is old is no reason for denying it solution.

I am rather more convinced than ever that Governor Leader doesn't fully understand House Bill No. 1880

when he says: "This situation may well be construed by the Courts as an unconstitutional discrimination."

Now, Mr. President, as everybody knows, I am no lawyer. However, I have had an unusual exposure to tax laws during the past fifteen months, and I think it is fair to say that this limited background, plus a considerable amount of reading and study, qualify me to at least raise a very large doubt, as to the statement of the Governor and also his Attorney General that this bill might violate the Constitution.

These are the same gentlemen, you will remember, who declared that the Classified Income Tax "had been shaped within the limitations of the Constitution." This, no doubt, accounts for the rather fantastic shape of the classified income tax, for to be shaped "within the limitation of the Constitution," it would have had to by-pass four court precedents, an overwhelming accumulation of authoritative legal opinions to the contrary and the stalwart barrier of just plain common sense.

As I see the law of this Commonwealth, the following points are crystal clear:

1. The power to impose taxes for the support of the State belongs to the Legislature. The selections of the subjects of taxation, their description and the methods of collection are also matters of legislative discretion.

2. A corporation, we must all admit, is subject to the taxing power of the State of its creation.

3. And finally, the State may tax every species of property permanently within the limits of this State ,unless otherwise exempt.

Thus, it becomes obvious that the simple matter of a single beneficial change in the manner of collecting the Capital Stock Tax, such as was provided in House Bill No. 1880, represents no constitutional challenge at all.

The Legislature is well within its rights in approving the law. The Governor is merely adding to a mounting volume of evidence that he will oppose legislation beneficial to business, forgetting that he thus injures wage earners and the State's economy as well.

Mr. WEINER. Mr. President, while Senator Kessler is busy shedding tears and worrying about our corporations, I think he also should think and shed a few tears about some of the people who make up this Commonwealth. I think Senator Kessler, not being a lawyer, may appreciate my pointing out to him that corporations are merely fictitious entities. Many many times, they are used to evade taxes and are many, many times set up to cover individuals who do not wish to act as individuals, but who wish to act through some sort of a fictitious entity that has been created by the State.

Mr. President and Members of this Senate, you will forgive me for not having a prepared text. I am sure that most of the lobbyists sitting around here will not nod their heads in agreement about the things I am going to say. However, I still hope they will give it some careful attention and consideration. During the reports from committees, I waited very attentively to find out what was going to happen to House Bill No. 655.

House Bill No. 655 came over from the House and it is merely an enabling act. I think the entire bill takes up a single page and I think there is altogether in the bill perhaps fifty words. However, some how or other, the very same gentlemen who are very anxious to pass bills of the length of 117 pages, dealing with many complex subjects, find themselves constrained to passing a small bill of this type because they find they do not understand it. If they will indulge me for a moment, I will try to explain this simple bill.

Mr. President, this bill merely allows the city of Philadelphia, which incidentally and parenthetically I wish to say takes up and makes up twenty per cent of the persons living in this Commonwealth, to come under the same provisions as the other sixty-six counties. It allows them to have better health facilities and to provide many of the services that persons get all over the world. For the gentlemen of the Senate who are sometimes moved by their prejudice against Philadelphia, I would also like to add that people have come from all over the Country, and all over the world, within the last few years to view our medical system and our public health system because it is one of the finest in the Country.

This bill was reported from the House and came over to the Senate. It even was reported from Senator Pechan's committee, the Commitee on Public Health and Welfare, and was even on our Calendar. It was then sent back to committee because somebody in the Republican Caucus said they did not understand it. I then went to the Chairman of the Committee and tried to discuss the problem with him. I had Doctor Mattison, of the Department of Health, write to Senator Pechan and other members of the committee. Senator Pechan, very fairly, told me he would have the bill reconsidered. At that time, when we discussed it, I said that I thought the proper way would be to bring it before the Republican Caucus, because they are the ones who are passing on these bills and not the committee. Senator Pechan agreed that that would be so. That bill was taken up today and I assume, by the fact that it was not reported from committee, that it has been marked as being dead.

Mr. President, I wish somebody from the other side of the aisle would explain to me why Philadelphia should be excluded while all the other counties are included. If that could be explained to me, I would be most happy to hear it and I feel that it would be very enlightening not only to myself, but to the people who make up this Commonwealth. If they are going to give me the old gimmick that there is not enough money in the budget, I would like to point out to them that this Monev has already been included and is in the budget at present. That is not the problem. If it is a problem of the amount, I am sure we can sort of work something out on that problem if they want to limit cities of the first class or counties of the first class.

I would also like to point out to Senator Kessler, who was so worried about this tax and who was sort of an expert on the other tax, that I have gone over the Conference Report and I have read through this tax thing very carefully. Numerous persons have asked me questions about it. They have limited the words "tangible personal property" to a meaning which I do not understand and which is absolutely foreign to anybody who has ever studied any law or the meaning of those words in Anglo-Saxon. The loopholes in that bill are so large that you can drive ten trucks through it. Most

people do not understand who is covered by it, whether it be retailer, wholesaler, distributor or manufacturer. If this bill is enforced along the lines that they say they are going to enforce it, and is handled the way they say they are going to handle it, I do not see how anybody, whether he be a manufacturer or engaged in any other process in our economic or commercial life, is going to be able to evade paying the taxes. Even though the friends—and I use the word "friends" advisedly and in quotes—have been taken care of by exclusion, at the same time, they have included almost everybody. I do not see that even promulgating regulations will straightened out that situation.

The very same thing is true of the bill that Senator Kessler was worried about, and the one he was shedding tears about and the one which was also not very clear. I commend the Governor for being forthright and not signing it, even though it means a loss to the Commonwealth.

Mr. DENT. Mr. President and Members of the Senate, I listened to the gentleman from Lancaster, Senator Kessler, and I was torn by conflicting emotions. I was torn between the desire to shed tears for the so-called overtaxed industries and whether to drop a solitary tear for those unfortunates of ours who are faced with the very bleak future of living in mental institutions over the years. Then I thought to myself that I wonder if Senator Kessler has all the facts and whether what he is telling the Senate is the entire truth in the matter. I called upon my limited knowledge of the workings of the capital stock tax in Pennsylvania and, therein. I found the answer to Senator Kessler's plea for industry.

First of all, Mr. President, let us see what happened. Senator Kessler, as part of a group of Members of this Senate, designed a tax program that was to meet a limited budget for this biennium. In this tax program, we had to use certain estimates to arrive at a budget figure because, as you all know, the Governor cannot sign appropriations beyond the revenue estimates. If he does then he certainly can be prosecuted. He cannot put the State of Pennsylvania into a deliberated deficiency. In computing the estimates, we arrive at a figure of $320,000,000—$322,000,000, to be exact—as the yield from the sales tax. We arrived at a figure of $30,000,00 just out of the air, if you please, as the increased revenue from the corporate net income tax. We arrived at a figure of $3,500,000 from the yield to be estimated from the hotel room tax. We arrived at a figure of $52,000,000 on the capital stock tax acceleration.

Mr. President, when I joined in the Conference Committee Reports and stood upon this floor, I gave these estimates to the Members of the Senate as the estimates that we had agreed upon. Senator Kessler gave the same estimates to the newspapers. I have a copy of the newspaper with which to refresh Senator Kessler's memory. The last Conference Report, from the Committee on Conference of which I was a member, deliberately removed $19,000,000 from the sales tax by exempting; at that time, electricity and telephone.

I want to say here and now that the tears that were wasted on the so-called little peoples of this Commonwealth, whom you said you were protecting by taking out electricity and telephone bills, were of no avail. The truth of the matter is that the large electrical consumers are the commercial and industrial users, outside of manufacturing, for their own offices and to carry on the work in the offices of running the many electrical machines that they use. In the commercial field, we have the bright lights on Main Street. Therefore, you were not sending any gift of roses back to the little peoples of this State. You were, however, carrying out the Kessler formula of shifting the tax burden from those able to pay onto the little peoples of this great State. That process has gone on sice 1939, January 2nd. We have watched a process of relieving tax payers who are able to pay taxes and burdening those who are least able to pay. This culminated in an election in 1952.

For the information of Senator Kessler and the other sponsors of special interests, I would like to read you some pertinent facts to show you that the amendments inserted into the capital stock acceleration bill were deliberate and were a steal on the little peoples.

In the 1954 Federal tax bill with the Eisenhower amendments—and I am speaking now of Eisenhower as the President of the United States and not as the General of the United States Army or as an ordinary citizen who is carrying, at this time, the grevious cross of illness. All of us have never hesitated to wish him God-speed in recovery and an early defeat next year. The Eisenhower tax bill gave seventy-three per cent of the relief accorded in that bill, of $11,000,000,000 to corporations; eighteen per cent to higher income groups and nine per cent for the rest of the people and the small businesses of this great Nation. Since 1952 the take-home pay or profit after taxes, if you please, of big corporations has risen thirty-six per cent. The little fellow's take-home pay his risen nine per cent. Farm income declined in the same period twenty-seven per cent. Income for corporation shareholders increased during this period twenty-nine per cent. In fact, in the last half of 1955 corporate shareholders received more dividend income than all of the farm families gross income in the United States for farming in this country. Even the thirty-six per cent increase of corporations does not tell the entire story. United States Steel profits, after taxes, in 1955, were up 178 per cent over 1952. General Motors was up 136 per cent over 1952, or a clear cool $1,000,000,000 after taxes. I remember a man who is in the Eisenhower Cabinet, the former President of General Motors, who said, "What is good for General Motors is good for the United States." I imagine that that story will dog him for many years.

In the first nine months of 1955—and I think these figures are pertinent to the situation we find ourselves in today in discussing House Bill No. 1880—the profit rate of large corporate stockholders' investments rose twenty-seven per cent above the same period of 1952, while the smaller corporations' returns dropped thirty-nine per cent. The number of new businesses every year, since Eisenhower, is only one-eighth of the number of new businesses created every year under Truman. Business failures—and this is according to Dun and Bradstreet, in case you want to know where I got my figures—showed that in 1947 business failures stood at 3,474 failures, but in 1954 there were 11,000 business failures in the United States. In the last ten year period under the Democrats, failures were one-half as

many as the total in the three years under the Republicens. Under Truman, 50,000 new businesses were created every year, as I said. Under Eisenhower, last year, there were only 6,500. The Federal Commerce Department has become so disturbed over this that in a recent bulletin it advised any person or groups who were interested in going into business in these United States to take into consideration the calculated risk that they only had a fifty-fifty chance of survival. That is the kind of tampering of big business over little business that the people in these United States are subjected to.

We have all heard a great deal of talk about the 1955 boom. Let us just analyze the boom and see what is in it. Do you know what it is? How many of you have taken time to try to analyze it and to come up with an answer? I will tell you what the boom is about. The boom has been created by the purchase of tangible goods on credit. Your credit and installment buying last year rose to the unheard of figure of $36,-000,000,000. Mortgages rose to the tune of $89,000,000,000. You cannot buy permanent prosperity on borrowed money. Your boom today is a fictitious credit boom. Some day the fiddler will stop the music and demand payment and the dancing will stop.

Let us look up the ecenomy records for the past two years, since 1953. Steel, aluminum and the other metals rose sixteen percent; rent upped thirteen per cent; automobiles upped six per cent. These are in the cost to the peoples. Gas and electricity upped seven per cent. Do you know what the reason is that the over-all picture has not slid out of the screen? I will tell you what it is. It is because farm income is down sixteen per cent, resulting in lower food prices which appear on the surface to balance the little man's budget for him. The farmers in this State and the farmers in the United States are paying for the fictitous boom that we now have.

Now, Senator Kessler, in order that you be given a little more information on the workings of the so-called capital stock tax, I do not profess to be an expert such as you have admitted to be; I am just an ordinary Member of this Senate. However, I can read a little and I can deduct a little. I find that your capital stock tax structure in this State is based upon two separate tax formulas. In the same tax bill you will find that there is a capital stock tax and a foreign franchise tax. These are two separate and distinguishable tax bases. The one is called the domestic corporation capital stock tax and it has been declared to be, by decision, a property tax. In ascertaining the amount of taxes due the Commonwealth, a domestic corporation does use three separate and distinct bases for computation. One is the cash value of the property, tangible and so forth. The second is the assets over liabilities, which gives you your cash value, and then your dividends and your gross earnings. You take all three and after you get the proper equation, you add the three sums and you divided by three to get the equalizer which is used as the base for domestic stock corporations to pay their taxes into the Commonwealth.

Then we move over to the foreign franchise tax. It also has three separate and distinct bases. They are these. One, the tangible property of the foreign corporation in Pennsylvania over the tangible property all over any other ownings of the corporation outside the State. Number two, the wages paid in Pennsylvania over the wages paid all over the corporation outside of the State. Number three, the gross receipts in Pennsylvania over the gross recipts of the entire industry outside of the State of Pennsylvania.

What Senator Kessler has done is that he has said—and I want to state here why this has been done because I was approached, if you please, to do this very thing for a certain company. One individual company is responsible for this amendment. I will prove it because the same company has approached more than one Member of this Senate and House of Representatives to introduce for that company the very amendment that was sneaked into this capital stock tax bill. The Company is the Dresser Company, out of Bradford, Pennsylvania. Let us take the history of this company and bring it out into the open.

This company at Bradford manufactures tool bits and other equipment used in well drilling. We all know that the Pennsylvania oil fields are not the booming oil fields of yesterday. We all know that Texas has become in this generation the great oil happy-hunting grounds. The Dresser Corporation, while keeping its entity as a Pennsylvania corporation, moved lock, stock and barrel its manufacturing end of the business to Texas. While in Pennsylvania and producing in this State, they paid the capital stock tax without one complaint over the years. After they moved their physical plant outside of this Commonwealth, they come into the State of Pennsylvania and want to have the right to figure their tax on the basis of a foreign franchise tax rather than a Pennsylvania domesticated corporation. Incidentally, they were turned down by the Revenue Department and the Attorney General's Office.

I think, Mr. Kessler, because this case is so fresh in the minds of those who administer the laws of this Commonwealth, they were a little suspicious of House Bill No. 1880 when it arrived at the Governor's Office and knew where to look for the gimmick and found it.

Therefore, Mr. President, Dresser Company, being unable to get sponsorship from the Floor Leader in the House and being unable to get sponsorship from this side for their particular bill, had a bill introduced, I believe by Senator Kessler and, if I am not mistaken, I think Senator Barr might have gone along with him. I think that bill would not have been effective immediately and would have been more of a study proposition as to the effect of this kind of legislation. The Dresser Company, having failed in that, somehow or other reached somebody—I will not mention names—and somebody in this Senate was talked to because lo and behold, when the Governor received House Bill No. 1880 there was the Dresser amendment neatly packaged into the bill.

No man on this floor knew of this amendment or had the decency to speak of it. I have to say we were ignorant of it, all of us, because I would hate to think that any Member of this Senate knew about it and did not tell the Senate when I stood on this floor and clamed $52,000,000 worth of revenue this year and next year because of the acceleration of the capital stock tax in the Commonwealth. Whoever put that amendment into

the bill knew that we could not get $52,000,000 because he opened a door for reduced payments into the Commonwealth.

Mr. President, the Department of Revenue tells me that every corporation in this State, American Window Glass Company, Alcoa, The Aluminum Company of America, Gulf Oil Company, Bethlehem Steel, Jones and Laughlin Steel and all the big corporations that do a great deal of business outside of Pennsylvania, would now find themselves in this position if your bill were allowed to be law. They would take the year in which they have high income outside of Pennsylvania and pay a capital stock tax in Pennsylvania, based on the property or the number one option of the bill. In a year in which they had a high income in Pennsylvania and a low income outside the State of Pennsylvania, they would elect to take the option on the foreign franchise tax.

Another little insignificant feature of the bill, Mr. President, is that after taking the option and the Department of Revenue works out the equations and comes up with a tax base, then that company, if it worked out contrary to their expectations and they found themselves with a greater tax than they would have if they had exercised the other option, can immediately tear up the papers and start all over on the other option. No State in the Union allows such a darn, silly thing.

We find ourselves with this bill before the Governor. What else does this bill do? Yes, it takes care of the Dresser Corporation which, incidentally, does not do too much employing in Pennsylvania. What does this bill do to the little Pennsylvania corporations in this State of ours that do not have outside interests and do not operate outside the Sate of Pennsylvania? They would find they cannot take an option under this bill, because they have nothing in their corporate setup where they can except the tangible property proposition in Pennsylvania as against their tangible properties outside the State because they have none.

You say you are helping Pennsylvania industry, but let us bring things right out into the open. When this bill came from the House, Mr. President, the Democratic Party had listened long and loudly to the Republican story over the years that when we removed the manufacturers' exemption from the capital stock tax in this Commonwealth, we struck a terrible blow at the basic strength of manufacturing in Pennsylvania. For twenty long years, the Chamber of Commerce has screamed to the high heavens for the manufacturers' exemption in the capital stock tax structure. The Democratic Party, in its first year in power in Pennsylvania, sent over to this Senate House Bill No. 1880 from the House and, therein, was contained an amendment which removed Pennsylvania manufacturing corporations from the payment of the capital stock tax in this great Commonwealth.

Mr. President, what happened over here in the Senate? These great friends of industry, professional friends of industry I call them, what did they do? Were they interested in Pennsylvania being held up as a great State to do business in if you lived here? Oo, no, they took that feature out of the bill and inserted in the bill this little gimmick which favors out-of-State ownership of corporate interests.

I have heard the Chamber of Commerce plead for twenty long years about this franchise business and about the capital stock tax and yet, when we gave them an opportunity to remove the Pennsylvania manufacturer from the capital stock tax, I never heard one word of support from the Chamber of Commerce. Why? What has happened? Well, for the answer to that I would suggest that you go over to the Department of Revenue and look up the tax returns of the Pennsylvania Railroad and the Gulf Oil Company. I picked these two corporations because I did not have that much time to look into all of them. You will receive the answer to why the Republican Senate refused to take Pennsylvania corporations out of the capital stock tax and why they took these companies which would benefit from this kind of an amendment and slipped, as I said before, into House Bill No. 1880 a Mickey Finn for the people of the Commonwealth of Pennsylvania.

Mr. President, just as a passing thought, it might interest all of you to know that although the Pennsylvania Railroad has over fifty per cent of its physical assets in the Commonwealth of Pennsylvania, fifty per cent of its entire system, they pay in Pennsylvania a half million dollars less tax than they pay in the State of New Jersey, and the State of New Jersey is hardly much bigger than Westmoreland County with Titusville thrown in. The Pennsylvania Railroad also pays less in this State than they pay in New York.

I do not want anyone to get the impression, because we have to bring out these truths, that we in any way want to jeopardize Pennsylvania's chances of growth. I have said on the floor, and I am going to repeat it, that a healthy industry and an unhealthy people do not appeal to me. I believe that the primary duty of government is to see to it that the people come first. I have often given the illustration of the Delaware Valley; how they are a great prosperous valley today, but I do not believe that the people in the Delaware Valley, whose taxes have been increased to the breaking point, ought to be made to subsidize this great wealthy industry and industrial growth.

You, Senator Kessler, said that this would only cost $6,000,000. How do you know? Have you a magic formula which can be worked out without experience? Do you have a crystal ball to tell how many of the corporations in this Commonwealth are going to demand the right to come under the franchise tax act after you pass this bill? How many more Dresser Corporations would we find sitting on the doorstep of the Department of Revenue? Do you know how much it would save the Dresser Corporation alone if your amendment went through? How, under your amendments, can you tell me this would help one particular industry in this State that is totally owned and controlled and operated inside the Commonwealth of Pennsylvania? What right would they have under the foreign franchise tax? Not being a lawyer, but is it not also conceivable, sir, that the court would then say that the minute you allowed a Pennsylvania corporation to take the three fractions, which are computable under the franchise tax, that you then in turn make that a property tax also? Where, in all of the history of this State, would be able to find any precedent for any Supreme Court decision which would uphold that particular tax as a whole to be constitutional?

Mr. President, I do not know what the Supreme Court will do and I have often criticized those who say what it will do because I believe that is a prerogative of the court. However, when I hear someone get up on the floor and state positively that there would be no constitutional problem in this tax as amended, I have to, from the limited knowledge that I have, at least give you what my impression of a probable decision would be.

We find ourselves then with two things to do. I wonder how many people realize that this did not add one cent of tax to industry in this State; that all we were doing was accelerating the collection of the tax so that this Legislature, which has been unable to come up with a tax program of sufficient stature to meet the needs of the Commonwealth, would be able to use moneys in this biennium that properly ought to be collected in the next biennium. More of the credit buying that has made the boom; that is all we are doing.

Mr. President, if this has been such a subject of controversy as Mr. Kessler would lead us to believe and such a great and desired change in the law to benefit Pennsylvania, where were the Republicans for sixteen years when they had absolute control of the House and Senate and the Governor's Office? Why did you wait until the Democrats came in to pull this neat, little legislative trick? Why, under the sixteen years of Republican rule, did you not put this into effect if it was such a great help? I will tell you why; because the Dresser Company just moved recently.

Mr. President, in all of the years that I have been in this Legislature, this is the first year that I ever heard mention of the desire by anybody to allow Pennsylvania domesticated corporations to have an option under the foreign franchise tax in this Commonwealth. Let me go a step further. I want you to refresh your memories back to the year 1953 when I stood upon this floor and offered a bill, closing the loophole in the corporate net income tax law which would have given this State at least $35,000,000 more of income. I explained to you that under a decision rendered here in the Dauphin County Court and, incidentally, it was rendered in this court under a friendly suit and the defense of the Commonwealth's position by the then Republican Attorney General will never be used as a classic example in any law school. After the court, in a very weak decision, handed down this decision which took from the Commonwealth of Pennsylvania legitimate revenues and relieved certain big corporations of paying any tax in this State under the corporate net income tax, there was never an appeal by the Attorney General to any higher court. What was this decision? They worked out a cute little gimmick. I say this without casting any reflection upon the companies which I mentioned, for they would be utter fools of they did not take advantage of loopholes which the Legislature might build into an act for them.

How many of you know that the Gulf Oil Company does not pay a corporate net income tax in this State? How many of you know that the Pennsylvania Railroad does not pay corporate net income tax in the Commonwealth and why do they not? I will tell you why Because of the decision I spoke about in the Dauphin County Court. The decision said that a company which is a susidiary, and is owned in toto or fifty-one per cent or more by a Pennsylvania corporation, is exempted from the corporate net income tax if dividends are paid by that company to the parent company. Therefore, we find these big corporate bodies, instead of taking into their own corporation the operations of the various legitimate operations of a corporation, create subsidiary companies and then they lease these companies in toto back to themselves on ninety-nine year leases. The rent that they pay on this lease to their subsidiary is tax exempt because it is a legitimate item of expense. The subsidiary company which is operated through the lease, then takes all of the money they receive in rent and sends it back to the parent company by way of dividends, which, in turn, too, are tax exempt under the court decision.

What has happened, Mr. President, is that between $35,000,000 and $40,000,000 of tax revenue has been denied this Commonwealth of ours every biennium by these legislative tricks. The proposal which Senator Kessler had in House Bill No. 1880 was just another stept in the same direction.

We have a sales tax, and I want to say that Senator Kessler was the greatest proponent of that tax. He felt that everybody ought to pay taxes but I am beginning to discover that he meant everybody but, and you do not need to ask me who the "buts" are. I know who the "buts" are in reality; they are the people.

When I go in to pay the sales tax, Mr. Kessler, and I buy an item which costs one dollar, I have to pay three cents in tax. Now when you go in I presume that you, too, would have to pay three cents on a dollar item. Do you feel that it is proper for me to go in and pay the three cents and you be exempt? I do not think you would want that, would you? Then why do you and the rest of your group allow one corporation, perhaps in my home town, a small corporation with maybe $50,000 or $100,000 capitalization, to pay 100 per cent of a tax duplicate into the Commonwealth and turn around and make loopholes deliberately to allow a competing company in the same field, because it has the stature of grandeur and size, to be tax exempt?

Yes, I have the bill ready to close the loophole, but I am also a very practical man. I know very well that I have no more chance of getting that bill out of the Finance Committee than I have of flying to the moon. In fact, from the last picture I saw on television, I have a better chance of flying to the moon.

Mr. President and Members of this Senate, these are serious moments and we have had a very serious decision in this last week by the Governor of this Commonwealth. I do not believe the people are fooled one ;bit by the "Marlarkey," as Mr. Kessler calls it, that has been fed to the people by certain individuals who would misinform the electorate. The people are a peculiar set of animals. We have a very strange knack of determining in our own slow way that which is true and that which is untrue. Although for the moment we can be misled, in the long run we catch up. I think it was a great American who said you can fool some of them some of the time, all of them some of the time but you cannot fool all of them all of the time.

I assure you right now that if you pass that bill again with the same considerations in it that you have given to the out-of-State companies and to the large

corporate interests in this State, as against the small individually, locally owned corporations, I will assure you that the Governor will again be asked by me to veto the bill. If we are short $52,000,000, we are just short $52,000,000. If the Governor has to cut some services, the Governor will just have to cut some services. I, for one, am willing to vote for the services required by this Commonwealth and, by the same token, I am willing to vote for the necessary taxes.

You know you fooled the people for almost fourteen months because we had a great, great editorial barrage in the Commonwealth of Pennsylvania and everytime the people awakened in the morning and picked up their morning paper, or in the evening after dinner sat down and read their evening paper and everytime they turned their radio or television on, someone was giving off the great, great story about how valuable and how wonderful a sales tax was. I told you Members on the other side that the minute you passed that sales tax, the same newspaper editorials would start kicking you around because they found and they know the people do not really want the sales tax which they led you to believe they wanted. They still have to sell newspapers and so the day after you passed the sales tax, they went back onto the side of the people again. I doubt if I have read one editorial since you passed the tax bill complimenting you upon passing it.

Mr. President, we have the sales tax and we will live with it. However, I might say this; that if this sales tax is not amended, if it stays in the condition it is in today, and you cannot amend it by talking but you have to amend it by voting, I will ask the Governor to veto the bill. I will assure all of you on this floor right now that if this sales tax is not amended and the collection starts under the provisions as they are now read into the bill, and under the regulations which can and will be handed out by the Department of Revenue, it will more than make up the $52,000,000 which you are taking from us in the acceleration of the capital stock tax. It is there and you cannot work your stamp plan as it is now written. It does not fit into the bill. Under the severance clause of the act, I am sure that the stamp plan will be thrown out. If it does work, you are going to pay the merchant four per cent. Out of a $300,000,000 tax bill, you are going to give $12,000,000 to the merchants of this State because you have two sections in the stamp plan; one where you give him two per cent as a discount when he buys his stamps and two per cent as a credit when he sends in his reprt of how many stamps he has sold to the people. You have it in that tax plan where every bank in this Commonwealth will use public money for six months and you are going to pay them a half per cent for using it, besides what they will do with it.

Mr. President, I would like to know how you are going to get money in this biennium if the banks can hold that money for six months. I am telling you that we have two problems. I am telling all of you right now that to solve these problems, we have to sit down and talk it over. I am willing to sit down with Senator Mahany or any other man or group of men who are named by the leaders on the other side. I will have as many of the Members on this side as you want to sit with you. In the final analysis, we have to take into consideration two tax laws; the capital stock tax law and the sales tax law. They are jointly sponsored by the Legislature and they will travel together or they will fall apart.

Mr. KESSLER. Mr. President, in a book know as The Bible there is a section called Ecclesiastes and the third chapter starts something like this: "To everything there is a season and a time for everything under Heaven." It seems to me that the time has come to talk a little plainly

First of all, Mr. President, I know no one personally from the Dresser Manufacturing Company. No one from Dresser has ever talked to me. I have a letter here in my hand which indicates that this movement to put our domestic corporations on a par with foreign corporations doing business in Pennsylvania began in 1952, at the instance of the Joy Manufacturing Company. Dressers has not spoken to me. I have had some correspondence with a man by the name of Vollbrecht, but I do not know him and the correspondence, while it dealt with this matter, was not influencing my opinion so far as that goes.

The second thing I wish to mention, Mr. President, is that I to object to the terminology of Mickey Finns, tricks, deceit, sleepers or whatnot that the Finance Committeed supposedly used in getting this amendment into House Bill No. 1880.

In the first place, Senate Bill No. 925 was on the Calendar. It was in print and people knew what it was. It dealt with the capital stock tax. It was returned to committee with House Bill No. 1880 and instead of having two separate bills when the tax bills were again brought out to the floor, I decided that we may as well combine Senate Bill No. 925 with House Bill No. 1880. If my recollection serves me correctly, and fortunately it is borne out by the Vice-Chairman of the Committee, Senator Propert, who was at the meeting which we held back here in this room, I outlined briefly, not in detail, the amendments that were made to the various bills which we were reporting out. I recall very distinctively that Senator Lane and Senator Barr, I think, voted "no" on reporting this bill out because they objected to some of these amendments. However, the bills were reported out. They were not voted on that day because they had to be printed and the bills were available for everyone to read.

Mr. President, if the people on the other side of the aisle claim ignorance, I can only say that the bills were there to read and it was not done underhanded or with a desire to slip something in which might go by unnoticed.

Mr. President, I would like to read a few paragraphs from a letter. I do not like to quote the source of the letter, but it is from a business analyst in whom I have much confidence and respect. One paragraph starts out this way, in referring to House Bill No. 1880:

"The Governor either does not know, or at least failed to point out in his message, or chose to overlook the fact that the corporations involved could start procedings tomorrow to re-incorporate in another State and the end result would be precisely the same loss of revenue to the State as involved under the Senate amendment. In fact, some corporations are at the point of making such a shift. It seems preposterous that a State would con-

tinue a tax system which forces its own companies to drop their Pennsylvania charters in order to get on an equal basis, taxwise, with their competitors who saw fit to incorporate in another State."

I would like to also read from the last paragraph of this letter:

"Recent comments by the Administration, in connection with this measure, represent a clearcut message to concerns in the future that it may not be wise to charter their new corporation in Pennsylvania. In fact, they will be inclined to shy away from this Commonwealth unless they feel they can afford the luxury of paying higher taxes in order to call themselves a Pennsylvania corporation."

Mr. BARR. Mr. President, the gentleman says he does not know anyone from the Dresser Corporation. If the representatives from the Dresser Corporation did not see Senator Kessler, he is one of the few they did not see. If he so desires, he can go over and talk to Representative Johnson and he will tell him who they are because they saw him. Representative Johnson was one of the ones they tried to get to sponsor this legislation. Senator Kessler can even ask Mr. Readinger about them. Maybe he did not know who he was talking to. The same men were pointed out to me, and I saw them on the floor of this Senate.

Number two, at the meeting of the Finance Committee this amendment was not discussed, contrary to what Senator Kessler's memory may be, or it could be that maybe I am the one with the faulty memory. The figure of $52,000,000 was discussed in the Finance Committee and Senator Kessler knew very well when he said, "I decided to put this amendment in," that the $52,000,000 figure then was not an honest figure. I am not saying Senator Kessler is a dishonest man. I should probably use another word. I would say he was not accurate or was juggling the figures around which, of course, is not anything new in the legislative halls.

Senator Kessler made one other error in his rebuttal to Senator Dent, when he said the bill was printed and could be read. The bill was not printed at the time we voted on that bill here in this Senate. If you remember correctly, there were a series of bills containing the corporate net income tax being increased to six per cent, the capital stock acceleration bill and last on the program came the sales tax and after that the motel, hotel tax.

Mr. President, the so-called business taxes were voted upon in the Senate prior to the printed bill arriving on our desks and we, in turn, notified the House that these bills had passed and asked them to get the bills over to the Governor as soon as they could and, they, over in the House, did not even see the bill with this gimmick. Perhaps you do not like to call it a gimmick I do not care what you call it but I think if I took a poll on the other side of the aisle, the Members of your Republican Caucus would tell me that they did not know this feature was in the bill.

Another thing you did not take into consideration when you spoke about the Constitution was the fact that we do have a Federal Constitution. I am not a lawyer, but I am convinced in my own mind that most of this litigation would be in the Federal Courts and not in our State Courts because where you favor one corporation against another, one in the State and one with possessions outside the State, that, in turn, would take you into the Federal Courts under the Federal Constitution.

Mr. President, I am convinced, in my own mind, that the House and this Senate will pass the capital stock tax as it originally came over here. However, I am further convinced that the Joint State Government Commission should immediately, through a resolution adopted by both houses, make a sound and very deep study into just this facet which has been talked about here this afternoon.

I, for one, am not scared by the fact that corporations are going to leave this State. I remember when they were going to go to Canada in 1936, but by 1937 there were more new corporations formed in the United States than in any previous year in its history. There may be four or five corporations that will move out of the State. There are representatives of industry sitting here today who may want to move out of the State, but when it comes down to the meeting of the board of directors of those corporations, I think they will say that they are going to stay in Pennsylvania.

Mr. President, I remember the study which was made back in 1936 by, I think, one of the top insurance companies in this Country and when it came to the reasons why businesses locate in various States, taxation was number thirteen on the list. Therefore, I am not at all concerned that there is going to be a great exit of industry down to New Jersey or to the little State of Delaware by our large corporations.

Mr. MAHANY. Mr. President, there has been a great deal said about House Bill No. 1880 after it is now deceased. I cannot answer each one of the items that was brought up by Senator Barr and Senator Dent. However, I do want to say that according to our History, this amendment, which was put in by the committee, was put in on February 28. It is noted here in the History that the bill was re-reported as amended on February 28. It then passed Second Reading on February 29, which was one day later. It was then recommitted to the Committee on Finance on that same day and re-reported as committed—there was no change made at that particular time by the committee—on March 1. It then passed Third Reading and Final Passage on March 2. There were three days after this amendment was put in and I cannot understand why the printer would not have a printed bill on our desks within three days.

I feel that the printed bill, with this amendment in it, was on our desks when we voted on it. Three days after that, on March 5, the House concurred in the Senate amendments. That was another three days. In other words, there were about six days from the time that the amendment was put in until the House concurred. Certainly, the House must have had the printed bill before it six days after this amendment was placed in the bill by the Finance Committee. I feel that if they had wanted to, any Member of the Senate surely could have found out from the wording of the bill what was in it.

There has been so much said about the effect of this particular wording in the bill as it relates to corporations. I believe that the wording in the bill "outside the

State," saying that corporations doing business outside the State, was surplusage. I think those words could have been left out because, obviously, a corporation that wants to take advantage of this particular feature must be doing business outside the State. If it did all of its business within the State, then it could not take advantage of this feature that was placed in the bill by the Finance Committee. As I said, that particular wording could have been eliminated from the bill.

What does this allow a corporation to do that it could not otherwise do? I think a lot of us talk about this and do not quite understand what it is all about. What it would allow a corporation to do would be to allocate its intangibles so that the intangibles, which are located outside the State of Pennsylvania, would not be included in the valuation of the worth of the company in computing the capital stock tax. In other words, suppose they had some intangibles such as stocks, mortgages, indentures, debentures and that sort of thing situate in Chicago and they were doing some of their business in Chicago, then they would not have to include all of the intangibles which are located in Chicago in computing the worth of the corporation which is incorporated in Pennsylvania. That is what an outside or a foreign corporation does. It does not include its intangibles in computing the worth of the corporation in paying the foreign franchise tax.

In the Ford Motor Company case, the court stated very definitely that Pennsylvania does penalize its domestic corporations and it does not give them the same tax break as they give foreign corporations. That certainly is not a very good advertisement for the State of Pennsylvania.

My friend states that the tax consideration is No. 13 on the Hit Parade when it comes to deciding whether or not they are going to locate in Pennsylvania. I think it should be perhaps farther up at the top concerning when most corporations decide whether they are going to locate in Pennsylvania or whether they are going to expand here. I know that one time, about a year or so ago, when we were trying to find some new industry for Titusville, I went to Philadelphia to interview some people who were going to transfer their business from St. Louis, as I remember it, to Pennsylvania. One of the representatives from the Department of Commerce was there also interviewing these people and when he came out, he said, "I am afraid that we cannot get them into Pennsylvania because they are not very satisfied with our tax structure." That is one of the first things that this gentleman talked to me about. He did not see how his corporation could come into our State because of the heavy taxation which we were placing on corporations.

The Senator is always talking about the fact, or the supposition, that we Republicans want to tax the people. I do not know who else you can tax if it is not the people. The corporations do not in themselves pay taxes. They are merely tax collectors, as the gentleman well knows. If Senator Dent, and Senator Kessler, and Senator Barr and I would go into business and not incorporate, we would not have to pay any corporation tax, of course. We do not have any tax on unincorporated associations in this State. In order to obtain the advantage of limited liability, so that if we go busted in this new enterprise the sheriff could not come and take our personal property that we have at home and we would be limited to the amount of the investment which we chose to put into this enterprise, we form a corporation. I presume we would probably call it The Westmoreland Enterprise Company. We would then be in business. For the sake of limiting our liability, we would have to pay all these corporation taxes which the State of Pennsylvania places on us. Who pays the taxes? If we cannot get it from our customers, to whom we sell goods, then this company, Dent and Company, has to pay it. In other words, the stockholders of the company first try to get it out of the price of their merchandise and if they cannot get it there, they have to pay it themselves as individuals. In either case, people, human beings, have to pay the money. I agree with Senator Weiner that this fictitious entity which we set up is certainly that and that only, and people in the end have to pay whatever taxes we put on them, whether they be in the form of a corporate tax or some other tax.

Mr. President, I do not like to see my good friend, Senator Dent, try to use a club with another tax over us in order to get the type of tax through that he would like to get through. Senator Dent knows that the baby that he and I reared in the form of this sales tax, which he helped to rear and others helped, does need some attention. We know that at the time we discussed it in the Conference Committee. We knew that, no doubt, there would have to be some amendments made to it so that it would be a workable plan. We want to make the amendments to that bill so that it will conform with the suggestions of the Attorney General's Office in order that the people of Pennsylvania will know what tax they are paying and on what items, and there then will not be this confusion which Senator Dent says surrounds the present sales tax. I feel that he should be the first one to aid us in trying to get corrective amendments through the Legislature in order to accomplish the purpose of bringing in this much needed revenue to the State coffers and to do it so that there will be a minimum amount of confusion surrounding that tax prgoram. To hook that up with some other tax and say, "We are not going to give you these amendments unless you vote through this tax the way we want it," I do not think it quite fair and I do not believe that Senator Dent would like to use a legislative club over our heads in order to accomplish that purpose.

Mr. President, I would say to Senator Dent that we are trying to do the right thing for the business of Pennsylvania. We feel in that way the people of Pennsylvania will prosper. We feel in that the people working in these plants want us not to, by taxation, drive their employers out of the State of Pennsylvania and leave them on the unemployed list. We feel that the people want us to have industry in Pennsylvania prosper so that they may prosper and buy all the things which industry produces.

I am not so fearful about people buying on credit. I buy on credit myself and I think Senator Dent does. I am not worried too much about that. Most everybody today who buy a house, buys it with a mortgage on it. That helps the lumberman, and it helps the carpenters and it helps everybody else. I feel that if we continue the prosperity that we have enjoyed over the last three years or so, these people will be able to pay back their

mortgages, pay off their loans to the banks and continue to be prosperous and happy. The fact of the matter is that the Eisenhower Administration has sought to curb this credit business to a large extent by providing that you must have a certain amount of money before you can borrow to finance purchases, especially in the stock market on which Senator Dent is quite an authority. Before he can buy stock, he must have at least, as I remember it now, seventy-five per cent of the money that you need to buy the stock with before you can buy it. It used to be fifty per cent. By curbing that credit, and your right to purchase stock, we will say on margin, they have held down the stock market inflation considerably. If they had not done that, perhaps the stock market rise would have gone way beyond what it now has.

I hope that we do not have to go back and compare the type of prosperity which we now have with the type of prosperity that we had when the Democrats were in. I do not want to accuse Democratic Administrations for getting us into wartime prosperity. It so happens that when they get in, we seem to be in a war. When we are at war, everybody seems to have a lot of money. I do not want that kind of prosperity to return. If I have to sacrifice my son to go to war in order to have a little more money to jingle in my pockets, I would rather have them a little bit more bare and keep my boy at home.

I hope that we can get along here a little better without putting all this stuff into the record. It just seems to confuse and becloud the issue. To have all these accusations all the time by the Democrats that the Republicans are just thinking about big business and not thinking about the little man, and all that sort of thing, seems to me to be outdated. I think they have as many angels in their Party who are in the millionaire class as we have in our Party. If the Democrats want to throw out some of those millionaires over there, who are contributing pretty good to them, we will be happy to accept them over here. We do not want to burden them with having all those people whom they do not seem to want.

Mr. President, I did want to talk about Hiram Andrews' letter that was sent out to us, but I see the hour is growing late. I will reserve that until tomorrow. There is some stuff that Mr. Andrews put in that last letter to the Legislature which is certainly misleading and which I feel should be corrected.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

BILLS INTRODUCED AND REFERRED

Mr. CHAPMAN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. CHAPMAN, HARNEY, SILVERT and DENT read in place and presented to the Chair Senate Bill No. 1046, entitled:

An Act making an appropriation to the Department of Forests and Waters for redevelopment, improvement and construction of the Port of Philadelphia.

Which was committed to the Committee on Appropriations.

Mr. SCHMIDT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. SCHMIDT and SCOTT read in place and presented to the Chair Senate Bill No. 1047, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code" extending voting rights to bedridden, hospitalized or otherwise physically incapacitated war veterans not bedridden, hospitalized or physically incapacitated due to military service.

Which was committed to the Committee on Elections.

Mr. WATKINS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDEN.T Is there objection? The Chair hears none.

Messrs. WATKINS and DENT read in place and presented to the Chair Senate Bill No. 1048, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206), entitled "The First Class Township Code," requiring entrance of bond in appeals from board of adjustment rulings effecting zoning regulations.

Which was committed to the Committee on Local Government.

PERMISSION TO ADDRESS SENATE

Mr. YOSKO asked and obtained unanimous consent to address the Senate.

Mr. YOSKO. Mr. President, I think last week we passed a bill increasing the compensation of election officers in first and second class counties. Of course, that was publicized and since that time, I have had a number of letters and telephone calls asking why the election officials in the rest of the State did not receive the same consideration. Being a chairman of the Democratic Party in the city in which I live, I got perhaps more calls than some other people on the subject.

I think we ought to treat the election officials the same all over the State. They are underpaid, for they work long hours and they do perform a very important function. This bill which I am about to introduce will take care of the election officials in the rest of the State.

BILL INTRODUCED AND REFERRED

Mr. YOSKO. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. YOSKO and VAN SANT read in place and presented to the Chair Senate Bill No. 1049, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333), entitled "Pennsylvania Election Code," increasing the compensation of election officers in third to eighth class counties.

Which was committed to the Committee on Elections.

REPORTS FROM COMMITTEES

Mr. WAGNER. Mr. President, I ask unanimous consent to make reports from committees at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WAGNER, from the Committee on Education, reported as committed, Senate Bill No. 798, entitled:

An Act amending the act of May 23, 1949 (P. L. 1669), entitled, as amended, "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses, professions, occupations, trades, vocations and commercial activities therein; . . ." further defining taxable receipts; and making such definition applicable to all tax returns and tax payments made after the effective date hereof.

He also ,from the Committee on State Government reported as amended, Senate Bill No. 768, entitled:

An Act amending the act of June 1, 1937 (P. L. 1168), entitled "Pennsylvania Labor Relations Act," changing the salaries of the chairman and members of the Pennsylvania Labor Relations Board.

MISS INEZ BULL PRESENTED TO SENATE

Mr. BERGER. Mr. President, I rise at this time to perform a very pleasant service. At a prior Session of the Senate we had the pleasure of a visitation from a young lady who, at that time, made a very favorable impression upon the Members of the Senate and she is again here visiting us at this time.

I will be as brief as possible because I know that the other Senator from Potter County desires to make a few remarks on this subject, but I would like to take this opportunity to introduce to the Members, who have not already met the young lady, Miss Inez Bull, who is a direct descendant of the famous Norwegian violin player, Ole Bull.

In this connection, Mr. President, I might just mention in passing that there reposes in the Committee on Appropriations a bill, introduced by myself and others, to re-erect a replica of the Ole Bull Castle, in the beautiful park located on Kettle Creek in Potter County.

Miss Bull, will you stand, please?

The PRESIDENT. The Senate is very honored to have the distinguished visitor here with us today.

PERMISSION TO ADDRESS SENATE

Mr. McGINNIS asked and obtained unanimous consent to address the Senate.

Mr. McGINNIS. Mr. President, I was born in Potter County only a few miles from the site of Ole Bull's Castle. That is one of the counties which Senator Berger represents. When I was a child, my father took me several times to the site of Ole Bull's Castle and told me the beautiful story of how Ole Bull, a world renown violinist, came from Norway with a colony to Pennsylvania. He loved Pennsylvania and he loved William Penn. He brought his colony here and they settled in Potter County. He made one mistake though, by not hiring a lawyer in Coudersport or in Pittsburgh. He hired a Philadelphia lawyer and, lo and behold, he found out later that the title was not good.

As I said, when I was a child my father told me this story several times. Every child in Potter County knows the beautiful story about Ole Bull. As long as there is a child in Potter County, they will hear that beautiful story about that grand man, Ole Bull.

BILLS INTRODUCED AND REFERRED

Mr. LANE. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE read in place and presented to the Chair Senate Bill No. 1050, entitled:

An Act amending the act of June 28, 1947 (P. L. 983), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties of the third, fourth, fifth, sixth, seventh and eighth classes; . . ." increasing certain fees.

Which was committed to the Committee on Local Government.

He also read in his place and presented to the Chair Senate Bill No. 1051, entitled:

An Act amending the act of June 25, 1947 (P. L. 972), entitled "An act relating to the annual salaries of certain county officers of counties of the fifth class," increasing the salaries of certain county officers.

Which was committed to the Committee on Local Government.

He also read in his place and presented to the Chair Senate Bill No. 1052, entitled:

An Act amending the act of May 6, 1874 (P. L. 125) entitled "An act regulating State tax on certain county offices," increasing the maximum amount of fees that prothonotaries and clerks of courts may retain.

Which was committed to the Committee on Local Government.

He also read in his place and presented to the Chair Senate Bill No. 1053, entitled:

An Act amending the act of June 25, 1947 (P. L. 928) entitled "An act relating to the annual salaries and compensation of certain county officers of counties of the sixth class," changing salaries of certain county officers.

Which was committed to the Committee on Local Government.

REPORT FROM COMMITTEE

Mr. DENT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT, from the Committee on State Government, reported as committed, Senate Bill No. 1014, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Pennsylvania Historical and Museum Commission to acquire lands comprising the Captain William Phillips' Rangers Memorial in Liberty Township, Bedford County; providing for the control, management, supervision, improvement, restoration and maintenance thereof by the Pennsylvania Historical and Museum Commission and making appropriations.

PERMISSION TO ADDRESS SENATE

Mr. DENT asked and obtained unanimous consent to address the Senate.

Mr. DENT. Mr. President, I do not intend to go into a long discussion but I just want to call to the attention of the Senate that the remarks of Senator Mahany, considering the action on House Bill No. 1880, should not go unchallenged. Senator Mahany, knowingly or through an error, and I pray it was through an error, gave the impression to this Senate group that the amendment which we objected to in House Bill No. 1880 were in the draft

of the bill which appeared upon this Senate floor as far back as February the 28th.

I looked up the copy which I have, and the amendments are not in that bill. I find that the amendments were put in on last go-around when the bill went back to committee and came out on March the 1st and was passed on March the 2nd. I think Senator Mahany ought to know that. At least, if your record shows different, Senator, I wish you would straighten me out.

Mr. President, Senator Mahany keeps referring to me as one of the parents of this sales tax child. I want to say to him that I was an unwilling member of the wedding party and this illegitimate child is the result of a shotgun wedding.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. WOLFE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

MEMBERS OF THE NORTHAMPTON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Northampton County Board of Assistance:

John S. Posivak (Dem.) 1716 Carlisle Street, Bethlehem, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Miss Catherine McGrath, Easton, whose term expired.

Rev. Stephen Ballek (Dem.), 1421 Lorain Avenue, Bethlehem, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Russell S. Moyer, Northampton, resigned.

Clifford A. Sebring (Dem.), Mt. Bethel, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Harry E. Flory, Bangor.

Andrew G. Kern (Rep.), 340 South Broad Street, Nazareth, to serve unil December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Margaret Peters, Nazareth, whose term expired.

Mrs. Frances W. Barthold (Dem.), 1457 Main Street, Bethlehem, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment.)

GEORGE M. LEADER

MEMBERS OF THE McKEAN COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor, Office, Harrisburg, February 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the McKean County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Charles O. Conaway (Dem.), Rew, vice W. W. Milks, Bradford, resigned.

William L. Branch (Rep.), 5 Brown Avenue, Bradford, vice Hamlin D. Redfield, Smethport, whose term expired.

GEORGE M. LEADER

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Albert H. Fleck, P. O. Box 203, Harrisville, Butler County, for appointment as Justice of the Peace in and for the Township of Mercer, Butler County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER

PERMISSION TO ADDRESS SENATE

Mr. SILVERT asked and obtained unanimous consent to address the Senate.

Mr. SILVERT. Mr. President, we just heard Senator McGinnis give a beautiful eulogy on Ole Bull, with a slight reference to the Philadelphia Bar.

I want to say that it is hard for me to resent anything which our beloved Senator, Senator McGinnis, says, including a slur on Philadelphia lawyers.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I assure Senator Dent that any information I gave relative to when this amendment was placed in House Bill No. 1880 was taken from the official History of House Bills and certainly if I am in error, then the error rises by reason of the History being inerror. I will check this information between now and tomorrow and if I am in error, I will be glad to so state. It certainly was not done in any malicious frame of mind.

Mr. President, with regard to the Senator being an unwilling parent of the sales tax it seems to me that I recollect that he spent about one hour on Monday here, of the week that we worked on this tax bill, asking us to declare him in because he was also a Senator and he wondered why we had not taken him into partnership. It was at his bidding, as I remember it, that we took him in and now he is denying the parentage.

SENATE CONCURRENT RESOLUTION LAID ON THE TABLE

ADJOURNMENT SINE DIE

Messrs. BERGER, PECHAN, STEVENSON and KESSLER offered the following resolution, which was twice read as follows:

In the Senate, March20, 1956.

Resolved (the House of Representatives concurring), That this Regular Session of the General Assembly adjourn sine die on the sixth day of April, 1956, at 12:00 o'clock noon.

MOTION TO ADOPT RESOLUTION

Mr. BERGER. Mr. President, I move that the resolution just read by the Clerk be adopted.

Mr. PECHAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Potter, Senator Berger.

The PRESIDENT. Will the gentleman from Potter, Mr. Berger, permit himself to be interrogated?

Mr. BERGER. I will, Mr. President.

Mr. DENT. I did not hear the year mentioned. Will you tell us which year?

Mr. BERGER. I believe that the year, as stated in the resolution, was 1956.

Mr. DENT. Thank you.

Mr. BERGER. Although I do not advance that as being a feasible year.

Mr. DENT. Mr. President, I am sure all of us are just as anxious to quit this scene as fast as possible. I am sure that the people are anxious to have us leave here also, but I cannot say that we have performed our duty when we have a legislative deficiency deliberately staring us in the face.

I am sure that the universities, hospitals and schools of this Commonwealth are more anxious that we iron out the difficulties which have beset us for fifteen months pratically than that we go home on April the 6th.

I, too, Mr. President, would like to get back to my home to do some work and to revisit the scenes of my childhood. However, I cannot find it within me at this moment to set the target date as April the 6th without more assurance, or at least some reliable assurance, that this Senate will attempt to replace the $52,000,000 that is needed to balance even a minimum budget for this Commonwealth.

I do not know how many of you realize that this $52,000,000 represents more in toto than all of the increases asked for by the Governor for the hospitals and universities and the $31,000,000 that has been asked for by this Senate for an increased increment or extra increment to the school teachers of the Commonwealth. All of us recognize that that will be money well spent and deserved by the teachers.

I do not believe that we can, at this time, vote for this resolution. I am hopeful that the newspapers will carry the story in the sense that the Republicans plan to stampede the Legislature after deliberately scuttling every tax program for fourteen months. It certainly augurs bad for our universities and hospitals and our teachers in this Commonwealth. As anxious as I am to go home and as anxious as I am to rejoin my family and to go back to private business, if there is any left, I certainly cannot conceive how any person in this room can honestly vote for this resolution unless they are deliberately saying to the people of this Commonwealth that we are not disturbed, as it were, over the financial plight of our State institutions, State-aided institutions and of our mental health program. If we quit now, there will not be one cent available for a new and determined attack against that dread disease of mental deficiency. There will be no money for the exploitation of Pennsylvania's great, natural and legal resources for the benefit of outside industry seeking a new haven. We will not be able to do any of the things that we so hopefully started out to do January a year ago.

Therefore, Mr. President, I ask my colleagues on this side particularly, and those of you on the other side who will put the consideration of Pennsylvania's welfare ahead of your own personal comfort, to vote "no" or at least allow my motion to place this resolution upon the table to be voted upon.

RESOLUTION LAID ON THE TABLE

Mr. DENT. Mr. President, at this time I move that this resolution be placed upon the table.

Mr. LANE. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. MAHANY. Mr. President, as Senator Dent knows, we originate the adjournment resolution here. It will then go to the House if we pass it, and then they can change the date over there if they feel that we cannot get through at that particular time. They can hold it over there, pending the time when they see that we can adjourn and take care of the things that we should take care of. There is no one here who wants to adjourn until we satisfactorily legislate for the revenue needs and for appropriations and take care of all the things that we feel should be taken care of in this Session of the Legislature. However, I feel that we should have some target date set. Otherwise, we would go on week after week, with the Members not seeing any particular date in sight. Sometimes, probably, they would want to stay home instead of coming down here.

If we do not have some target date set, I would predict that next week we would have a very slim turnout of Senators and House Members. I think if we set some target date ahead, even though we may not be able to hit it, at least it would keep the Members coming down here and working four or five days a week until we do satisfactorily conclude our deliberations and our work here.

I ask the Members, therefore, to vote "no" on the motion to table so that we may, at least, clear this adjournment resolution in the Senate and send it over to the House for their consideration.

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. DENT. Do you honestly believe that we can quit on April 6th?

Mr. MAHANY. I do not know the answer to that. I hope that we can, but I would hasten to write to my wife tonight not to bet on it. She might expect me to show up on April 8th and I might not be there. If there are going to be any bets made, do not make them for this particular date. Let us adopt some date here, as far as the Senate is concerned, as a target date so that we will have something at which to shoot.

Mr. DENT. If the House takes the same position that you do and passes the resolution tomorrow, what happens?

Mr. MAHANY. Well, then, if we get to the point of April 6th, we would then do as we have done for about every Session that I have been here. The 6th of April would be the last legislative day, but we might be here even into the next week. That has been done before. I do not believe that the House will concur in this

unless they feel that we can get out at that particular time. They will probably hold this resolution over in the House until such time as they see that we cannot adjourn. They will then probably amend it or, at that particular time, if they see we can get out, they will probably concur in it and we will have a target date.

Mr. DENT. Thank you, very kindly.

I might say, Mr. President, it seems to me that is the usual way that some people like to do business. The target date of the month of April being picked is not new and it is nothing that surprises me. If you will look back in the records, you will find that as early as last June, I stood on the floor of the Senate and said that the Republican target date was April, 1956. They just confirmed what I said then today. Now they are fearful that the best laid plans of mice and men go wrong. Although they shot for a target date of April 1st, or near that period, they realize now that it is impossible to quit after the fiasco on the corporate tax, the capital stock tax and a few others. Therefore, Mr. President, in order to lay, as they would, the political blame for going beyond the sixth day of April onto the Democrats, they are going to show that they were ready and willing to quit on the sixth day of April.

Mr. President, the Republican Floor Leader over in the House has informed me—I think you ought to know this—that under no conditions can we quit before the week of the 15th. I think it is only fair to us, to yourselves and to the people of this Commonwealth that you let the resolution lay on the table until you consult with the House. They, too, are partners in this General Assembly. Everytime, during the years that I have been here, that we have ever set a sine die adjournment date, it was done after consultation with the House. We compare our schedules and the work remaining to be done and we establish a realistic target date. Just to pick one out of the sky and say that this is the date, and the gentleman knows full well that after the last day set by the resolution, although you might stay here six months, you would not have any legislative days and you could not pass any legislation unless you amended this resolution and took out of it the sine die adjournment date. I think that in fairness to everybody, including yourselves, you should let this lay upon the table until we have had an opportunity to meet and talk to the Senate and House leaders. I think we should try to establish a more realistic date. I would like to quit right now and so would many other Members of this Senate. However, you cannot quit with the work unfinished. You might as well have quit last January.

Mr. BERGER. Mr. President, the intention of the sponsors of this resolution was not to stampede the Legislature or to do any of the sinister things which Senator Dent has indicated. I do feel, however, that the adoption of a resolution containing a definite date toward which we might work for adjournment sine die might help in some of the situations that we are confronted with. We know that certain bills have to be considered and passed.

I want to call the attention of the Senate to the fact that the date of April 6th is two weeks from this coming Friday. If we buckle down we can do a great deal of work and it might be some incentive to resolve some of our differences and compromise in some of the matters which ultimately we are going to compromise on anyway. Let us get it done.

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. It is always a pleasure, Mr. President.

Mr. BARR. How many days are we going to work this week?

Mr. MAHANY. I would like to work two more days; I would like to stay here tomorrow and Thursday.

Mr. BARR. All right, that is two days. How many days next week?

Mr. MAHANY. As far as I am concerned, I could stay Friday and Saturday, but I do not suppose we would have too many in attendance. I, personally, am willing to stay for the balance of the week for that matter. However, I want to be a little bit realistic and I think if we work through Thursday, that is about all we can expect.

Mr. BARR. How many days next week, Senator Mahany?

Mr. MAHANY. We probably could not work on Thursday of next week. We could have Sessions on Monday, Tuesday and Wednesday.

Mr. BARR. Then when do we return after Easter, on Monday?

Mr. MAHANY. Personally, I can be here on Monday, but I presume that most of the fellows will not be able to get here before Tuesday. Therefore, I will say Tuesday.

Mr. BARR. Is the 6th of April on Friday?

Mr. MAHANY. I think it is.

Mr. BARR. That will give us nine legislative days, correct?

Mr. MAHANY. If you have added them up that way, yes; I will say that is true. Five and four are nine; that is correct.

Mr. BARR. Have your amendments to the sales tax bill been introduced as yet?

Mr. MAHANY. I do not know. They were supposed to be introduced in the House. I thought they were going to be introduced either today or tomorrow. I have not followed it. I think they have them prepared and ready for introduction.

Mr. BARR. I did Senator Dent last night in conversation with the Minority Leader in the House. I just heard him say on the floor that he did not think the House could do anything to get out of here before the 15th. He also tells me that on Saturday he talked with Mr. Readinger.

I see nothing wrong with laying this resolution on the table until tomorrow, until such time as you and Senator Dent, Mr. Readinger and Mr. Smith can get together.

Mr. MAHANY. Mr. President, I just consulted with the sponsor of the resolution and he said that he has no objection to it being laid on the table. If we can act on this tomorrow, it will be perfectly satisfactory for us to lay it on the table until then.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

SENATE RESOLUTION

CONGRATULATIONS OF THE SENATE EXTENDED TO FATHER DADAY, COACH CARAZO AND THE STUDENT BODY OF ALLENTOWN CENTRAL CATHOLIC HIGH SCHOOL, AND TO THE BASKETBALL TEAM

Mr. VAN SANT offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 20, 1956.

On St. Patrick's day of this year, the basketball team of Allentown Central Catholic High School brought honor upon itself, its school, and its State. On that day Allentown Central Catholic won its fifth State P.C.I.A.A. championship when it defeated Pittsburgh Central Catholic, 68 to 60.

Our congratulations for this great victory are certainly in order, and we will extend them. However, this team, the student body of Allentown Central Catholic, Coach Emil Carazo, and school principal, Rev. Father Stephen Daday deserve congratulations for something far more important, that is the inspiring display of good sportsmanship and good citizenship they have shown during the entire season.

Father Daday and Coach Carazo have worked earnestly and hard to supply our State with that which it needs most—good citizens. They have been succesful. The students have responded to their teaching and good examples and have in turn shown an example of right living which everyone may well emulate; therefore be it

Resolved, That the Senate extends its heartiest congratulations to Father Daday, Coach Carazo and the student body of Allentown Central Catholic High School, and to the basketball team which is a true champion in every sense of that word; and be it further

Resolved, That copies of this resolution be forwarded to Reverend Father Stephen Daday and to Coach Emil Carazo.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WOLFE asked and obtained unanimous consent for immediate consideration of the nominations reported at today's Session.

EXECUTIVE SESSION

A motion was made by Mr. WOLFE and Mr. WATKINS,

That the Senate do now resolve itself into Executive Session for the purpose of acting upon the nominations reported at today's Session.

Which was agreed to.

The nominations were read as follows:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate L. Stuart Sauppe, 735 Carsonia Avenue, Pennside, Reading, Berks County, for appointment as Justice of the Peace in and for the Township of Lower Alsace, Berks County, to serve until the first Monday of January 1858, vice John A. Mell, resigned.

GEORGE M. LEADER.

MEMBER OF THE PHILADELPHIA COUNTY BOARD OF ASSISTANICE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Myne Freed (Dem.), 1738 North Franklin Street, Philadelphia, Philadelphia County, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1858, and until her successor is duly appointed and qualified, vice Miss Marion E. Buzby, Philadelphia, whose term expired.

GEORGE M. LEADER.

MEMBERS OF LUZERNE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and censent of the Senate the following persons for appointment as members of the Senate the following persons for appointment as members of the Luzerne County Board of Assistance:

Patrick W. Shovlin (Dem.), 471 South River Street, Wilkes-Barre, to serve until December 31, 1957, and until his successor is duly appointed and qualified, vice Thomas Kehoe, Pittston, resigned.

Joseph Purcell (Rep.), 20 Mt. Greenwood Road, Trucksville, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Paul E. Paskiewicz, Plymouth, resigned.

Leonard Statkewicz (Rep.), 562 Main Road, Hanover Green, Wilkes-Barre, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice William Dombroski, Pittston, resigned.

Dr. Maurice Regan (Dem.), 153 Maple Avenue, Kingston, to serve until December 31, 1956, and until his successor is duly appointed and qualified, to fill a vacancy.

GEORGE M. LEADER.

MEMBER OF THE TIOGA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 13, 1953.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a member of the Tioga County Board of Assistance:

Mrs. Rose Chamberlain (Democrat), Mainesburg, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Mrs. Clarice M. Wilcox, Wellsboro, whose term expired.

GEORGE M. LEADER.

MEMBERS OF WESTMORELAND COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Westmoreland County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Faleo J. Colonna (Dem.), 477 Reed Avenue, Monessen, vice Joseph S. Janosik, Monessen, whose term expired.
Robert F. Seiler (Dem.), 931 Gaskill Avenue, Jeannette, vice Mrs. Minnie B. Smith, Jeannette, whose term expired.
Ewing Watt (Dem.), Claridge, vice J. H. Silvis, Greensburg, whose term expired.

GEORGE M. LEADER.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph J. Alonzo, 1712 Penn Avenue, Jeannette, Westmoreland County, for reappointment as Alderman in and for the Fourth Ward of the City of Jeannette, Westmoreland County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

SHERIFF

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 29, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Otto Winkler, Jr., Greeley, Pike County, for appointment as Sheriff in and for the County of Pike, to serve until the first Monday of January 1958, vice Fred Kellogg, deceased.

GEORGE M. LEADER.

MEMBERS OF THE PENNSYLVANIA STATE PARK AND HARBOR COMMISSION OF ERIE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Pennsylvania State Park and Harbor Commission of Erie, to serve until the third Tuesday of January 1959, and until their successors shall have been appointed and qualified:

Robert W. Parker, 4185 Knoblach Road, Erie, Erie County. (Reappointment)
Edward J. Sinnott, 3020 Post Avenue, Erie, Erie County, vice Patrick J. Grant, Erie, resigned.
Paul L. Nunes, 609 Lincoln Avenue, Erie, Erie County, vice Adrian J. Collins, Erie, whose term expired.
John R. Dwyer, 345 West Thirty-ninth Street, Erie, Erie County, vice Norman Wilson, Erie, whose term expired.
Dr. Harold W. Kinter, 920 East Avenue, Erie, Erie County, vice Dr. J. A. Bougie, Erie, whose term expired.
Edward Palmer, R. D. 1, Fairview, Erie County, vice Eben J. Gunnison, Girard, whose term expired.
Mrs. Violet S. Waldron, 1022 Raspberry Street, Erie, Erie County, vice Clare A. Hillstrom, Corry, whose term expired.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Oscar W. Briggs, R. D., Petersburg, Huntingdon County, for appointment as Justice of the Peace in and for the Township of West, Huntingdon County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Francis L. Kennedy, 127 Lombard Avenue, St. Marys, Elk County, for reappointment as Justice of the Peace in and for the Borough of St. Marys, Elk County, to serve until the first Monday of January 1958.

GEORGE M. LEADER.

MEMBERS OF THE CLINTON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of the Clinton County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

R. O. Raymond (Dem.), 154 Twelfth Street, Renovo.
Dr. Neal F. Carlson (Rep.), 300 Huron Avenue, Renovo.
Dr. Charles E. Coxe (Rep.), 35 North Fairview Street, Lock Haven.

GEORGE M. LEADER.

MEMBERS OF THE CLARION COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Clarion County Board of Assistance:

Mrs. Frances Heeter (Dem.), 201 Seventh Avenue, Clarion, to serve until December 31, 1958, and until her successor is duly appointed and qualified, vice Ralph M. Baker, Foxburg, whose term expired.
Mrs. Iris Mae Bish (Rep.), Shippenville, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)
Charles P. Leach (Rep.), 533 East Penn Street, New Bethlehem, to serve until December 31, 1958, and until his successor is duly appointed and qualified. (Reappointment)
Mrs. Mary E. Kassel (Rep.), 108 Merle Street, Clarion, from October 26, 1954 until December 31, 1956, and until her successor is duly appointed and qualified.

GEORGE M. LEADER.

MEMBERS OF THE CHESTER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Chester County Board of Assistance:

Milton Apfelbaum, Esq. (Dem.), 529 East Lincoln Highway, Coatesville, to serve until December 31, 1958. (Reappointment)

J. Gibson McIlvain, Jr. (Rep.), Old Kings Highway, Downingtown, to serve until December 31, 1957. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE NORTHAMPTON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Northampton County Board of Assistance:

John S. Posivak (Dem.), 1716 Carlisle Street, Bethlehem, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Miss Catharine McGrath, Easton, whose term expired.

Rev. Stephen Ballek (Dem.), 1421 Lorain Avenue, Bethlehem, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Russell S. Moyer, Northampton, resigned.

Clifford A. Sebring (Dem.), Mt. Bethel, to serve until December 31, 1956, and until his successor is duly appointed and qualified, vice Harry E. Flory, Bangor.

Andrew G. Kern (Rep.), 340 South Broad Street, Nazareth, to serve until December 31, 1958, and until his successor is duly appointed and qualified, vice Mrs. Margaret Peters, Nazareth, whose term expired.

Mrs. Frances W. Barthold (Dem.), 1457 Main Street, Bethlehem, to serve until December 31, 1958, and until her successor is duly appointed and qualified. (Reappointment)

GEORGE M. LEADER.

MEMBERS OF THE McKEAN COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 20, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the McKean County Board of Assistance, to serve until December 31, 1958, and until their successors are duly appointed and qualified:

Charles O. Conaway (Dem.), Rew, vice W. W. Milks, Bradford, resigned.

William L. Branch (Rep.), 5 Brown Avenue, Bradford, vice Hamlin D. Redfield, Smethport, whose term expired.

GEORGE M. LEADER.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 28, 1956.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Albert H. Fleck, P. O. Box 203, Harrisville, Butler County, for appointment as Justice of the Peace in and for the Township of Mercer, Butler County, to serve until the first Monday of January 1958, to fill a vacancy.

GEORGE M. LEADER.

A motion was made by Mr. WOLFE and Mr. WATKINS,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

Two-thirds of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. WOLFE. Mr. President, I move that the Executive Session do now rise.

Mr. WATKINS. Mr. President, I second the motion.

The motion was agreed to.

RECONSIDERATION OF SENATE BILL No. 1021

Mr. BARR. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1021, entitled:

An Act authorizing the recovery of damages from parents of children destroying property.

failed of passage on final passage on March 19, 1956.

The PRESIDENT. How did the Senator vote?

Mr. BARR. Mr. President, I voted with the prevailing side.

Mr. McGINNIS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. McGINNIS. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. PECHAN. Mr. President, I request that Senate Bill No. 1021, Printer's No. 587, appear on tomorrow's Final Passage Calendar.

The PRESIDENT. There being no objection, the bill will appear on tomorrow's Final Passage Calendar.

RECONSIDERATION OF SENATE BILL No. 1037

Mr. FLEMING. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1037, entitled:

An Act providing for the reassessment of properties for

tax purposes where new improvements have been made and the addition thereof to existing tax duplicates of political subdivisions.

failed of passage on final passage on March 19, 1956.

The PRESIDENT. How did the Senator vote?

Mr. Fleming. Mr. President, I voted with the prevailing side.

Mr. BERGER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. BERGER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. FLEMING. Mr. President, I request that Senate Bill No. 1037, Printer's No. 603, appear on tomorrow's Final Passage Calendar.

The PRESIDENT. There being no objection, the bill will appear on tomorrow's Final Passage Calendar.

SENATE BILL No. 646, RECALLED FROM THE GOVERNOR, TAKEN FROM TABLE

Mr. FLEMING. Mr. President, I call from the table Senate Bill No. 646, Printer's No. 224, which was recalled from the Governor, for the purpose of amendment.

RECONSIDERATION OF SENATE BILL No. 646

Mr. FLEMING. Mr. President, I move that the Senate no now reconsider the vote by which Senate Bill No. 646, entitled:

An Act amending the act of June 21, 1939 (P. L. 566), entitled "Pennsylvania Occupational Disease Act," entitling certain unemployed persons to benefit and fixing minimum compensation payments.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. FLEMING. Mr. President, I voted with the prevailing side.

Mr. BERGER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. BERGER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. FLEMING. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. FLEMING. Mr. President, voted with the prevailing side.

Mr. BERGER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. BERGER. Mr. President, I voted with the prevailing side.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. FLEMING. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objections? The Chair hears none.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 1, by striking out "The" and inserting in lieu thereof: "Section 1";

Amend Sec. 1 (Sec. 1), page 5, line 14, by striking out "employed" where it appears the second time.

On the question,

Will the senate agree to the amendments?

They were agreed to.

Ordered, That the bill as amended lie over for printing.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 333, as follows:

An Act amending the act of January 18 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing inconsistent laws" increasing the minimum compensation and increments and changing conditions of payment and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enact as follows

Section 1 Sections 2 5 and 6 act of January 18 1952 (P L 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing inconsistent laws" is amended to read

Section 2 Classification and Salaries Each person heretofore or hereafter appointed to a position as a member of the faculty of a State Teachers College within the classificataion hereinafter set forth shall receive the following minimum salaries and yearly increments for services rendered during the regular college year

Professor Qualifications an earned Doctor's Degree at least seven years of teaching experience [four] two of which shall have been in public schools minimum annual salary five thousand five hundred dollars [($5000)] ($5,500) minimum annual increment two hundred dollars ($200) minimum number of increments [five (5)] ten (10)

Associate Professor Qualifications minimum of Master's Degree including a total of sixty semester hours of graduate credit at least five years of experience as a teacher [three] two years of which shall have been in public schools minimum annual salary [four thousand five-hundred dollars ($4500)] five thousand dollars ($5000) minimum annual increment two hundred dollars ($200) minimum number of increments [five (5)] ten (10)

Assistant Professor Qualifications minimum of Master's Degree at least four years of experience [three] two years of which shall have been in public schools minimum annual salary four thousand five hundred dollars [($4000)] ($4500) minimum annual increment two hundred dollars ($200) minimum number of increments [five (5)] ten (10)

Graduate degrees and preparation to meet the qualifications of this act shall be earned in fields related to the service rendered to the college

Instructor Qualifications minimum of Bachelor's Degree with at least three years experience two years of which shall have been in public schools minimum annual salary [three thousand five hundred dollars ($3500)] four thousand dollars ($4000) minimum annual increment one hundred dollars ($100) minimum number of increments five (5)

In lieu of experience in public schools teaching experience in other than public schools may be accepted with the approval of the Superintendent of Public Instruction

Laboratory School Teachers Members of the college faculties who are assigned to College Laboratory Schools shall receive total annual salaries for which they would qualify in accordance with the above classifications regardless of whether salary is paid entirely by the State or in part by the public schools

Co-operating Teachers Full-time employes of public school systems not classified as College Laboratory School Teachers but assisting with the spervision of student teachers qualifications minimum of a Baccalaureate Degree and at least three years experience as a public school teacher minimum annual compensation fifty dollars ($50) for each student teacher under his or her supervision which student teacher shall be enrolled to secure twelve (12) semester hours of student teacher credit minimum annual increment five dollars ($5.00) minimum number of increments five (5)

[Heads of Academic Departments Heads of Academic Departments shall receive one (1) anditional increment of two hundred dollars (200)]

Administrative officers deans directors of special curricula and heads of departments or other administrative officials may receive not to exceed five hundred dollars ($500) as additional compensation according to the policies developed by board of presidents and approved by State Superintendent of Public Instruction

The compensation of all instructional employes of the State Teachers Colleges not covered by the provisions of this act shall be determined by the executive board of the Commonwealth under the regulations prescribed by the Administrative Code

Upon satisfactory completion of a probationary period of three years the increments prescribed in this act shall become mandatory

Section 5 Promotions any faculty member who during the term of his employment shall have attained the qualification necessary for the next higher classification as hereinbefore set forth shall commencing with the next succeeding regular college year within the percentage limitation prescribed by this act receive the compensation prescribed for such advanced classification which shall be at least two hundred dollars ($200) in excess of the increment earned by him during the previous year when recommended by the president of the college and approved by the board of trustees

Section 6 Administration of salary schedule the provisions of this act shall not be construed as authorizing any decrease in the salary paid any member of the faculty of any State Teachers College at the effective date of this act

Each person employed as a member of the faculty of a State Teachers College receiving compensation equivalent to or in excess of the minimum salary prescribed by the above schedule shall for the college year [1951-1952] 1955-1956 be raised to the next higher step on the schedule unless such increase shall be less than one full increment in which case he shall be raised to the next higher step on the applicable schedule each such person receiving compensation less than the minimum salary prescribed by the schedule shall for the college year [1951-1952] 1955-1956 be raised to such minimum salary unless such increase shall be less than one full increment in which case he shall be raised to the next higher step on the applicable schedule provided nat no compensation shall be paid in excess of the maximum salary for each class when this act becomes effective

[Upon satisfactory completion of a probationary period of three years the increments prescribed in this act shall become mandatory]

Classifications of any employe enumerated in the foregoing salary schedule and the qualifications of such employe must be approved by the superintendent of public instruction to entitle any employe to the benefits of this act not more than thirty per centum of the total number of the faculty of any State Teachers College shall be approved for classification as professor [the duties of each classification shall be defined by the superintendent of Public Instruction] except where a member of the faculty has met the requirements of a professorship and has been an associate professor for at least three years when recommended by the president of the college and approved by the board of trustees

The superintendent of Public Instruction shall be vested with the sole and final authority in interpreting the provisions of this act pertaining to the classification of any person covered thereby according to the policies developed by the board of presidents of State Teachers Colleges

Section 2 The sum of one hundred thousand dollars ($100,000) or as smuch thereof as may be necessary is appropriated to the Department of Public Instructions for the purpose of paying increased minimum salaries and increments provided under the provisions of this amendatory act

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 333

Mr. PECHAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 333.

Mr. SEYLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Represenatives accordingly.

FINAL PASSAGE CALENDAR

APPROPRIATION BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 656, Printer's No. 566, on final pas-'sage, go over in its order.

The PRESIDENT. Is there objection?

Mr. WATKINS. Mr. President, I desire to interrogate the gentleman from Washington, Senator Lane.

The PRESIDENT. Will the gentleman from Washington, Mr. Lane, permit himself to be interrogated?

Mr. LANE. I will, Mr. President.

Mr. WATKINS. For what reason do you object to this bill? Why do you ask that it go over in order?

Mr. LANE. I am not objecting to the bill, Senator Watkins. We have decided to carry all these Third Reading Appropriation Bills over in order because we have not

fully studied all of them. This does not apply only to your bill, but all of them are going over. We are also talking about Senate Bill No. 1041, which only has a $400 appropriation.

Mr. WATKINS. When you say, "We made an agreement," with whom did you make the agreement?

Mr. LANE. We, on the Democratic side, have requested that all appropriation bills on Third Reading will be passed over in order.

Mr. WATKINS. May we be at east for a moment, Mr. President?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Mr. WATKINS. Mr. President, I withdraw my objection. It looks like the minority wins again; go ahead.

The PRESIDENT. There being no objection, the bill will go over in order.

THIRD READING CALENDAR

BILL ON THIRD READING AND FINAL PASSAGE, RECALLED FROM THE GOVERNOR

Agreeably to order.

The Senate resumed the third reading and consideration of Senate bill No. 929, as follows:

An Act amending the act of April 12, 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnshing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 601 subsection (e) of section 602 and section 603 act of April 12, 1951 (P. L. 90) known as the "Liquor Code" are amended to read

Section 601 Forfeiture of Property Illegally Possessed or Used No property rights shall exist in any liquor alcohol or malt or brewed beverage illegally manufactured or possessed or in any still equipment material utensil vehicle boat vessel animals or aircraft used in the illegal manufacture or illegal transportation of liquor alcohol or malt or brewed beverages and the same [shall] may be deemed contraband and [shall be forfeited to the Commonwealth] proceedings for its forfeiture to the Commonwealth may at the discretion of the board be instituted in the manner hereinafter provided No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

Section 602 Forfeiture Proceedings * * *

(e) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (1) that he is the owner of said property (2) that he lawfully acquired the same and (3) that it was not unlawfully used or possessed

In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel container animal or aircraft was lawfully acquired possessed and used then the court may order the same returned or delivered to the claimant but if it appears that [the property] said liquor alcohol or malt or brewed beverage or still equipment material or utensil was unlawfully possessed or used the court [shall] order [it] the same destroyed delivered to a hospital or turned over to the board as hereinafter provided or if it appears that said vehicle boat vessel container animal or aircraft was unlawfully possessed or used the court may in its descretion adjudged same forfeited and condemned as hereinafter provided

Section 603 Disposition of Forfeited Property If upon petition as hereinbefore provided and hearing before the court of quarter sessions it appears that any liquor alcohol or malt or brewed beverage or still equipment material or utensil was so illegally possessed or [property] used such liquor alcohol or malt or brewed beverage or still equipment material or utensil shall be adjudged forfeited and condemned or if it appears that any vehicle boat vessel container animal or aircraft was so used in the illegal manufacture or transportation of liquor alcohol malt or brewed beverages such [liquor alcohol malt or brewed beverage or] property [shall] may in the discretion of the court be adjudged forfeited and condemned and in such case shall be disposed of as follows

(a) Upon conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all [such] condemned liquor alcohol or malt or brewed beverage and property seized or obtained from such defendants except that the court may order the liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order and any vehicle container boat vessel animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(b) In any case in which the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or no claimant appears for same or appearing is unable to sustain claim thereof the court shall order all [such] condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels containers animals and aircraft) publicly destroyed by the sheriff except that the court may order the liquor alcohol or malt or brewed beverages or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(c) In the case of any vehicle boat vessel container animal or aircraft seized under the provisions of this act and condemned the court shall order the same to be delivered to the board for its use or for sale or disposition by the board in its discretion Notice of such sale shall be given in such manner as the board may prescribe The proceeds of such sale shall be paid into the State Stores Fund

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

APPROPRIATION BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1041, as follows:

An Act making an appropriation to the Senate committee appointed to investigate and study the reasons for the disapproval of the Allentown State Hospital by the American Psychiatric Association

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six hundred dollars ($600) or so much thereof as may be necessary is hereby specifically appropriated to the Senate committee appointed by the President Pro Tempore of the Senate pursuant to Senate Resolution Serial No 2a adopted by the Senate February 13 1956 for the purpose of investigating and studying the reasons for the disapproval of the Allentown State Hospital by the American Psychiatric Association The money shall be used for the payment of expenses of the committee and the members thereof in the performance of the functions and duties for which the committee was created

Section 2 The sum appropriated shall be paid on warrant of the Auditor General in favor of the chairman of the committee on the presentation of his requisition for the same The chairman of the committee shall not later than thirty days after the termination of his term of office or until his successor is elected and within thirty days after the adjournment of any regular session file an account with the Auditor General of the committee's expenses since the filing of the prior account

Section 3 This act shall take effect immediately The appropriation made hereby shall be available only for expenditures made and obligations incurred during the continuance of the 1955-1956 session of the General Assembly

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A Constitutional majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

APPROPRIATION BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

House Bill No. 1648, Printer's No. 1507;
House Bill No. 1650, Printer's No. 1594; and
House Bill No. 1694, Printer's No. 1510.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 223, Printer's No. 64; and
Senate Bill No. 232, Printer's No. 572.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 240, as follows:

An Act amending the act of June 27 1923 (P L 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" removing the limitation on the amount of State annuities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (2) of section 13 act of June 27 1923 (P L 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" amended January 19 1952 (P L 2176) is amended to read

Section 13 Retirement for superannuation shall be as follows

* * *

(2) On retirement for superannuation a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity of one one hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in the case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and

(c) In addition thereto if an original member of the retirement asociation a further State annuity of one one hundredth-sixtieth (1-160) or one one-hundredth (1-100)

of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act [but in no event shall the total State annuity exceed fifty per centum of his or her final salary]

(d) In addition thereto an additional State annuity which shall be equivalent to the amount if any by which the employe's annuity is less than the State annuity for service rendered after the thirty-first day of December one thousand nine hundred twenty-three [but in no event shall the total State annuity exceed fifty per centum of his or her final salary]

(e) In addition thereto in the event of the retirement after ninety days from the effective date of this act of any contributor in the one one-hundredth (1-100) class a further State annuity which shall be equivalent to the amount if any by which the uperannuation retirement allowance otherwise payable is less than one thousand two hundred dollars ($1200) where the contributor has twenty-five years or more of credited service in this Commonwealth or if less than twenty-five years of such service then such proportional amount of such one thousand two hundred dollars ($1200) as the years of such credited service bear to twenty-five years [but in no event shall the total State annuity exceed fifty per centum of his or her final salary]

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye", the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 590, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" authorizing school directors of districts in a jointure to vote at county convention meetings in the county where the joint school is located

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 901 act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949" amended July 27, 1953 (P. L. 619) is amended to read

Section 901 [Annual] Conventions and Special Meetings The school directors in every county having a county superintendent of public schools shall annually be called together at the county-seat or some other suitable place within the county by the county superintendent of public schools The purpose of such annual convention shall be the consideration and the discussion by the school directors and others of questions and subjects pertaining to the welfare and promotion of the public schools in their respective counties and such other business as may properly come before such conventions in additions hereto the county superintendent of public schools may call togther the school directors within the county at the county-seat or some other suitable place within the county designated by the county superintendent of public schools when any emergency exist or when in the opinion of the county superintendent of public schools a special meeting should be called for the consideration and discussion by the school directors and others of questions and subjects pertaining to the welfare and promotion of the public schools or their interests in their respective districts or counties and such other business as may properly come before said meeting

The convention shall have power at the annual convention or at any special meeting to pass on and approve activities and services [and schools and classes for handicapped] to be provided administered and supervised by the county board of school directors and to authorize the same by a majority vote of those present

Such action shall not be taken unless the secretary of each school board [under the jurisdiction of the county superintendent] has been advised at least forty (40) days previous to the convention or meeting at which such action is to be considered

The school directors of any district that has joined with one or more districts of another county in establishing joint schools which conform to approved county plans shall attend and have full voting rights at (1) the annual convention (2) the convention for the election of county superintendent of schools and (3) at all special meetings of school directors called by the county superintendent of schools in such other county school directors in districts located in two or more counties which form a joint school system shall have voting rights in the county containing the largest proportion of the population of the administrative unit as shown by the last United States census They shall be given the same notice in reference to the meetings that is given to school directors of the county

Section 2 Subsection (a) of section 921 of the act amended July 27, 1953 (P. L. 629) August 19, 1953 (P. L. 1136) and August 21, 1953 (P. L. 1223) is amended to read

Section 921 Election Vacancies Qualifications Removals (a) In every county having a county superintendent of public schools there shall be a county board of school directors consisting of five (5) members except in counties of the second class where the board shall consist of seven (7) members All members shall be elected at the annual convention of the school directors of the county next preceding the expiration of their respective terms of office by majority vote [following] school directors [attending] of the county and of directors of other counties as hereinafter provided voting at such annual convention [(1) directors of districts under the supervision of the county superintendent (2) directors of union and merged districts of the third class employing district superintendents and (3) districts of the third and fourth class employing district superintendents to operate joint school systems Immediately after their election they shall meet and qualify by taking an oath of office] They shall serve for terms of six years from the first day of July following their election or until their successors are chosen The terms of the members shall be staggered so that two members shall be elected in the year one thousand nine hundred fifty-two two in the year one thousand nine hundred fifty-four and one in the year one thousand nine hundred fifty-six and thereafter two members or one member as is required to fill the expiring terms In counties of the second class the two additional members shall be elected in the year one thousand nine hundred fifty-six and each six years thereafter Prior thereto the vacancies shall be filled as herein provided in the case of other vacancies All vacancies occurring by reason of death resignation removal from the county or otherwise shall be filled by a majority vote of the remaining members of the county board of school directors The person elected to fill such vacancy shall hold

his office until the next annual convention at which a successor shall be elected for the remainder of the unexpired term

* * *

Section 3 The first paragraph of Section 925 of the act is amended to read

Section 925 Powers and Duties The county board of school directors [in respect to school districts under the supervision of the county superintendent] shall have power and its duty shall be

* * *

Section 4 Section 1022 of the act amended August 19, 1953 (P. L. 1136) is amended to read

Section 1022 Time and by Whom Elected Term of Office The school directors [of all of the school districts that do not have a district superintendent the school directors of all union and merged districts of the third class that employ district superintendents and the school directors of all third and fourth class districts employing district superintendents to operate joint school systems of each county in which a county superintendent is to be elected] in every county having a county superintendent of public schools together with the school directors of districts not within the county that have joined with one or more districts of the county in establishing joint schools which conform to approved county plans shall meet in convention at the county seat of [their] the county in the courthouse or some other suitable place to be furnished by the county commissioners at the expense of the county on the second Tuesday of April one thousand nine hundred fifty (1950) and on the same day of every fourth year thereafter and by a majority vote of those present elect as herein provided one duly qualified person as county superintendent to serve for four years from the first Monday of July next following and fix his annual salary When there is only one candidate for the office of county superintendent and such candidate within thirty days of the date fixed for holding the convention for the election of the county superintendent dies withdraws or proves ineligible to be elected the convention shall be postponed or adjourned to the second Tuesday of June of the same year If no candidate is elected at such postponed or adjourned convention the office shall be filled in the manner provided by this act for the filling of vacancies in the office

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SEYLER. Mr. President, this bill has been kicking around here for a long time and it is finally in such form that I consider it not positively objectionable. However, I would like to point out that the bill, in my opinion, is still fiscally unworkable and somewhat improper because what it does, as I see it, is say that the members of a school board shall vote in one county for county superintendent, and for the management of the county office, and pay their share in another county. In other words, they will not pay anything toward the salary of the county office from which they vote. On the other hand, they will pay for the salaries and expenses of the county office over which they have no control because they have no vote.

Mr. President, I am not going to vote against this bill, but it is my prediction that come another Session we will have an effort made to straighten out the mess which will be caused by this bill.

Mr. WAGNER. Mr. President, I desire to interrogate the gentleman from York, Senator Seyler.

The PRESIDENT. Will the gentleman from York, Mr. Seyler, permit himself to be interrogated?

Mr. SEYLER. I will, Mr. President.

Mr. WAGNER. Senator, who pays the salary of the superintendents?

Mr. SEYLER. Mr. President, I am not talking about the salary. I will drop the word "salary."

Mr. Preident, I desire to interrogate the gentleman from Schuylkill, Senator Wagner.

The PRESIDENT. Will the gentleman from Schuylkill, Mr. Wagner, permit himself to be interrogated?

Mr. WAGNER. I will, Mr. President.

Mr. SEYLER. Mr. Preident, I would like to ask the gentleman if it is true that the State establishes minimum salaries for superintendents of the counties.

Mr. Wagner. That is right, sir.

Mr. SEYLER. In the event, Mr. President, that the county votes the superintendent's salary above the minimum, a practice which I understand is pretty common in the Commonwealth, may I ask the gentleman who pays that salary?

Mr. WAGNER. Well, it is paid by the county then.

Mr. SEYLER. Mr. President, I thank the gentleman.

Mr. WAGNER. The reason I pointed out what I did, Senator, was because the major part of such salaries are paid by the State and where there is additional salary, there is usually such an enthusiastic interest in it that a few votes one way or the other will not change it.

Mr. SEYLER. Mr. President, I thank the gentleman. I no longer withdraw the word "salary" and now say part of the salary. The point still remains that the chool board members will not have an opportunity to vote in the county to which they contribute financially. They will have a vote in the county to which they do not contribute financially. This does not seem to me to be a very good state of affairs, but as I announced previously I do not intend to vote against the bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McPherson, Jr.,	Stiefel,
Berger,	Harney,	Mullin,	Taylor,
Blass,	Kessler,	Pechan,	Van Sant,
Camiel,	Kopriver, Jr.,	Peelor,	Wade,
Chapman,	Lane,	Propert,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Derk,	Mahany,	Schmidt,	Watson,
Diehm,	Mallery,	Scott,	Weiner,
DiSilvestro,	McCreesh,	Seyler,	Whalley,
Donolow,	McGinnis,	Silvert,	Wolfe,
Flack,	McMenamin,	Stevenson,	Yosko,
Fleming,			

NAYS—1

Hays,

A majority of all the Senators having voted "aye," the question was determined in the firmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 669, as follows:

An Act amending the act of April 14, 1905 (P. L. 162) entitled "An act regulating the method and procedure in the erection of line or partition fences" authorizing surveyors appointed by judges of common pleas courts to act as fence viewers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Sections 1 and 2 act of April 14, 1905 (P. L. 162) entitled "An act regulating the method and procedure in the erection of line or partition fences" amended April 6, 1949 (P. L. 393) are amended to read

Section 1. Be it enacted &c That from and after the passage of this act owners of improved and occupied land shall erect and maintain an equal part of all line or division fences between them nor shall any such owner be relieved from liability under the provisions of this act except by the consent of the adjoining owner And if any owner of such improved and occupied land shall fail or neglect to erect or maintain his her or their share of such line or division fence the party aggrieved shall notify the county surveyor or if there is no county surveyor in the county then a county surveyor of any adjoining county or if the county surveyor in any adjoining county refuses to act a surveyor appointed by a judge of the court of common pleas who shall act as a fence viewer and whose duty it shall be to examine such line or division fence so complained of and if he finds said fence sufficient the complainant shall pay the cost of his service but if he finds such fence insufficient he shall so report to a justice of the peace or alderman residing in the county where such fence is located designating points and distances of such fence whether a new fence is required or whether the old one can be repaired and the probable costs of a new or the repair of the old fence and said justice or alderman shall notify the delinquent owner of such improved and occupied land of the [county] surveyor's report and that his part of said fence as found by the [county] surveyor be erected or repaired within forty days from the date of such notice and if such notice be not complied with the aggrieved party may cause said line or division fence to be erected or repaired and the costs thereof collected including the charge of the [county] surveyor from the delinquent owner of such improved and occupied land as other debts are collected by law The [county] surveyor shall be entitled to such payment for acting as a fence viewer as he may fix not however exceeding twenty-five dollars Where the [county] surveyor reports that he finds the fence complained of sufficient the amount payable to the surveyor shall be paid by the complainant but where he reports the fence insufficient the amount payable to him shall be paid by the delinquent owner of such improved or occupied land Provided [however] That no owner of improved land shall be compelled to build or repair fence during the months of December January February and March And provided further That nothing herein contained shall be construed to apply to railroad companies

Section 2. Where an owner has improved up to and erected upon the line a division fence and an adjoining owner subsequently improves and occupies up to said line he shall become liable to the former for such part of the cost of said fence as is just and reasonable taking into consideration the quantity of the fence the length of time it had been erected and its condition And in case the parties fail to agree on the amount to be paid the owner who erected said fence may complain to the [county] surveyor aforesaid who shall assess the amount which in his opinion the other party should pay which amount together with payment to the [county] surveyor as in section one provided may be recovered as provided in section one of this act

Section 2. This act shall take effect immediately.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming.			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 675, Printer's No. 417, on third reading, go over in its order.

Mr. President, we are still awaiting amendments from the Attorney General's Office, and we should have them by tomorrow, at least.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 861, as follows:

An Act amending the act of August 9 1955 (P L 323) entitled "An act relating to counties of the third fourth fifth six seventh and eighth classes amending revising consolidating and changing the laws relating thereto" increasing the maximum appropriation which may be made for agricultural extension work

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1936 Act of August 9 1955 (P L 323) known as "the county code" is amended to read

Section 1936 Agricultural Extension Work The board of commissioners may appropriate a sum not to exceed [twelve thousand dollars ($12,000)] fifteen thousand dollars ($15,000) annually for agricultural extension work in cooperation with the Pennsylvania State [College] University in encouraging improved methods of farm management and home economics and giving practical instrution and demonstrations in agriculture for the purpose of improving and developing the agricultural resources of the county The money so appropriated shall be expended according to rules and regulations prescribed or approved by the board of commissioners The board of commissioners may also where practicable and desirable provide offices in the county court house for headquarters for such cooperative work

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stiefel,

Berger,	Harney,	McPherson, Jr.	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Ruth,	Watkins,
Derk,	Madigan,	Schmidt,	Watson,
DiSilvestro,	Mahany,	Scott,	Weiner,
Donolow,	Mallery.	Seyler,	Whalley,
Flack,	McCreesh,	Silvert,	Wolfe,
Fleming,	McGinnis,	Stevenson,	Yosko.

NAYS—2

Diehm,	Propert,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 873, entitled:

An Act amending the act of May 1 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" prescribing duties and limitations for township supervisors as to holding other township offices the number of meetings to be held keeping of records and fixing compensation of certain township officers changing the expense allowance for delegates to supervisors' convention and the officers eligible to attend fixing the procedure for selling township property making tax exempt properties liable for certain costs for fire protection prescribing duties of auditors and fixing compensation of members of zoning board of adjustment providing for the construction of sidewalks and curbs and the payment therefor changing the provisions relating to abandoned cemeteries the publication of ordinances connecting with sewers of adjacent municipalities and the dedication laying out opening improving changing relocating taking over and vacating roads streets and highways

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. STEVENSON. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Sec. 12, (Sec. 702, clause XLI) page 22, line 3, by striking out the brackets before the word "prior" and after the word "passage"; Amend Sec. 12, (Sec. 702, clause XLI) page 22, line 8, by striking ou the word "advertising" and place in lieu thereof the word "adoption."

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. STEVENSON. Mr. President, I ask unanimous consent that House Bill No. 873, Printer's No. 1578, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 929, as follows:

An Act amending the act of July 20 1917 (P. L. 1158) entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" increasing mileage.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of July 20 1917 (P L 1158) entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" amended June 28 1951 (P L 931) is amended to read

Section 1 Be it enacted &c That from and after the passage of this act the fees to be charged and received by constables in this Commonwealth shall be as follows

For executing a warrant on behalf of the Commonwealth for each defendant two dollars fifty cents

For conveying defendant except vagrants to jail on mittimus or warrants for each defendant one dollar fifty cents and in addition thereto for each mile going and returning [ten] fifteen cents

For arresting persons guilty of a breach of the peace riotous or disorderly conduct drunkenness or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens or violating any ordinance of any borough for the violation of which a fine or penalty is imposed or offending or suspected of offending against the laws of this Commonwealth protecting timberlands or the violation of any other law of this Commonwealth authorizing arrest by constable without process and bringing such offender before a justice of the peace for each defendant one dollar and for every act in or about the arrest or commitment of vagrants two dollars for each vagrant so arrested or arrested and committed and mileage as hereinafter provided

For levying a fine or forfeiture on a warrant fifty cents

For taking the body of a defendant into custody on a mittimus where bail is afterwards entered before delivery of body to the jailer two dollars fifty cents

For executing discharge to jailer two dollars fifty cents

For executing bail-piece one dollar

For executing a search-warrant and making return thereon one dollar

For making returns to the court of quarter sessions two dollars and fifty cents

For serving summons notices on referees suitor or tenant either personally or by leaving copy one dollar fifty cents for each person served

For serving subpoena in all cases one dollar fifty cents for the first witness and seventy-five cents for each additional witness served

For executing attachment one dollar fifty cents for each defendant and garnishee served

For arresting on a capias one dollar for each person arrested

For taking bail on a capias or for delivery of goods fifty cents

For notifying plaintiff where defendant has been arrested on capias to be paid by plaintiff twenty-five cents

For serving capias execution one dollar

For executing landlord's warrant two dollars

For taking inventory of goods each item two cents

For levying or distraining goods two dollars fifty cents

For advertising personal property to public sale two dollars and fifty cents

For selling goods levied or distrained two dollars and when the same continues longer than three hours five dollars per day

For clerk hire at said sales when necessary five dollars per day

For watchman taking charge of property levied on when necessary five dollars per day also reasonable expenses of insurance arranging goods for sale heat light storage rent transportation feeding livestock and similar expenses in-

curred in caring for and keeping goods and chattels levied upon when the same is necessary and advantageous or when requested by the plaintiff or defendant to incur such expense

For receiving and paying over money paid after a levy without sale one dollar and fifty cents

For copy of vendue paper when demanded each item two cents

For putting up notice of distress at mansion home or at any other place on the premises fifty cents

For serving scire facias either personally or by leaving a copy for each person served one dollar fifty cents for the first copy seventy-five cents for each additional copy

For executing order of removal of a pauper or paupers two dollars for each pauper

For making return of nulla bona or non est inventus on any writ one dollar fifty cents

For executing writ of restitution five dollars

For executing writ of possession five dollars

For serving summons in landlord and tenant proceedings one dollar fifty cents

For taking inventory of goods on an execution each item two cents

For holding appraisement where exemption is claimed by defendant four dollars out of which the constable shall pay to each appraiser one dollar

For traveling expenses in the performances of any duty or service hereinbefore set forth or in the performance of any other duty or service required by law each mile going and returning [ten] fifteen cents to be computed by the route usually traveled in going from points and places where said constables may reside or where he receives any paper to be executed to the points or places required to be traveled whether that route be by highways railroads or otherwise Provided That in no case shall more mileage be demanded or received than for the miles actually traveled

For services not herein specially provided for the same fee may be charged and received as for similar services

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
DiSilvestro,	Mahany,	Schmidt,	Weiner,
Donolow,	Mallery,	Scott,	Whalley,
Flack,	McCreesh,	Seyler,	Wolfe,
Fleming,	McGinnis,	Silvert,	Yosko,

NAYS—2

Diehm,	Wade,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL POSTPONED

Mr. PECHAN. Mr. President, I move that Senate Bill No. 943, on third reading, entitled:

An Act permitting the conducting staging operating and exhibiting stage shows on Sunday during certain hours when the electors of a city of the first class or second class approve thereof defining stage shows and providing for referendums to ascertain the will of the electors.

be plased on the Third Reading Postponed Calendar.

Mr. FLEMING. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 944, as follows:

An Act amending the act of August twenty-fourth one thousand nine hundred fifty-one (P. L. 1417) entitled as amended "An act to provide revenue for State purposes by imposing a property tax for a limited period of time on the net incomes derived from sources within the Commonwealth of certain corporations joint-stock associations and limited partnerships excluding certain income providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" changing formula for determining gross receipts of corporations owning property or carrying on activities within and without the Commonwealth and the penatly for failure to make report or for making false report and increasing the rate of tax for a limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subdivision 2 of the definition of "net income" of section 2 and sections 3 and 4 act of August twenty-fourth one thousand nine hundred fifty-one (P. L. 1417) known as the "Corporation Income Tax Law" reenacted and amended September twenty-seventh one thousand nine hundred fiftyfive (P. L. 626) are amended to read

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

* * *

"Net Income"

* * *

2 In the case of corporations owning property or carrying on activities within and without this Commonwealth other than corporations carrying on activities as insurance or surety companies the net income of such corporations derived from sources within this Commonwealth for the fiscal or calendar year shall be determined by allocations and apportionments of net incomes as defined in clause one hereof made as follows

(a) Gains realized and losses sustained from the sale or exchange of capital assets if such consist of real estate or tangible personal property situated in the Commonwealth shall be allocated to this Commonwealth

(b) Gains realized and losses sustained from the sale or exchange of capital assets if such assets consist of real estate or tangible personal property situated outside of the Commonwealth shall not be allocated in any part of this Commonwealth

(c) The resultant net income if any after allocations shall be divided into three equal parts

(1) Of one-third such portion shall be attributed to the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the value of the corporation's tangible property situated within this Commonwealth and whose denominator is the value of all the corporation's tangible property wherever situated

(2) Of one-third such portion shall be attributed to the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the expenditures of the corporation for wages salaries commissions and other compensation to its employes and assignable to

this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the corporation for wages salaries commissions and other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from property and activities assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its property and activities for the purpose of this section gross recepits shall not include receipts heretofore or hereafter received from the sale redemption maturity or exchange of securities except those held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business

In cases where only two of the foregoing three rules are applicable the remainder of the net income of the corporation shall be devided into two equal parts only each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable the part of the net income received from property and activities carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the corporation for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes to the extent of services rendered or work performed in the Commonwealth and similar expenditures the employes not chiefly situated at connected with or sent out from premises for the transaction of business maintained by the corporation outside the Commonwealth

The amount of the corporation's gross receipts from property and activities assignable to this Commonwealth shall be (1) the amount of its gross receipts for the taxable year from services rendered work and contracts performed and sales made in the Commonwealth and all other gross receipts except those negotiated or affected in behalf of the corporation by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business maintained by the taxpayer outside of the Commonwealth and except rentals and royalties and interst and dividends (2) rentals or royalties from property situated or from the use of patents within this Commonwealth and (3) dividends and interests except such dividends and interest attributable to the business conducted on premises maintained by the taxpayer outside the Commonwealth If a corporation maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the department shall in determining the amount of its gross receipts from property and activities assignable to this Commonwealth include therein the gross receipts attributed by the corporation to the business conducted at such place of business in another state In the case of construction contracts negotiated or effected at an office in the State of Pennsylvania but performed outside the State the gross receipts under such contracts shall be assignable outside the State except that if the activities under any such contract to which the gross receipts are attributable shall occur partly within the State and partly outside the State such portion of the gross receipts under said contract shall be assignable to Pennsylvania as the direct and indirect costs incurred in Pennsylvania under the contract for the taxable year bear to the total costs incurred thereunder for the taxable year In the case of construction contracts negotiated or affected at an office outside the State but performed in the State the gross receipts under such contracts shall be assignable to the State except that if the acivities under any such contract to which the gross receipts are attributable shall occur partly within the State and partly outside the State such proportion of the gross receipts under said contract shall be assignable to Pennsylvania as the direct and indirect costs incurred in the State under the contract for the taxable year bear to the total costs incurred thereunder for the taxable year

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a corporation for wages salaries commissions or other compensation or the gross receipts of the corporation are found to be situated incurred or received without the Commonwealth

Section 3 Imposition of Tax Every corporation carrying on activities in this Commonwealth or owning property in this Commonwealth by or in the name of itself or any person partnership jointstock association or corporation shall be subject to and shall pay a State property tax on net income derived from sources within this Commonwealth at the rate of five per centum per annum upon each dollar of such net income received by and accruing to such corporation during the calendar years one thousand nine hundred fifty-one one thousand nine hundred fifty-two [and] one thousand nine hundred fifty-three one thousand nine hundred fifty-four and one thousand nine hundred fifty-five except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of five per centum shall be levied collected and paid upon each dollar of such net income received by and accruing to such corporation during the fiscal years commencing in the calendar years one thousand nine hundred fifty-one one thousand nine hundred fifty-two [and] one thousand nine hundred fifty-three [and ending in the calendar years one thousand nine hundred fifty-two one thousand nine hundred fifty-three and] one thousand nine hundred fifty-four and one thousand nine hundred fifty-five and a similar tax at the rate of [five] six per centum per annum upon each dollar of such net income received by and accruing to such corporation during the calendar year [one thousand nine hundred fifty-four one thousand nine hundred fifty-five] one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of [five] six per centum per annum shall be levied collected and paid upon each dollar of such net income received by and accruing to such corporation during the fiscal years commencing in the calendar years [one thousand nine hundred fifty-four one thousand nine hundred fifty-five] one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven [and ending in the calendar years one thousand nine hundred fifty-five one thousand nine hundred fifty-six one thousand nine hundred fifty-seven and one thousand nine hundred fifty eight] Provided however That such net income shall not include income for any period for which the corporation is subject to taxation under the Corporate Net Income Tax Act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred eight) as reenacted and amended according to or measured by net income

Except as otherwise provided in this section the tax hereby imposed shall be in addition to all taxes now imposed on any corporation under the provisions of existing laws

Section 4 Reports and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to pay tax under this act on or before the fifteenth day of April one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five one thousand nine hundred fifty-six one thousand nine hundred fifty-seven and one thousand nine hundred fifty-eight to transmit to the department upon a form prescribed prepared and furnished by the department an annual report under oath or affirmation of its president vice-president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act Such report shall set forth

(1) A true copy of its return to the Federal Government of the annual net income arising or accruing in the calendar or fiscal year next preceding or such part

or portion of said return as the department may designate

(2) If no return was filed with the Federal Government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(3) Such other information as the department may require

(b) For the purpose of ascertaining the amount of tax payable under this act for the taxable years one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five one thousand nin hundred fixty-six and one thousand nine hundred fifty-seven it shall be the duty of every corporation liable to pay tax under this act on or before the [thirteenth] thirtieth day of April one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven to transmit in like form and manner an additional tentative report Such report shall set forth

(1) The annual net income received or accruing in the calendar or fiscal year next preceding and reported to the department under the provisions of this act or

(2)The net income received or accruing in the first three months of the current calendar or fiscal year together with such information as would have been contained in a return to the Federal Government had one been required or made

(3) Such other information as the department may require

(c) The failure of any corporation liable to pay tax under this act to procure or receive any report form shall not excuse it from making a report

(d) For the taxable years up to and including the year one thousand nine hundred fifty-two every corporation upon the date its report is required herein to be made shall pay to the department not less than one-half of the tax due to the Commonwealth by it for such preceding year and the remaining one-half of such tax shall be paid within the thirty days next succeeding and except as otherwise provided by law no extension of time for the filing of any report granted by the department shall extend the date any tax imposed by this act shall be due and payable For the taxable years one thousand nine hundred fifty-three one thousand nine hundred fifty-four and one thousand nine hundred fifty-five every corporation upon the date its tentative report is required herein to be made shall pay on account of the tax due for the current year at its election (1) not less than two and one-half per centum upon each dollar of net income of such corporation last reported as received or accrued during an entire preceding year or of such multiple of the net income last reported for a portion of such year as the entire year bears to the portion of the year for which the net income had been reported or (2) not less than ten per centum upon each dollar of net income of such corporation received or accrued during the first three months of the current calendar or fiscal year whichever is applicable for the taxable years one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven every corporation upon the date its tentative report is required herein to be made shall pay on account of the tax due for the current year at its election (1) not less than three per centum upon each dollars of net income of such corporation last reported as received or accrued during an entire preceding year or of such multiple of the net income last reported for a portion of such year as the entire year bears to the portion of the year for which the net income had been reported or (2) not les than twelve per centum upon each dollar of net income of such corporation received or accrued during the first three months of the current calendar or fiscal year whichever is applicable The remaining portion of the tax due shall be paid upon the date the corporation's annual report is required herein to be made

(e) The amount of all taxes imposed under the provisions of this act not paid on or before the times as above provided shall bear interest at the rate of six (6) per centum per annum from the date they are due and payable until paid except that if the taxable income has been or is increased by the Commissioner of Internal Revenue or by any other agency or court of the United States interest shall be computed on the additional tax due from thirty days after the corporation receives notice of the change of income until paid Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it in the manner prescribed by law

(f) If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report [an additional ten per centum] The following percentages of the amount of the tax shall be added by the department to the tax determined to be due on the first one thousand dollars of tax ten per centum on the next four thousand dollars five per centum and on everything in excess of five thousand dollars one per centum no such amounts added to the tax shall bear any interest whatsoever

(g) If any corporation closes its fiscal year not upon the thirty-first day of December but upon some other date and reports to the Federal Government as of such other date or would so report were it to make a return to the Federal Government such corporation shall certify such fact to the Department of Revenue and shall make the annual report herein required within thirty (30) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act The tentative report required of such corporations shall be due not later than four months after the end of the next preceding fiscal year

(h) If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 2 This amending act shall take effect as of the first day of January one thousand nine hundred fifty-six for corporations reporting on a calendar year basis or as of the first day of any fiscal year beginning in the calendar year one thousand nine hundred fifty-six for corporations reporting on a fiscal year basis

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McPherson, Jr.	Stiefel,
Berger,	Harney,	Mullin,	Taylor,
Blass,	Hays,	Pechan,	Van Sant,
Camiel,	Kessler,	Peelor,	Wade,
Chapman,	Kopriver, Jr.,	Propert,	Wagner,
Dent,	Lane,	Ruth,	Watkins,
Derk,	Madigan,	Schmidt,	Watson,
Diehm,	Mahany,	Scott,	Weiner,
DiSilvestro,	Mallery,	Seyler,	Whalley,
Donolow,	McCreesh,	Silvert,	Wolfe,
Flack,	McGinnis,	Stevenson,	Yosko,
Fleming,	McMenamin,		

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 997, as follows:

An Act amending the act of June 27 1923 (P L 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" extending the benefits of the act to employes of institutions of political subdivisions acquired by the Commonwealth for use as hospitals or sanatoriums in the care and treatment of indigent persons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clauses (6) and (9) of section 1 act of June 27 1923 (P L 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contribtions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" amended January 14 1952 (P L 1911) are amended to read

Section 1 Be it enacted &c That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

* * *

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all persons employed by the State Board of Law Examiners of the Supreme Court of Pennsylvania and also all present future or former members of the General Assembly who receive or have received their salaries for regular and special sessions of the Legislature as fixed by law and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds also all employes of any single county department of health or any joint county department of health created under the Local Health Administration Law being Act No 315 approved August 24 1951 paid on a yearly or monthly basis and also all officers and employes of the Interstate Commission on the Delaware River Basin and of the Pennsylvania Turnpike Commission as of the date of entering the service of such commissions and of the Delaware River Joint Commission and the Delaware River Joint Toll Bridge Commission The State Public School Building Authority The General State Authority and of The State Highway and Bridge Authority paid on a yearly or monthly basis if the Interstate Commission on the Delaware River Basin and the Delaware River Joint Commission the Delaware River Joint Toll Bridge Commission the Pennsylvania Turnpike Commission The State Public School Building Authority The General State Authority and The State Highway and Bridge Authority shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purpose of this act all officers and employes of any separate independent public corporation created by act of Assembly (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation were employes of the Commonwealth so long as they remain officers or employes of such public corporation if such public corporation shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any libility on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances return benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws 245) excepting such officers and employes of the Department of Public Instruction State Teachers' Colleges Thaddeaus Stevens Trade School Pennsylvania State Oral School for the Deaf and Pennsylvania Soldiers' Orphan School as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association and that all service credited as a member of the public school employes' retirement system will be considered as having been rendered as a State employe The rates of deduction from salaries of such officers and employes to the State Employes' Retirement Fund shall be determined by the age at which the employe began to contribute to the Public School Employes' Retirement Fund

The term "State employe" hall also include all State officers and employes regularly employel by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session or who receive no fixed annual monthly salary but are paid only upon a per diem basis during legislative sessions and subsequent thereto

Employes of the respective institutions acquired by the Commonwealth from counties cities wards boroughs townships institution districts and other political subdivisions that are actually used as State mental hospitals under the provisions of the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight P. L. 53) or its amendments or are actually used as a

State sanatorium or hospital for the reception and treatment of indigent persons affected with tuberculosis or in need of other hospital treatment who as of the effective date of this act are contributors or who on or before the thirty-first day of May one thousand nine hundred [fifty-two] fifty-seven become contributors to this fund shall for the purposes of this act be deemed to have been "State employes" from the time they first entered the employ of such institution county city ward borough township institution district or other political subdivision even though the same may have been prior to the acquisition of the institution by the Commonwealth if such employe shall pay to the retirement association a sum equal to all the back payments which such employe would have made had he or she become a member of the retirement association at the time he or she was first employed by such institution or political subdivision Such back payments may be spread over a period of year by having the regular payroll deduction of such employe increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted If not so anticipated then the member's annuity shall be calculated on the total accummulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

The term "State employe" shall also include State officers and employes regularly employed on a per diem or hourly basis or partly at a fixed annual or monthly salary and partly on a per diem or hourly basis Regular employment shall not be construed to include employment of less than one hundred days or seven hundred fifty hours in any year In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

* * *

9 "Original member" of the retirement association shall mean a State employe who was at anytime a State employe prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before May thirty-first one thousand nine hundred fifty-two or any State employe who is an employe of any of the respective institutions acquired by the Commonwealth from any county city ward borough township institution district other political subdivision for actual use as a State mental hospital under the provisions of the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53) or its amendments or for actual use as a State sanatorium or hospital for the reception and treatment of indigent persons affected with tuberculosis or in need of other hospital treatment who was at any time an employe of such institution county city ward borough township institution district or other political subdivision prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before [December thirty-first one thousand nine hundred forty-nine] the thirty-first day of May one thousand nine hundred fifty-seven or in any case where subsequent to such date the definition of "State employe" has been changed so as to include additional persons not previously classed as State employes or persons not classed as State employes at the time of entering the service of the State but who later became State employes as defined in this act because of a change in employment or method of compensation if any such person shall have become a member of the retirement association on or before the thirty-first day of December next following the effective date of the act under the provisions of which he was enabled to become a member of the association and he expressly elects to become an "original member"

Any such State employe who shall become an original member of the association after the approval of this amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established

Where back payments are based on hourly or per diem wages and wage records are not available for the entire time of the Person's employment the deductions for the period for which records are not available shall be computed by using the average of the earliest two year period for which records are available

Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointed and any person hereafter elected or appointed a judge who at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original member and is at the time of his election or appointment as a judge receiving a retirement allowance as an original member

Original member of the retirement association shall also mean any person employed on the effective date of this amendment by the State Board of Law Examiners of the Supreme Court of Pennsylvania who has been continuously so employed since January first one thousand nine hundred and forty and who on the effective date of this amendment is a contributor

Original member of the retirement association shall also mean any person who is a member of the General Assembly on the first day of September one thousand nine hundred forty-seven and who shall elect on or before December thirty-first one thousand nine hundred and forty-seven to become a member of the retirement association as of January first one thousand nine hundred and forty-seven and any person who is a member of the General Assembly on the first day of September one thousand nine hundred forty-nine and who shall elect on or before December thirty-first one thousand nine hundred forty-nine to become a member of the retirement association as of January first one thousand nine hundred forty-nine and any person who is a member of the General Assembly on the first day of September one thousand nine hundred fifty-one and who shall elect on or before the thirty-first day of May one thousand nine hundred fifty-two to become a member of the retirement association as of the first day of January one thousand nine hundred fifty-one

Original member of the retirement association shall also mean any person who was formerly a member of the General Assembly and who on the first day of September one thousand nine hundred forty-nine or who on

the first day of September one thousand nine hundred fifty-one is a contributor

* * *

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 1022, Printer's No. 534, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1083, entitled:

An Act limiting in certain cases the right of appeal to the court of common pleas from decisions of magistrates aldemen and justices of the peace

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

REQUEST THAT BILL GO OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1083, Printer's No. 463, on third reading, go over in its order.

The PRESIDENT. Is there objection?

Mr. SCHMIDT. Mr. President, may I ask that the leader withdraw his request that this bill go over in its order inasmuch as I would like to ask unanimous consent to offer amendments to the bill?

REQUEST THAT BILL GO OVER IN ORDER WITHDRAWN

Mr. LANE. Mr. President, I withdraw my request that House Bill No. 1083 go over in its order.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SCHMIDT. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend the title by inserting after the word pleas in the second line the following: "or to the County Court of Allegheny County"; Amend line 3, page 1, by inserting after the word pleas, the following: "or to the County Court of Allegheny County"; Amend line 6, page 2, by inserting after the word pleas, the following: "or to the County Court of Allegheny County".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1083, Printer's No. 463, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1289 as follows:

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing the issuance of non-debt revenue bonds for capital improvements to certain public service facilities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article XXIV act of May 4, 1927 (P. L. 519) known as "The Borough Code" reenacted and amended July 10, 1947 (P. L. 1621) is amended by adding at the end thereof a new subdivision to read

(e) Non Debt Revenue Bonds for Capital Improvements

Section 2495 Capital Improvements to Certain Public Service Facilities For the purpose of financing the cost and expense or its share of the cost and expense of capital improvements by altering improving or enlarging (i) its sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both or (ii) its water works either singly or jointly with other municipalities or townships or both or (iii) its electric light or power plant or power distribution system or (iv) its gas plant or gas distribution system for its own municipal purposes including the purchase and installation of machinery and equipment any borough owning any such plant or facility may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of the product or service manufactured or furnished by the entire plant system or facility on or for which the capital improvements were made The bonds shall be issued and sold in the manner provided by the Municipal Borrowing Law and shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the borough

(b) Any borough issuing non-debt revenue bonds under the authority of this section shall adjust and where necessary increase the rates of rentals or charges pledged as security for the bonds in order to provide sufficient revenue which shall be set aside as reserve funds to cover depreciation of the properties involved and for future improvements to the plant or facility involved as well

as for the payment of the interest on the bonds and the principal at the times of maturity

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1413, as follows:

An Act to amend the act approved the twelfth day of June one thousand nine hundred fifty-one (1951-52 P. L. 533) entitled "An act relating to mental health including mental illness mental defect epilepsy and inebriety and amending revising consolidating and changing the laws relating thereto" by changing the qualifications of superintendents of State institutions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred twenty-six of the act approved the twelfth day of June one thousand nine hundred fifty-one (1951-52 P. L. 533) entitled "An act relating to mental health including mental illness mental defect epilepsy and inebriety and amending revising consolidating and changing the laws relating thereto" as amended by the act approved the fourteenth day of January one thousand nine hundred fifty-two (1951-52 P. L. 2053) is hereby amended to read as follows

Section 226 Qualifications etc of Superintendents The superintendent of every State institution shall be a physician with at least seven years training or experience or both in the care of patients [In institutions for the care of female patients the superintendent shall be a woman]

Section 2 The provisions of this act shall become effective immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.,	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,			

NAYS—1

Wolfe,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1593, as follows:

An Act regulating waste disposal areas in certain parts of the Commonwealth providing for permits placing duties upon the Department of Mines and imposing penalties

Whereas the igniting of fires on waste disposal areas as herein defined has proven a menace to the lives and property of our citizens in the anthracite and bituminous coal mining areas and

Whereas the Commonwealth the Federal government and local governments have expended and are committed to the expenditure of large sums of money in extinguishing and controlling these fires and the poisonous gases issuing therefrom and

Whereas to protect lives and property the General Assembly deems it important to regulate the use of waste disposal areas

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Purpose of Act This act is an exercise of the police power of the Commonwealth for the protection of the lives and property of the people in those areas of the Commonwealth where anthracite and bituminous coal is or has been mined

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

(1) "Department" means the Department of Mines of this Commonwealth

(2) "Association" means a partnership limited partnership or any form of unincorporated enterprise owned by one or more persons

(3) "Corporation" means a corporation or stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

(4) "Person" means every natural person association or corporation whenever used in any clause prescribing and imposing a fine or imprisonment or both The term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" the officers thereof

(5) "Secretary" means the Secretary of Mines of this Commonwealth or his duly authorized deputy or representative

(6) "Waste disposal area" means any land used in the anthracite and bituminous coal mining areas of this Commonwealth as a place for the dumping depositing or disposal of garbage refuse ashes rubbish or other material but shall not include any gob or other refuse from coal mining operations

Section 3 Application of Act This act shall apply only to lands in the anthracite and bituminous coal mining areas of this Commonwealth but it shall be applicable whether the land is being used by a person as herein

defined or by a political subdivision of this Commonwealth

Section 4 Permits (a) On and after the effective date of this act it shall be unlawful for any person to continue to use his land or the land of any other person as a waste disposal area unless a permit or permits shall have been issued to him as hereinafter required by this act

(b) Every person using his land or using the land of some other person as a waste disposal area shall file an application for a permit for such use with the department The application shall be made upon a form prescribed prepared and furnished by the department and shall set forth such information as the department may require including but not limited to the precautions and methods which will be taken to prevent the ignition of the waste disposal area Such permits may be issued upon such conditions and provisions as the Secretary shall deem necessary to prevent the waste disposal area from becoming a fire or gas hazard

(c) Upon inspection of the proposed waste disposal area and approval of the application the department shall grant and issue a permit for each place of business within the Commonwealth set forth in the application Permits shall not be assignable without the approval of the department and shall be valid only for those in whose names issued and for the places designated therein All permits shall expire on the thirty-first day of May next succeeding the date upon which they are issued or unless sooner suspended surrendered or revoked for cause by the Secretary

Section 5 Penalties (a) Any person using the land of another as a waste disposal area without a permit from the Department of Mines shall upon summary conviction be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than ten (10) days

(b) Any person permitting the use of his land as a waste disposal area without a permit from the Department of Mines shall upon summary conviction be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than ten (10) days

(c) Any person who shall continue to violate the provisions of subsection (a) or (b) after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) Every day during which this law is violated shall constitute a separate offense

(d) Any permit granted by the department as provided in this act shall be revocable or subject to suspension at any time the department shall determine the waste disposal area is or has been conducted in a manner dangerous to life or property

Section 6 In cases where the Secretary deems the circumstances require it for the protection of lives and/or property a mandatory preliminary injunction or special injunction may be issued upon the terms prescribed by the court

Section 7 The Department of Mines is authorized to make alter amend and repeal such rules and regulations in connection with the granting of the permits and the use of the waste disposal areas as it deems necessary to prevent fires on the waste disposal areas the emission of gases therefrom and generally to effectuate the purposes of this act

Section 8 Every waste disposal area shall be inspected from time to time by the duly authorized representative of the department and reports thereof shall be forwarded to the Secretary

Section 9 Permits shall be issued upon payment of a fee of twenty-five dollars ($25.00) for each permit

And said bill having been read at length the third time, and agreed to,

An the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 1619, Printer's No. 1354, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1643, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manmer in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" redefining the powers and duties of the Department of Health

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2107 act of April 9, 1929 (P. L. 177) known as "The "Administrative Code of 1929" is amended to read

Section 2107 Tuberculosis Sanatoria The Department of Health shall have the power and its duty shall be

(a) To maintain sanatoria or colonies for the reception and treatment of [indigent] persons affected or suspected of being affected with tuberculosis

(b) To approve or disapprove plans and specifications

for county hospitals or sanatoria erected for the treatment therein of [indigent] persons suffering from tuberculosis as may now or hereafter be provided by law

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1725, as follows:

An Act relating to the use of conveyor belts in coal mines providing for the safety of persons employed therein and the protection of property connected therewith conferring powers and imposing duties upon the Department of Mines and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall apply to all coal mines operating in the Commonwealth of Pennsylvania in which five (5) or more persons are employed at any one time

Section 2 It shall be unlawful to operate any conveyor belt in such coal mines unless such conveyor belt is efficiently insulated by flame resistant material according to standards approved by the Secretary of Mines

Section 3 The Department of Mines is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 4 Any operator or other person violating the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50.00) and costs nor more than two hundred fifty dollars ($250.00) and costs and in default of the payment of such fine and costs shall be imprisoned one (1) day for each dollar of fine and costs unpaid Each day of violation of the provisions of this act shall constitute a separate offense

Section 5 This act shall become effective the first day of January one thousand nine hundred fifty-seven provided that an operator of any mine covered by this act who may at the time of the effective date of this act have in use or on hand a conveyor belt which is not fire resistant and which has not been approved by the Department of Mines may use such conveyor belt until replacement is necessary in which case the new conveyor belt purchased after the effective date of this act shall meet the requirements of this act and the rules and regulations as promulgated by the Department of Mines pursuant to the authority granted herein

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House ir requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1734, as follows:

An Act amending the act of July 15, 1935 (P. L. 1034) titled "An act requiring operators of anthracite coal mines to report shipments to the Department of Mines" requiring breakers washeries or preparation plants to file reports and changing the time for filing reports

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and section 2 act of July 15 1935 (P. L. 1034) entitled "An act requiring operators of anthracite coal mines to report shipments to the Department of Mines" are amended to read

An Act

Requiring operators breakers washeries or preparation plants of anthracite coal mines to report shipments to the Department of Mines

Section 2 All operators breakers washeries or preparation plants of anthracite coal mines shall report [monthly] to the Department of Mines within fifteen days after the close of each month shipments of anthracite for preceding months to destinations such destinations to include each state each province of Canada and such subdivisions thereof as the department may designate

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,

Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko.

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1752, as follows:

An Act amending the act of June 9, 1911 (P. L. 756) entitled "An act to provide for the health nd safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" changing applicability of act and the requirement of a mine foreman in small mines

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 3 of Article XXVIII act of June 9, 1911 (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" amended June 21, 1947 (P. L. 872) is amended to read

Article XXVIII

* * *

Section 3 The provisions of this act shall [not apply to any mine where fewer than five persons are employed or engaged in work inside the mine in any one period of twenty-four hours but any mine inspector shall nevertheless have the right to enter and inspect all mines where from two to five persons are employed or engaged in work for the purpose of determining the conditions of safety in any such mine In case a mine inspector shall find any such mine to be unsafe or to be operated in any unsafe manner measured by standards and by regulations promulgated by the Secretary of Mines he shall order such unsafe conditions to be forthwith corrected and in default of the owner or operator doing so shall order such mine closed until the unsafe conditions are corrected Mandatory enforcement of any such order may be had by injunction proceedings

Any such regulations promulgated by the Secretary of Mines shall be selected from the act and the amendments thereto for mines in which five or more persons are employed or engaged in work and shall include only such regulations as are reasonably and practically applicable to mines employing fewer than five persons

Any person who shall continue to operate or be a party to the operation of a mine in which from two to five persons are employed or engaged in work without correcting the unsafe conditions as ordered by a mine inspector shall upon conviction thereof in a summary proceeding for a first offense be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution and in default of the payment of such fine and costs shall be imprisoned for a period of ten (10 days and upon conviction of a second or subsequent offense shall be sentenced to pay a fine of fifty dollars ($50) and costs of prosecution and be imprisoned for a period of thirty (30) days] apply to every bituminous coal mine in the Commonwealth but no mine employing less than five persons on the inside in any twenty-four hour period need have a mine foreman

Section 2 This act shall take effect six months after final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Haluska,	Fleming,	McGinnis,	Stevenson,
Barr,	McPherson, Jr.,	McMenamin,	Stiefel,
Berger,	Harney,	Mullin,	Taylor,
Blass,	Hays,	Pechan,	Van Sant,
Camiel,	Kessler,	Peelor,	Wade,
Chapman,	Kopriver, Jr.	Propert,	Wagner,
Dent,	Lane,	Ruth,	Watkins,
Derk,	Madigan,	Schmidt,	Watson,
Diehm,	Mahany,	Scott,	Weiner,
DiSilvestro,	Mallery,	Seyler,	Whalley,
Donolow,	McCreesh,	Silvert,	Wolfe,
Flack,			Yosko.

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1755, as follows:

An Act amending the act of June 27, 1947 (P. L. 1095) entitled as amended "An act providing for the regulation of mining of anthracite coal by the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining requiring operators to register pay a license fee and secure a permit to engage in strip mining and file a bond conditioned for compliance with this act requiring backfilling of stripping pits and leveling and planting lands affected to prevent erosion and the pollution of waters and to protect public health safety and welfare conferring powers and imposing duties upon the Department of Mines providing for appeals and imposing penalties and making appropriations" further regulating strip mining operations making changes with respect to backfilling and permits and providing for filing of maps

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 3 4 and 5 act of June 27, 1947 (P. L. 1095) known as the "Anthracite Strip Mining Law" are amended to read

Section 3 Definitions The following words and phrases unless a different meaning is plainly required by the context shall have the following meanings

"Anthracite" The hard coal mined in the northeasterly part of the Commonwealth of Pennsylvania commonly known as the Anthracite Region

"Strip Mining" The mining or recovery of coal by removing the material which overlies the coal in its nautral or previously mined conditioned

"Stripping pit" Any trench cut hole or pit formed by the removal of the surface or coal as a result of strip mining

"Operation" One or more stripping pits located on the property embraced within the boundaries of a [colliery] mine inspection district as outlined by the Pennsylvania Department of Mines Provided That in all cases where a single stripping pit extends across a [colliery property] mine inspection district line such pit will not be considered as two operations because of being located [on two colliery properties] in two mine inspection districts

"Operator" A person partnership association or corporation engaged in strip mining of anthracite coal as a principal or who is or becomes the owner of the coal recovered as the result of such strip mining

"Spoil banks" The material of whatever nature removed and deposited on the surface that the underlying coal may be recovered

"Department" The Department of Mines of the Commonwealth of Pennsylvania

"Landowner" The person partnership association or corporation private municipal or otherwise in which the legal title to the land is vested

"Overburden" The material or strata overlying a seam or seams of anthracite coal in its natural state.

"Area of land affected" The area of land from which the overburden is removed

"Deep mining" Such mining as is presently carried on by means of slope tunnel drift or shaft without the removal of the overburden

Section 4 (a) Application for a permit to engage in strip mining of anthracite at each operation shall be made on a form prepared and furnished by the department Such application shall contain an estimate of the number of acres of land that the operator estimates will be the area of land affected by strip mining at each operation by the operator during the year immediately following the date of the permit and shall be accompanied by a bond for each operation as hereinafter provided and by a filing or license fee in an amount to be calculated at the rate of [twenty-five dollars ($25.00)] per acre which the operator estimates will be the area of land affected Provided That in no case shall the license fee be less than [one hundred dollars (100.00)]

(b) Each operator of a coal stripping operation shall furnish the mine inspector in whose district the operation is located a map on a scale of one hundred feet to the inch showing the location of the operation with respect to the land lines of adjoining properties together with the location of any public highway dwelling house or stream of water An accurate and correct report of the coal produced shall also be furnished the mine inspector in whose district the operation is located not later than the seventh day of each month

If an operator continues to operate beyond one year the mine inspetcor shall be furnished with a new map at the end of each year of operation on which map is outlined the area affected and restored from the date the operation started to the date the map is furnished the inspector

Section 5 Any permit issued by the department as required by this act shall remain in force and effect for a period of one (1) year from its date [and shall permit the operator to engage in as many operations in each mine inspection district as he may wish during such period of one (1) year and shall remain in force during such period of one (1) year] Provided That the operator shall faithfully perform all of the requirements of this act In the event of a violation of the requirements of this act by the operator it shall be the duty of the Secretary of Mines to cancel and withdraw such permit

Section 2 Section 11 of the act amended August 24, 1951 (P. L. 1364) is amended to read

Section 11 The application for a permit shall be accompanied by a map showing the location of any public highway dwelling house or stream of water on or adjacent to the area of land affected The operator shall backfiill the operation made by the strip mining operation to a distance of [fifteen (15)] feet beyond the boundary line of the right of way of any public highway and to a distance of two hundred (200) feet from any occupied dwelling house public building school church commercial or institutional building The backfilling shall be done in such a manner as to insure lateral support [of a public highway] and to provide a slope having an angle not exceeding forty (40) degrees [he permit issued shall] the department of mines may specify the time within which it shall be completed in order to protect the public safety [and may require such backfilling to be done in part before the completion of the strip mining operation]

The permit shall also specify the distance to which the bottom of the spoil banks made by the strip mining operation may approach any stream of water having a well defined channel Such distances shall be fixed by the department at such number of feet as the judgment of the department after consultation with the Water and Power Resources Board taking into consideration the character of the overburden is necessary to protect the channel of the stream

Nothing contained in this section shall be construed to prohibit the relocation of any public road in the manner provided by law or the change of the course or channel of any stream in the manner provided by law upon permit issued by the Water and Power Resources Board

Section 3 Section 12 of the act amended July 2, 1953 (P. L. 338) is amended to read

Section 12 [In any case where a strip mining operation after completion shall leave anthracite exposed the operator shall be required on written order of the department to cover the exposed surface of the anthracite to a depth of five (5) feet in order to prevent the spread of fire to the unmined anthracite Nothing contained in this act shall be construed to mean that the covering material required by this section or material deposited in the stripping pit whether five (5) feet or more in depth shall be leveled or planted with trees grasses or shrubs as provided in section fourteen of this act]

Section 4 Section 15 of the act is amended to read

Section 15 Within six (6) months after the [backfilling and other acts required by this act have] been completed the operator shall fille with the Department of Mines a completion report on a form to be prescribed and furnished by the secretary identifying the operation and stating the area of land affected by open pit mining and such other information as may be required by the secretary before releasing the bond of the operator

The operator shall attach to the completion report a map of the operation certified by a registered professional engineer showing the boundary lines of the tract or tracts tidal elevations of the surface top of the coal seam and the bottom of the strip mine pit the access to the operation from the nearest public highway the area of land affected by open pit mining the locations preserved for deep mining and the proposed plans in connection therewith

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.,	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent

that House Bill No. 1793, Printer's No. 1181, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1809, as follows:

An Act amending the act of June 23 1931 (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for the release of land subdivision improvement encumbrances in certain instances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4005 act of June 23, 1931 (P. L. 932) known as "The Third Class City Code" reenacted and amended June 28, 1951 (P. L. 662) is amended to read

Section 4005 Approval of Plans of Building Lots Conflict of Jurisdiction All plans plots or re-plots of lands laid out in building lots and the streets or other portions of the same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto and located within the city limits or for a distance of three miles outside thereof shall be submitted to the city planning commission and be approved by it before it shall be recorded No plan plot or re-plot shall be received or recorded in any public office unless the same shall bear thereon by endorsement or otherwise the approval of the city planning commission as required by law The disapproval of any such plan by the city planning commission shall be deemed a refusal of the proposed dedication shown thereon

Where the plans plots or re-plots have been approved by the city planning commission purchasers and mortgagees of lots within the plans with or without buildings thereon or on any of them shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements as set out in said plans plots or re-plots and any failure to complete or properly complete said improvements shall not encumber any or all of the lots of the subdivision

The approval of the commission shall be deemed an acceptance of the proposed dedication but shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the city shall have made actual appropriation of the same by acceptance entry use or improvement No sewer water or gas main or pipes or other improvement shall be voted or made within the area under the jurisdiction of said commission for the use of any such purchasers or owners nor shall any permit for connection with or other use of any such improvement existing or for any other reason made be given to any such purchasers or owners until such plan is so approved Where the jurisdictional limit of three miles outside of the city limits as provided in this section may conflict with the zone of similar character connected with another municipality the jurisdiction of said commission shall extend only to the point equidistant between the city limits and the limits of said municipality

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1810, as follows:

An Act amending the act of May 13, 1927 (P. L. 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statues over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain stautes" providing for the release of subdivision improvement encumbrances in certain instances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 10 act of May 13, 1927 (P. L. 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" amended May 11, 1939 (P. L. 123) is amended to read

Secton 10 Platting Regulations Before exercising the powers referred to in section nine the planning commission shall adopt general regulations governing the subdivisions of land within its jurisdiction Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan for adequate and convenient open spaces for traffic utilities access of fire-fighting apparatus recreation light and air and for the avoidance of congestion of population including minmum width and area of building lots

Such regulations may include provisions as to the extent to which streets and other public ways shall be graded and improved and to which water and sewer and other utilities mains piping or other facilities shall be installed as a condition precedent to the approval of the plat The regulations or practice of the commission may provide for a tentative approval of the plat previous to such installation but any such tentative approval shall be revocable and shall not be entered on the plat In lieu of the completion of such improvements and utilities prior to the final approval of the plat the commission may accept a bond with surety to secure to the city the actual construction and intallation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission The city is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies

All such regulations shall be published and be available for distribution upon request

Where the subdivision plan has been completed as tentatively approved and the plan has been finally approved by the commission or if prior to completion of such improvements and utilities and final approval of the plot a bond with surety to secure the city the actual construction and installation of such improvements and utilities has been accepted by the commission subsequent purchasers and mortgagees of lots in the subdivision mith or without buildings thereon or on any of them shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements and utilities above mentioned as set out in said plat or required as a condition precedent to the approval of the plat and any failure to complete or properly complete such improvements and utilities shall not encumber any or all of the lots of the subdivision

In exercising its said pomers the planning commission shall take into consideration the local conditions of the particular district affected by the proposed subdivision of land the existing buildings or improvements on adjoining or adjacent land and the building line established or observed thereon the extent of the use of any streets or highways upon which the proposed subdivision abuts by motor or other vehicles and pedestrians and the effect of the proposed subdivision upon the public welfare with particular reference to the district of which the proposed subdivision is a part and irrespective of the minimum requirements of any zoning regulations shall disapprove any subdivision which would be deterimental to such public welfare

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1811, as follows:

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for the release of land subdivision improvement encumbrances in certain instances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (c) of section 3066 act of June 24, 1931 (P. L. 1206) known as "The First Class Township Code" re-enacted amended and revised May 27, 1949 (P. L. 1955) is amended to read

Section 3066 Bubdivisions Wherein Lots Abut Existing Streets of Insufficient Width or Proposed Streets

* * *

(c) Improvements or Guarantee Thereof Prerequisite to Approval of Plan Before approving any subdivision plan for recording the board of township commissioners shall either require that the necessary grading paving and other street improvements including where specified by the board curbs sidewalks street lights fire hydrants water mains sanitary sewers and storm sewers shall have been installed in strict accordance with the standards and specifications of the township or that the township be assured by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements as estimated by the township engineer that the said improvements will subsequently be installed by the owner Where the subdivision plan has been approved and recorded either after the specified improvements have been completed and approved by the Board of Township Commissioners or if prior to completion upon proper completion guarantee as aforesaid purchasers and mortgagees of lots in the subdivision with or without buildings thereon or on any of them shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements above mentioned as set out in said plan or required as a condition precedent to the approval of the plan of subdivision and any failure to complete or properly complete said improvements shall not encumber any or all of the lots in the subdivision

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has

passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1812, as follows:

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the release of land subdivision improvement encumbrances in certain instances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (c) of section 1676 act of May 4, 1927 (P. L. 519) known as "The Borough Code" added July 19, 1951 (P. L. 1026) is amended to read

Section 1676 Subdivisions Wherein Lots Abut Existing Streets of Insufficient Width or Proposed Streets

* * *

(c) Improvements or Guarantee Thereof Prerequisite to Approval of Plan Before approving any subdivision plan council shall require either that the necessary grading paving and other street improvements including where specified by council curbs sidewalks street lights fire hydrants water mains sanitary sewers and storm sewers shall have been installed in strict accordance with the standards and specifications of the borough or that the borough be assured in the form of a bond or deposit of funds or securities in escrow sufficient to cover the cost to the owner of the required improvements as estimated by the borough engineer or any other person designated by council that the said improvements will subsequently be installed by the owner of said subdivided lot tract or parcel of land Where the subdivision plan has been approved and recorded either after the specified improvements have been completed and approved by council or if prior to completion upon proper completion guarantee as aforesaid purchasers and mortgagees of lots in the subdivision with or with buildings thereon or on any of them shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements above mentioned as set out in said plan or required as a condition precedent to the approval of the plan of subdivision and any failure to complete or properly complete said improvements shall not encumber any or all of the lots in the subdivision

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1813, as follows:

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for the release of land subdivision improvement encumbrances in certain instances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (c) of section 1206-A act of May 1, 1933 (P. L. 103) known as "The Second Class Township Code" added May 24, 1951 (P. L. 370) is amended to read

Section 1206-A Subdivisions Wherein Lots Abut Existing Street of Insufficient Width or Proposed Streets

(c) Improvements or Guarantee Thereof Prerequisite to Approval of Plan Before approving any subdivisions plan for recording the board of township supervisors shall either require that the necessary grading paving and other street improvements including where specified by the board curbs sidewalks street lights fire hydrants water mains sanitary sewers and storm sewers shall have been installed in strict accordance with the standards and specifications of the township or that the township be assured by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements as estimated by the township engineer or township supervisors that the said improvements will subsequently be installed by the owner Where the subdivision plan has been approved and recorded either after the specified improvements have been completed and approved by the Board of Township Supervisors or if prior to completion upon proper completion guarantee as aforesaid purchasers and mortgagees of lots in the subdivision with or without buildings thereon or on any of them shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements above mentioned as set out in said plan or required as a condition precedent to the approval of the plan of subdivision and any failure to complete or properly complete said improvements shall not encumber any or all of the lots in the subdivision

* * *

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1874, as follows:

An Act amending the act of July 15, 1897 (P. L. 287) entitled "An act to protect the lives and limbs of miners from the dangers resulting from incompetent miners working in the anthracite coal mines of this Commonwealth and to provide for the examination of persons seeking employment as miners in the anthracite region and to prevent the employment of incompetent persons as miners in anthracite coal mines and providing penalties for a violation of the same" prescribing powers and duties of certain miners examining boards

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of July 15, 1897 (P. L. 287) entitled "An act to protect the lives and limbs of miners from the dangers resulting from incompetent miners working in the anthracite coal mines of this Commonwealth and to provide for the examination of persons seeking employment as miners in the anthracite region and to prevent the employment of incompetent persons as miners in antharcite coal mines and providing penalties for a violation of the same" amended October 24, 1955 (Act No. 215) is amended to read

Section 2 That there shall be established in each of the counties of Luzerne Lackawanna Carbon Schuylkill and Northumberland a board to be known as the "Miners Examining Board" to consist of three miners who shall be appointed by the judges of the court of common pleas of the county from among the most skillful miners actually engaged in said business in their respective county who must have had five years practical experience in the same The said persons so appointed shall each serve for a term of two years from the date on which their appointment takes effect The Miners Examining Board in the county of Luzerne shall examine and register applicants for the counties of Luzerne and Sullivan the Miners Examining Board in the county of Lackawanna shall examine and register applicants for the counties of Lackawanna Wayne and Susquehanna the Miners Examining Board in the county of Carbon shall examine and register applicants for the county of Carbon the Miners Examining Board in the county of Schuylkill shall examine and register applicants for the counties of Schuylkill and Columbia and the Miners Examining Board for the county of Northumberland shall examine and register applicants for the counties of Northumberland and Dauphin Each member of the Examining Board shall receive as compensation for his services twenty dollars ($20) per day for each day actually engaged in this service and all legitimate and necessary expenses incurred in attending the meetings of the board under the provisions of this act The members of the boards shall submit monthly statements approved by the president of the board setting forth the number of days during which each member has actually been in attendance at the sessions of the board together with any expenses that may have been incurred to the Secretary of Mines who upon approval of the statements shall submit them to the State Treasurer for payment

Each of said boards shall organize by electing one of their members president and one member as secretary

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1962, as follows:

An Act amending the act of June 9, 1911 (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" changing qualification requirements of candidates for the office of mine inspector and changing provisions concerning reappointment and certification of inspectors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 3 and 4 of Article XIX act of June 9, 1911 (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" amended August 19, 1953 (P. L. 1128) are amended to read

Section 3 The qualifications of candidates for the office of bituminous mine inspector shall be certified under oath to the Examining Board and shall be as follows

The candidates shall be citizens of Pennsylvania of temperate habits of good repute as men of personal integrity in good physical condition and shall be between the ages of thirty and [fifty years] fifty-five years Any inspector appointed under the provisions of the act of May 15, 1893 (P. L. 52) entitled "An act relating to bituminous coal mines and providing for the lives health safety and welfare of person employed therein" or under the provisions of this act shall be eligible for reappointment without further examination even if beyond fifty-five years of age if he served as an inspector for a period of four or more years The candidates shall have a knowledge of the different systems of working coal seams and shall have had at least ten years' practical experience in bituminous mines five years of which immediately preceding their examination shall have been in bituminous mines of this Commonwealth and shall have had practical experience with explosive gas and other dangerous gases found in coal mines and upon examination shall give evidence of such theoretical as well as practical knowledge and general intelligence respecting mines and mining and the working and ventilation of mines as will satisfy the Examining Board of their capability and fitness for the duties imposed upon inspectors of mines by the provisions of this act Provided however That any candidate who has honorably served in the armed forces of the United States or any ally thereof shall be eligible to take such examination where the required continuity of practical experience has been interrupted by such military service.

Section 4 The principal examination shall be in writing and each candidate shall also undergo an oral examination pertaining to, explosive gas safety lamps methods of ventilation and mine management and such other mat-

ters as the Examining Board shall deem relevant The questions and answers thereto in the oral examination shall be reported verbatim by an expert stenographer and typewritten fully to assist the board in the work of rating the qualifications of the candidates Any candidate who shall make a general average of at least ninety per centum shall be deemed successful The manuscripts and other papers of all applicants in the principal examination together with the tally sheets and the correct solution of each question as prepared by the Examining Board and also the stenographer's report of the oral examination shall be filed in the Department of Mines The names and percentages of all successful candidates who are properly qualified under the provisions of this article to fill the office of bituminous mine spector shall be certified to the Governor and the Department of Mines A certificate of qualification prepared by the Secretary of Mines shall be issued to each successful candidate A certificate so issued shall remain in force for [only] a period of four years from the date of the examination unless the holder thereof has received an appointment as bituminous mine inspector and has served as such for a period of four years in which case the certificate shall become permanent Provided That a certificate of qualification of a person honorably discharged from the armed forces of the United States or an ally thereof shall not expire until the first examination occurring more than six months following his release from military service

The Examining Board shall after the examination furnish to any candidate on request a copy of all questions (oral and written) given at the examination marked "solved right" "imperfect" or "wrong" as the case may be

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1963, as follows:

An Act amending the act of July 1, 1937 (P. L. 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties" making certain mine inspectors eligible for reappointment without examination

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 6 act of July 1, 1937 (P. L. 2461) entitled "An act providing for the qualifications examination appointment term of office and removal of Anthracite Mine Inspectors conferring powers and imposing duties in connection therewith upon the Governor the Anthracite Mine Inspectors' Examining Board the Department of Mines and the courts and imposing penalties" is amended to read:

Section 6. The anthracite mine inspectors holding office on the date this act becomes effective shall continue to serve until the expiration of their respective terms and such persons shall thereafter be eligible for reappointment as anthracite mine inspectors without examination provided they have served as anthracite mine inspectors for a period of four (4) years or longer. Any person who has served as an anthracite mine inspector for four (4) or more years shall be eligible for reappointment as mine inspector even if beyond fifty-five (55) years of age without further examination. Such reappointment shall not be governed by the provisions of section seven of this act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Haluska,	McMenamin,	Stevenson,
Berger,	Harney,	McPherson, Jr.	Stiefel,
Blass,	Hays,	Mullin,	Taylor,
Camiel,	Kessler,	Pechan,	Van Sant,
Chapman,	Kopriver, Jr.	Peelor,	Wade,
Dent,	Lane,	Propert,	Wagner,
Derk,	Madigan,	Ruth,	Watkins,
Diehm,	Mahany,	Schmidt,	Watson,
DiSilvestro,	Mallery,	Scott,	Weiner,
Donolow,	McCreesh,	Seyler,	Whalley,
Flack,	McGinnis,	Silvert,	Wolfe,
Fleming,			Yosko,

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE BILL No. 1648 CALLED UP

Mr. PECHAN. Mr. President, before we take up the Second Reading Calendar, may be revert to page 2 of today's Third Reading Calendar?

I wish to call up at this time House Bill No. 1648, Printer's No. 1507, an appropriation bill on Third Reading, which was passed over in order.

APPROPRIATION BILL RECOMMITTED

Mr. PECHAN. Mr. President, I move that House Bill No. 1648, on third reading, entitled:

An Act making an appropriation to the Department of Mines for the sealing dewatering and flushing of and extinguishment of fires in abandoned coal mines

be recommitted to the Committee on Appropriations, for the purpose of amendment.

Mr. FLEMING. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LANE. Mr. President, in order to keep the record straight, it is my understanding that House Bill No. 1648,

Printer's No. 1507, will be recommitted to the Committee on Appropriations for the purpose of providing additional moneys for the flushing of these mines. That is my understanding from Senator Berger. Therefore, I agree to the recommittal.

Mr. PECHAN. The gentleman is correct, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

SECOND READING CALENDAR

APPROPRIATION BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

House Bill No. 900, Printer's No. 1599; and
House Bill No. 1306, Printer's No. 1593.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 12, Printer's No. 612;
Senate Bill No. 324, Printer's No. 546;
Senate Bill No. 672, Printer's No. 280;
Senate Bill No. 673, Printer's No. 270; and
Senate Bill No. 816, Printer's No. 369.

The PRESIDENT. Is there objection? The Chair hears none

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 904, entitled:

An Act amending the act of April 11, 1899 (P. L. 37) entitled: "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwelath" making compliance with certain provisions evidence of innocence in prosecution for receiving stolen goods.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 984, Printer's No. 1518, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 996, Printer's No. 592, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order:

Senate Bill No. 1023, Printer's No. 585;
Senate Bill No. 1024, Printer's No. 588; and
Senate Bill No. 1025, Printer's No. 589.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1507, Printer's No. 1020, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1769, entitled:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" requiring informations charging violations of summary provisions of the act in cities of the first class to be brought before centrally located traffic courts designated by the chief magistrate and authorizing cities of the first class to fix penalties and fines by ordinances

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. WAGNER, on behalf of Mr. WADE, offered the following amendment:

Amend Sec. 2, page 4, lines 14 to 19 and page 5, lines 1 to 6, by striking out all of said lines.

It was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. WAGNER, on behalf of Mr. WADE, offered the following amendment:

Amend Title, page 2, last three lines of Title, by striking out "AND" in the third from last line and all of the last two lines.

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. WAGNER. Mr. President, I ask unanimous consent that House Bill No. 1769, Printer's No. 1014, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1849, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198) entitled "Bituminous Coal Open Pit Mining Conservation

Act" further regulating mining operations requiring the filing of maps changing provisions with respect to registration bonds backfill overburden enforcement of the act appeals and penalties and providing for the payment of fines into a special fund

And said bill having been read at length the second time and agreed to.

Ordered, To me transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 2075, entitled:

An Act amending the act of May 22 1935 (P. L. 233) entitled "Policemen's Relief and Pension Fund Law" further regulating the withdrawal of service increment contributions

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON FIRST READING

Mr. PECHAN. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. DERK. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 110, entitled:

An Act amending the act of April nine one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "The Administrative Code of 1929," designating the days on which State emloyes shall be paid and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 768, entitled:

An Act amending the act of June 1, 1937 (P. L. 1168), entitled "Pennsylvania Labor Relations Act," changing the salaries of the chairman and members of the Pennsylvania Labor Relations Board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 798, entitled:

An Act amending the act of May 23, 1949 (P. L. 1669), entitled, as amended, "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses, professions, occupations, trades, vocations and commercial activities therein * * *," further defining txable receipts; and making such definition applicable to all tax returns and tax payments made after the effective date hereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 897, entitled:

An Act prohibiting the serving and regulating the selling of imported wild rabbit and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1010, entitled:

An Act declaring and adopting the poem "Pennsylvania" by Gerall G. Dovenspike as the State poem.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1014, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Pennsylvania Historical and Museum Commission to acquire lands comprising the Captain William Phillips' Rangers Memorial in Liberty Township, Bedford County; providing for the control, management, supervision, improvement, restoration and maintenance thereof by the Pennsylvania Historical and Museum Commission and making appropriations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1060, entitled:

An Act defining and providing for the licensing of water well drillers prevention of pollution of underground waters conferring powers and imposing duties on the Water and Power Resources Board of the Department of Forests and Waters and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1073, entitled:

An Act providing for the establishment of forestry conservation camps by the Department of Welfare and the Department of Justice for the retaining of male delinquents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1277, entitled:

An Act amending the act of April 11, 1929 (P. L. 488) entitled "Certified Seed Law" extending its provisions to crop plants vegetatively propagated

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1295, entitled:

An Act making an appropriation to the Department of Agriculture to assist the Commonwealth's 4-H Club and

Future Farmers of America dairy show program by paying the expenses of holding the six existing 4-H Dairy Club and F.F.A. district dairy shows and in addition a State-wide show to be held in the Fall of the year as preliminary to the State Farm Show.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1324, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1560, entitled:

An Act to regulate the sale and distribution of commercial feeds in the Commonwealth of Pennsylvania conferring powers and imposing duties on the Department of Agriculture and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1703, entitled:

An Act making an appropriation to the Water and Power Resources Board of the Department of Forests and Waters for payment into the Flood Control Fund for flood control purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1928, entitled:

An Act amending the act of May 20, 1949 (P. L. 1594) entitled "Ice Cream Law" extending its provisions to ice milk and ice milk confections and conferring additional powers and duties on the Department of Agriculture and regulating sales of packaged ice milk.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 1977, entitled:

An Act regulating the sale and distribution of mixed fertilizers and fertilizer materials imposing powers and duties on the Secretary of Agriculture and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of House Bill No. 2045, entitled:

An Act amending the act of July 24, 1913 (P. L. 965) entitled "Commodities Weight and Measure Law" clarifying enforcement provisions of the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. PECHAN. Mr. President, I move that the Senate do now adjourn until Wednesday, March 21, 1956, at 11:00 o'clock, a. m., Eastern Standard Time.

Mr. MADIGAN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:11 o'clock, p. m., Eastern Standard Time, until Wednesday, March 21, 1956, at 11:00 o'clock, a. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, March 20, 1956

The House met at 11:00 a. m.
The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

Almighty God we thank Thee that Thou has so fashioned us that life is only truly enriched, enlarged, magnified and made beautiful as we live in Thee and feed not on the bread of the wisdom of men but on every word that comes from Thee. God, we beseech Thee to lead us by the power of Thy Spirit. Then we shall be able

To Choose the best instead of the worse:
To differ with others and yet be courteous;
To see the good in others instead of the evil;
To be sincere in speech without being opinionated;
To live in the world and yet, not of it.

Father in Heaven, we are content to leave in Thy hands the causes of truth and justice. Direct, control every movement of our minds this day. To Thee be glory and dominion forever more, through Jesus Christ our Lord. Amen.

The SPEAKER. The Chair is requesting the gentleman from Allegheny, Mr. Boies, to preside.

Mr. BOIES IN THE CHAIR

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Monday, March 19, 1956 will be postponed until printed. The Chair hears none.

COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 1246, 1623, 1932, 1944 and 2020

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 19, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1246, Printer's No. 828, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' authorizing boards of school directors of school districts of the second third and fourth classes with the approval of the Superintendent of Public Instruction to levy an additional tax to pay for amortization of certain bond issues."

GEORGE M. LEADER.

March 19, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1623, Printer's No. 1432, entitled "An Act amending the act of July 28, 1953 (P. L. 723) entitled 'An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto' extending retirement benefits to veterans of armed conflicts."

GEORGE M. LEADER.

March 19, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1932, Printer's No. 1379, entitled "An Act amending the act of July 12, 1935 (P. L. 677) entitled 'An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States' including members of the United States Air Force."

GEORGE M. LEADER.

March 19, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1944, Printer's No. 1448, entitled "An Act to amend the act approved the nineteenth day of March one thousand nine hundred fifty-one (1951-1952 P. L. 28) entitled 'An act relating to the civil defense of this State and its coordination with national defense providing for the establishment of a State Council of Civil Defense local and district councils of civil defense Mobile Support Units prescribing the powers duties and immunities thereof and of their personnel authorizing mutual aid compacts and providing penalties' by authorizing the State Council of Civil Defense to make rules and regulations."

GEORGE M. LEADER.

March 19, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 2020, Printer's No. 1459, entitled "An act making an appropriation to the Senate and House of Representatives for contingent expenses for the balance of the legislative session of 1955."

GEORGE M. LEADER.

PETITIONS

URGING PASSAGE OF SENATE BILL No. 896 AND DEFEAT OF SENATE BILLS Nos. 889, 890 AND 894

The SPEAKER laid before the House petitions adopted by the Erie, Beaver, Clearfield, Northampton, Bucks, Union, Westmoreland, Blair, Montgomery, Washington and Carbon County Commissioners urging the passage of Senate Bill No. 896 and defeat of Senate Bills Nos. 889, 890 and 894.

Referred to the Committee on Counties.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 813

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

Senate Bill No. 813.

To the Members of the Senate and House of Representatives:

We, the undersigned. Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 813, entitled: An Act amending the act of October 27, one thousand nine hundred fifty-five (Act No. 222) entitled "An act prohibiting certain practices of discrimination because of race color religious creed ancestry age or national origin by employers employment agencies labor organizations and others as herein defined creating the Pennsylvania Fair Employment Practice Commission in the Department of Labor and Industry defining its functions powers and duties providing for procedure and enforcement providing for formulation of an educational program to prevent prejudice providing for judicial review and enforcement and imposing penalties" providing that termination of employment or the operation of provisions having the effect of a minimum service requirement under a bona fide retirement insurance or pension plan shall not constitute an unfair employment practice changing certain restrictions relative to age and requiring that attorneys appointed by the commission be approved by the Attorney General.

Respectfully submit the following bill as our report:

ROBERT D. FLEMING,
PAUL L. WAGNER,
HARRY E. SEYLER,
(Committee on the part of the Senate)

HERMAN TOLL,
J. P. MORAN,
CHARLES C. SMITH,
(Committee on the part of the House of Representatives)

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1418.

An Act amending the act of June 5, 1935 (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" further regulating exceptions to contracts of sale and actions at law for unfair competition

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

THE SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 20. by striking out at the beginning of the line the bracket before the word "such" and by striking out after the word "commodity" the bracket and words as follows ") any person damaged thereby"; page 4, lines 5, 6 and 7 by striking out the following:

Actions may also be maintained by trade associations incorporated or otherwise to enforce the provisions of this act

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 794, entitled:

An Act amending the act of January 21 1947 (P. L. 3), entitled "An act relating to officers and employes of the General Assembly fixing the number qualifications compensation mileage and duties of the officers and employes of the Senate and of the House of Representatives providing for their election or appointment term of office or of service removal and manner of filling vacancies and making appropriations to the Senate House of Representatives and Legislative Reference Bureau" changing the title of and compensation of certain Senate and House employes providing for the appointment of additional employes therein and making appropriations.

And has appointed Messrs. Fleming, Scott, Dent and a committee of conference to confer with a similar committee of the House of Representatives. (already appointed) on the subject of the differences between the two Houses in relation to said bill.

BILLS SIGNED BY SPEAKER

The SPEAKER pro tempore. The Speaker has signed the following Senate bills:

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 39.

An Act amending the act of July eleven one thousand nine hundred and seventeen (Pamphlet Laws 758) entitled "An act for the protection of the public health by regulating the possession control dealing in giving away delivery dispensing administering prescribing and use of certain drugs and keeping records thereof by regulating the use of drugs in the treatment of the drug habit by providing for the revocation and suspension of licenses of physicians dentists veterinarians pharmacists druggists and registered nurses for certain causes and by providing for the enforcement of this act and penalties" further defining drugs coming within the scope of said act and changing the penalties for the illegal sale dispensing or giving away of drugs

SENATE BILL No. 159.

An Act amending the act of May 31 1893 (P. L. 188 No. 138) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" changing the name of Armistice Day to Veterans' Day

SENATE BILL No. 661.

An Act amending the act of May 21, 1943 (P. L. 571), entitled as amended "An act relating to assessment for taxation in counties of the fourth fifth sixth seventh and eight classes designating the subjects property and persons subject to and exempt from taxation for county borough town township school except in cities and county institution district purposes and providing for and regulating the assessments and valuation thereof for such

purposes creating in each such county a board for the assessment and revision of taxes defining the powers and duties of such boards providing for the acceptance of this act by cities regulating the office of ward borough town and township assessors abolishing the office of assistant triennial assessor in townships of the first class providing for the appointment of a chief assessor assistant assessors and other employes providing for their compensation payable by such counties prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits imposing duties on taxables making improvements on land and grantees of land prescribing penalties and eliminating the triennial assessment," increasing the compensation of assessors.

SENATE BILL No. 865.

An Act to amend the act, approved the twenty-ninth day of July, one thousand nine hundred fifty-three (P. L. 1050), entitled "An act providing for the acquisition, construction, improvement, operation and maintenance of tunnels for certain highway purposes with the Commonwealth; . . ." authorizing the use of facsimile signatures and facsimile seal on bonds on the commission; authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenues of the commission, including tolls, or from such funds as may be available to the commission for such purpose; providing for the securing of such notes or obligations, constituting the same legal investments in certain instances and exempting the same from taxation; and authorizing the issuance of tunnel revenue refunding bonds.

SENATE BILL No. 868.

An Act authorizing the Department of Forests and Waters to exchange certain lands located in Union Township Bedford County Pennsylvania necessary for improved administration of Blue Knob State Park

SENATE BILL No. 988.

An Act amending the act of August 9 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems

SENATE BILL No. 989.

An Act amending the act of July 28 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" giving the board of commissioners additional powers with respect to the acquisition of real property and water drainage systems

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

The Speaker pro tempore. Without objection the order of business of leaves of absence will be passed over temporarily. The Chair hears none.

REPORTS FROM COMMITTEE

Mr. WILT from the Committee on Education, reported as amended, House Bill No. 583, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949, (P. L. 30), by providing for the payment of the minimum salaries and increments of County and District Superintendents and other officers and employes.

Mr. THOMAS H. W. JONES from the Committee on Judiciary, reported as committed, House Bill No. 1430, entitled:

An Act amending the act of April 21, 1915 (P. L. 159) entitled "An act relating to the competency of witnesses and to the rules of evidence in proceedings arising from the exercise of the right of eminent domain," providing for the admission of certain evidence and the effect thereof.

Mr. CAPANO from the Committee on Judiciary, reported as committed, House Bill No. 1855, entitled:

An Act to further amend the act, approved the twelfth day of June, one thousand nine hundred fifty-one (P. L. 533), entitled "An act relating to mental illness, mental defect, epilepsy and inebriety; and amending, revising, consolidating and changing the laws relating thereto," by changing existing law for the commitment of persons who become insane after the death penalty is fixed or death sentence imposed.

Mr. YETTER from the Committee on Townships, reported as committed, House Bill No. 1948, entitled:

An Act amending "The Second Class Township Code" of May 1, 1933 (P. L. 103), authorizing the reconveyance or disposition of real property acquired for certain designated purpose.

Mr. YETTER from the Committee on Townships, reported as committed, House Bill No. 2015, entitled:

An Act amending "The First Class Township Code" approved June 24, 1931 (P. L. 1206), further regulating the publication of ordinances.

Mr. PAULHAMUS from the Committee on Townships, reported as committed, House Bill No. 2030, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103), authorizing the reassessment of after built property and imposing liability for township taxes upon the owners thereof.

Mr. READINGER from the Committee on Rules, reported as commited, Senate Bill No. 836, entitled:

An Act amending the act of July 12, 1919 (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" eliminating requirements for printing bills joint resolutions and reports of conference committees in full in the Legislative Journal.

Mr. TOLL from the Committee on Judiciary, reported as committed, Senate Bill No. 1002, entitled:

An Act amending the act of January 8 1952 (P. L. 1851) entitled "An act providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases authorizing the criminal courts to impose such a sentence and certain temporary confinement in connection therewith requiring psychiatric examinations of such persons before the imposition of such a sentence conferring powers and imposing duties upon the Department of Welfare and the Board of Parole and providing for the parole and reparole or absolute discharge of persons so sentenced and the procedure relating thereto" regulating bail for persons charged with commission of sex crimes.

Mr. TOMPKINS from the Committee on Judiciary, reported as committed, Senate Bill No. 1020, entitled:

An Act amending the act of May 26 1949 (P. L. 1828) entitled "An act concerning the investment powers and duties of guardians committees trustees and other fiduciaries except personal representatives and prescribing the nature and kind of investments which may be made and retained by such fiduciaries" further prescribing the eligibility for authorized investments of the obligations of municipality authorities.

Mr. RENWICK from the Committee on Townships, reported as committed, House Bill No. 2070, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103), further regulating the election and appointment of township supervisors.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1430, entitled:

An Act amending the act of April 21, 1915 (P. L. 159) entitled "An act relating to the competency of witnesses and to the rules of evidence in proceedings arising from the exercise of the right of eminent domain," providing for the admission of certain evidence and the effect thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1855, entitled:

An Act to further amend the act, approved the twelfth day of June, one thousand nine hundred Fifty-one (P. L. 533), entitled "An act relating to mental illness, mental defect, epilepsy and inebriety; and amending, revising, consolidating and changing the laws relating thereto," by changing existing law for the commitment of persons who become insane after the death penalty is fixed or death sentence imposed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1948, entitled:

An Act amending "The Second Class Township Code" of May 1, 1933 (P. L. 103), authorizing the reconveyance or disposition of real property acquired for certain designated purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2015, entitled:

An Act amending "The First Class Township Code" approved June 24, 1931 (P. L. 1206), further regulating the publication of ordinances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2030, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103), authorizing the reassessment of after built property and imposing liability for township taxes upon the owners thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate Bill No. 836, entitled:

An Act amending the act of July 12, 1919 (P. L. 941). entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" eliminating requirements for printing bills joint resolutions and reports of conference committees in full in the Legislative Journal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate Bill No. 1002, entitled:

An Act amending the act of January 8, 1952 (P. L. 1851), entitled "An act providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases authorizing the criminal courts to impose such a sentence and certain temporary confinement in connection therewith requiring psychiatric examination of such persons before the imposition of such a sentence conferring powers and imposing duties upon the Department of Welfare and the Pennsylvania Board of Parole and providing for the parole and reparole or absolute discharge of persons so sentenced and the procedure relating thereto" regulating bail for persons charged with commission of sex crimes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of Senate Bill No. 1020. entitled:

An Act amending the act of May 26, 1949 (P. L. 1828) entitled "An act concerning the investment powers and duties of guardians committees trustees and other fiduciaries except personal representatives and prescribing the nature and kind of investments which may be made and retained by such fiduciaries" further prescribing the eligibility for authorized investments of the obligations of municipality authorities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2070, entitled:

An Act amending "The Second Class Township Code,"

approved May 1, 1933 (P. L. 103), further regulating the election and appointment of township supervisors.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

RESOLUTION

CONGRATULATIONS

Mr. CURWOOD asked and obtained unanimous consent to offer a resolution which was read, considered and adopted as follows:

In the House of Representatives, March 20, 1956.

The Borough of Shickshinny, in Luzerne County. Pennsylvania has received the distinctive honor of being named the Typical American Town. This honor is commemorative of its past as a coal mining center and is a recognition of the ability of the people of this borough to keep abreast of the tide of modern developments by attracting new functions to its sphere of activities.

The West End Coal Company and the Stackhouse Coal Company, formerly the main business activities within Shickshinny, are now reduced to strip mining operations. But the spirit of the residents of Shickshinny has been the motivating force in the development of other business activities to give employment to and engage the constructive energies of Shickshinny's progressive populace. The Martin Throwing Company, a silk mill and the Outwear Company a clothing company, and Roney Dress, are exemplary companies which have fitted nobly into the economic sphere of the Typical American Town.

As a shopping center which services the rural population surrounding it, Shickshinny exemplifies the thriving rural and urban Americana which is currently as it was in the past, the backbone of this Nation's throbbing industrial, economic and agricultural stability. Small town Americana is the source of strength and stability which has sired men and women of ability and valor who have both led and served this nation in peace and in war. These people now stand at the helm of our way of life which is the example and goal of other nations and other peoples.

Despite its many activities, Shickshinny, and surrounding areas have not lost track of their duty to educate and prepare their youth for life. The North West Joint School will replace the Garrison Memorial High School, which will go out of existence after this year.

It is with justifiable pride that the present residents of Shickshinny, can view their past and present and with hope look to the future as this Typical American Town strives to attain the dreams, hopes and desires of past residents who worked in and for this fine American community, therefore be it

Resolved, That this House of Representatives collectively and individually extends its sincere and heartfelt congratulations to Shickshinny on being selected as the Typical American Town, and wishes the town and its population a happy and prosperous future.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 530

Mr. MIHM. Mr. Speaker, I present the report of the Committee of Conference on Senate Bill No. 530.

The SPEAKER. This being a Senate Bill, the report will lie over for printing by the Senate.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 813

Mr. TOLL. Mr. Speaker, I present the report of the Committee of Conference on Senate Bill No. 813.

The SPEAKER. This being a Senate Bill, the report will lie over for printing by the Senate.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 841

Mr. MIHM. Mr. Speaker, I present the report of the Committee of Conference on Senate Bill No. 841.

The SPEAKER. This being a Senate Bill, the report will lie over for printing by the Senate.

ANNOUNCEMENT

The SPEAKER pro tempore. The Chair desires to call the attention of the Members to an announcement.

The Chair is about to declare a recess for the purpose of a Democratic and a Republican Caucus at 12:30 p. m.

The House will reconvene at 1:30 p. m. The Chair requests that all Members be present and in their seats to take up a highly controversial calendar in order that we may complete business by at least 4:00 o'clock.

COMMITTEE MEETING

PUBLIC HEALTH AND SANITATION, Mr. McGee, Chairman, Room 522, immediately after recess.

RECESS

The SPEAKER pro tempore. Without objection, the Chair will declare a decess until 1:30 p. m. for the purpose of holding a Democratic and a Republican Caucus. The Chair hears none, and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

MR. BOIES IN THE CHAIR

BILLS INTRODUCED AND REFERRED

By Mr. ANDREWS. HOUSE BILL No. 2097.

An Act to further amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by abolishing the State Civil Service Commission, creating the State Personnel Board, and establishing duties of that board.

Referred to the Committee on Rules.

By Mr. ANDREWS. HOUSE BILL No. 2098.

An Act regulating and improving the personnel service of departments and agencies of the Commonwealth; vesting in the State Personnel Board, a Rules Committee and an Executive Director certain powers and duties; providing for classification of positions, adoption of compensation schedules and certification of payrolls; imposing duties upon certain officers and employes of the Commonwealth; authorizing service to State departments or agencies and political subdivisions of the Commonwealth in matters re-

lating to personnel service; defining certain crimes and misdemeanors; imposing penalties; making certain appropriations; and repealing certain acts and parts thereof.

Referred to the Committee on Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 980.

An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An Act authorizing cities of the first class to adopt and enforce zoning ordinances . . ." regulating appeals based on invalidity of zoning ordinances.

Referred to the Committee on Cities—Counties First Class.

SENATE BILL No. 1018.

An Act amending the act of July 25, 1955 (P. L. 273) entitled "An act authorizing counties cities boroughs incorporated towns townships school districts poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law . . ." extending the time during which political subdivisions may act under the provisions thereof.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 1028.

An Act amending the act of May 1, 1929 (P. L. 905) entitled "The Vehicle Code" permitting certain persons to equip and use warning devices on commercial motor vehicles for limited purposes.

Referred to the Committee on Motor Vehicles.

SENATE BILL No. 1036.

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "Local Tax Enabling Law" increasing the maximum millage amount for certain poltical subdivisions.

Referred to the Committee on Rules.

SENATE RESOLUTION SERIAL No. 165.
Referred to the Committee on Rules.

SENATE RESOLUTION SERIAL No. 169.
Referred to the Committee on Rules.

SENATE RESOLUTION SERIAL No. 170.
Referred to the Committee on Rules.

REPORT FROM COMMITTEE

Mr. Rovansek from the Committee on Education, reported as committed, House Bill No. 1220, entitled:

An Act to amend Article X of the act approved March 10, 1949, (P. L. 30) entitled, "An act relating to the public school system * * *," by fixing the annual salaries and increments of certain members of the professional staff of the Department of Public Instruction conferring certain powers and imposing certain duties upon the State Council of Education with respect to salaries and qualifications of certain members of such staff and repealing inconsistent acts.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1220, entitled:

An Act to amend Article X of the act approved March 10, 1949, (P. L. 30) entitled, "An act relating to the public school system * * *," by fixing the annual salaries and increments of certain members of the professional staff of the Department of Public Instruction conferring certain powers and imposing certain duties upon the State Council of Education with respect to salaries and qualifications of certain members of such staff and repealing inconsistent acts.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Pacchioli for Mr. BUCCHIN for remainder of the week because of illness.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 452, entitled:

An Act relating to and regulating the practice of massage providing for the licensure and for the revocation and suspension of licenses of masseurs and masseuses by the Department of Public Instruction conferring powers and imposing duties upon the Department of Public Instruction and prescribing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 503, entitled:

An Act amending the "Public School Employes Retirement Law * * *" by authorizing the election of options by certain contributors at any time prior to retirement or death and providing a presumption of an election in certain cases.

The first section was read.

On the question,

Will the House agree to the section?

Mr. POLEN offered the following amendments:

Amend Section 1 (Section 15.1), page 3, by striking out lines 4 and 5 and inserting "death electing one of the options provided in Section 15 and nominating a beneficiary under said option as required in said section."

Amend Section 1 (Section 15.1) page 3, lines 7 and 8, by striking out "in the usual" in line 7, and "manner" in line 8.

Amend Section 1 (Section 15.1), page 3, line 14, by striking out "reached" and inserting, "become eligible for"

Amend Section 1 (Section 15.1), page 3, line 15, by striking out "age"

Amend Section 1, (Section 15.1), page 3, line 17, by striking out "one year" and inserting "ninety (90) days"

Amend Section 1, (Section 15.1), page 3, line 18, by striking out "his" where it appears the second time and inserting, "withdrawal or"

They were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 563, entitled:

An Act amending the "Public School Employes Retirement Law" * * * providing credit for retirement purposes for out-of-state service in certain cases.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 890, entitled:

An Act amending the "Public School Employes Retirement Law" * * * by further providing for return to service with full retirement rights.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 895, entitled:

An Act amending the "Public School Employes Retirement Law" * * * by permitting disability annuitants who withdrew from school service to elect to become members of the one one-hundred-fortieth (1/140) class upon restoration to school service.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1130, entitled:

An Act to further amend the "Public School Employes Retirement Law" * * * by permitting employes to make up back payments to the retirement system from the time they enter school service and securing to such employes the full benefits of the retirement system from the time they entered school service.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1253, entitled:

An Act amending the "Public School Employes Retirement Law" approved July 18 1917 (P. L. 1043), authorizing contributors in the one one-hundred-sixtieth class to transfer to the one-hundred-fortieth class.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1935, entitled:

An Act amending the act of May 31 1947 (P. L. 377) a supplement to the State Employes' Retirement Law providing for credit for time spent by employes of the Bureau of Unemployment Security in the Department of Labor and Industry as employes of the United States Government.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2055, entitled:

An Act to further amend section 9 of the act approved the 18th day of July 1917 (P. L. 1043) by providing for payments by the Commonwealth into the public school employes' retirement fund in lieu of reimbursement by the Department of Public Instruction State Teachers Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf Scotland School for Veterans' Children and Pennsylvania State University

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2056, entitled:

An Act to further amend the "State Employes' Retirement Law * * *" by defining certain officers and employes of the Pennsylvania State University who enter such service prior or subsequent to July 1 1956 as State employes.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2057. entitled:

A Supplement to the "Public School Employes Retirement Law" * * * by permitting any State employe who is a contributor under the provisions of the State Employes' Retirement System and who was an employe under the Public School Employes' Retirement System and made contributions to the Public School Employes' Retirement Fund on account of such public school service to obtain credit for such service to become a member of and a contributor in the Public School Employes' Retirement Fund and to receive credit for such State service under certain conditions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2058, entitled:

A Supplement to the State Employes Retirement Law" * * * by permitting any State employe as a contributor under the provisions of the State Employes' Retirement System and who was an employe under the Public School Employes' Retirement System of the Commonwealth and made contributions to the Public School Employes' Retirement Fund on account of such public school service to become a member of and a contributor in the Public

School Employes' Retirement Fund and to obtain credit for service in the State Employes' Retirement System under certain conditions.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2096, entitled:

An Act amending the act of June 1 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine" requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax and changing the gross receipts fraction applicable to foreign corporations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 160, entitled:

An Act amending the "State Employes' Retirement Law * * *" changing the provisions as to contributors who died before retirement.

The first section was read.

On the question,

Will the House agree to the section?

Mr. POLEN offered the following amendments:

Amend Sec. 1 (Sec. 14.3), page 4, lines 1 and 2, by striking out "first day of January one thousand nine hundred fifty" and inserting in lieu thereof "twenty-ninth day of July one thousand nine hundred fifty-three."

Amend Sec. 1 (Sec. 14.3), page 4, line 2, by striking out "that date" and inserting in lieu thereof "January first one thousand nine hundred fifty."

They were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 317, entitled:

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law certain State officers and the salary and expenses of the members of the General Assembly and repealing certain inconsistent acts.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 318, entitled:

An Act pertaining to the payment of compensation to judges upon retirement under certain conditions and imposing duties on certain State officers.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

BILL PASSED OVER

There being no objection

House Bill No. 620, Printer's No. 1527

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1514, as follows:

An Act amending the act of September 26 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trademarks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof and imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith" further defining the right to registration

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (e) of section 2 act of September 26 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trade-marks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof and imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith" is amended to read

Section 2 Registrability

A trade-mark by which the goods of any applicant for registration may be distinguished from the goods of others shall not be registered which

* * *

(e) consists of or comprises any trade-mark which

1 when applied to the goods of the applicant is merely descriptive or deceptively misdescriptive of them or

2 when applied to the goods of the applicant is primarily geographically descriptive or deceptively misdescriptive of them or

3 is primarily merely a surname

Nothing in clause (e) shall prevent the registration of a mark used in this State by the applicant which has become distinctive of the applicant's goods The Secretary of the Commonwealth may accept as evidence that the mark has become distinctive as applied to the applicant's goods proof of continuous use thereof as a mark by the applicant in this State or elsewhere for the five years next preceding the date of the filing of the application for registration or

* * *

Section 2 This act shall take effect immediately

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Garlock,	Mahan,	Royer,
Agnew,	Gelfand,	Markley,	Rubin,
Amarando,	George,	Maxwell,	Rudisill,
Anderson, M. S.,	Gibb,	McCann,	Sarraf,
Anderson, S. A.,	Gibson,	McCormack,	Scarcelli,
Ashton,	Goldstein,	McGee,	Schuster,
Banker,	Gramlich,	McInroy,	Sherman,

Barnatovich,	Guss,	McKeever,	Sigman,
Bazin,	Greenwood,	McLaughlin,	Smith, C. C.,
Bell,	Guthrie,	McWherter,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Meholchick,	Snider,
Boles,	Hass,	Metz,	Stank,
Bonner,	Haudenshield,	Mihm,	Stebbins,
Boory,	Heavey,	Mikula,	Steckel,
Bower,	Helm,	Miller,	Stephens,
Branca,	Henzel,	Mills,	Stevenson,
Breisch,	Hewitt,	Monroe,	Stone,
Brennan, A. P.,	Hocker,	Moody,	Stoner,
Brennan, J. J.,	Holt,	Moran,	Strausser,
Brenninger,	Horst,	Moscrip,	Stroup,
Breth,	Houk,	Muldowney,	Swartz,
Brown,	Isaacs,	Mullen,	Taylor,
Bullen,	Jenkins,	Munley,	Thomas,
Capano,	Johnson,	Murphy,	Thompson,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Toll,
Cioffi,	Jones, T. H. W.,	Murray, P. G.,	Tompkins,
Cochran,	Jump,	Murray, J. J.,	Toomey,
Comer,	Kamyk,	Musto,	Varallo,
Connelly,	Kehler,	Naugle,	Varner,
Cooper,	Keller,	Needham,	Vaughan,
Curwood,	Kent,	Ogilvie,	Verona,
Davis,	Kline,	Olsen,	Wall,
Donahue,	Knecht,	O'Neil,	Wallace,
Donaldson,	Kolankiewicz,	Pacchioli,	Walsh,
Dougherty,	Kooker,	Parry,	Wargo,
Down,	Kornick,	Paulhamus,	Waterhouse,
Ehrgood,	Kratz,	Pashley,	Weidner,
Eilberg,	Kromer,	Petrosky,	Welsh,
Erb,	Lafore,	Pettigrew,	Wescott,
Eshleman,	Lawyer,	Polaski,	Wheeler,
Ewing,	Leiby,	Polen,	Whitenight,
Farabaugh,	Leisey,	Pomeroy,	Willaredt,
Filo,	Leonard,	Price,	Williams,
Fineman,	Leven,	Pursley,	Wilt,
Flint,	Light,	Readinger,	Wood,
Floyd,	Limper,	Reibman,	Worley,
Foster,	Lippincott,	Reidenbach,	Yetter,
Frank,	Lopresti,	Renwick,	Yetzer,
Frascella,	Lovett,	Rigby,	Young,
Frost,	Lutty,	Rosen,	Ziegler,
Gaffney,	Magee,	Rovansek,	Andrews, Speaker

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SUSPENSION OF RULE

Mr. READINGER. Mr. Speaker, I move that the special Rule adopted by the House relative to the last day for the introduction of bills be suspended for the specific purpose of permitting Mr. Heavey to introduce a bill at this time.

The motion was agreed to.

BILL INTRODUCED

Mr. HEAVEY introduced a bill which was filed with the Clerk.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. WILLIAMS asked and obtained permission for the Committee on Mines and Mining to meet during the session of the House.

Mr. WHEELER asked and obtained permission for the Committee on Counties to meet during the session of the House

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1037, as follows:

An Act authorizing the Department of Property and supplies to sell at public sale a plot of ground presently a part of acreage administered at the Polk State School Venango County Pennsylvania containing 1.25 acres more or less

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized to sell at public sale in the name of the Commonwealth of Pennsylvania a parcel of land situate in French Creek Township Venango County Pennsylvania as follows

Beginning at an iron pipe on the corner between land of Clyde C. Wood et ux see deed Book 525 Page 173 dated June 3 1946, Thence by a continuation of line between Dr Dow and Wood south 4° 31′ west 20 feet more or less to the northerly right of way line of the new concrete road thence by the right of way line westwardly by a 4° 54′ curve to the left 416 feet to the top of the bank of North Sandy Creek thence by the top of the bank of North Sandy Creek northwardly 200 feet to line of land of Dr Robert S and Lois V Dow and thence by land of Dow south 84° 04′ east 33.7 feet to the place of beginning

And being a part of the same land conveyed to the Commonwealth of Pennsylvania in deed of William W. Hadil dated July 23 1903 and recorded in Venango County Deed Book Volume 265 at page 582

Section 2 This bill shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gelfand,	Magee,	Royer,
Agnew,	George,	Mahan,	Rubin,
Anderson, M. S.,	Gibb,	Markley,	Rudisill,
Anderson, S. A.,	Gibson,	Maxwell,	Sarraf,
Ashton,	Goldstein,	McCann,	Scarcelli,
Amarando,	Gramlich,	McCormack,	Schuster,
Banker,	Greenwood,	McGee,	Sherman,
Barnatovich,	Guss,	McInroy,	Sigman,
Bazin,	Guthrie,	McKeever,	Smith, C. C.,
Bell,	Hamilton, R. K.,	McLaughlin,	Smith, Wm. B.,
Blair,	Hass,	McWherter,	Snider,
Boles,	Haudenshield,	Meholchick,	Stank,
Bonner,	Heavey,	Metz,	Stebbins,
Boory,	Helm,	Mihm,	Steckel,
Bower,	Henzel,	Mikula,	Stephens,
Branca,	Hewitt,	Miller,	Stevenson,
Brennan, A. P.,	Hocker,	Mills,	Stoner,
Brennan, J. J.,	Holt,	Monroe,	Strausser,
Breisch,	Horst	Moody,	Stroup,
Brenninger,	Houk,	Moran,	Stone,
Breth,	Isaacs,	Moscrip,	Swartz,
Brown,	Jenkins,	Muldowney,	Taylor,
Bullen,	Johnson,	Mullen,	Thomas,
Capano,	Jones, G. E.,	Munley,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murphy,	Toll,
Cioffi,	Jump,	Murray, H. P.,	Tompkins,
Cochran,	Kamyk,	Murray, J. J.,	Toomey,
Comer,	Kehler,	Murray, P. G.,	Varallo,
Connelly,	Keller,	Musto,	Varner,
Cooper,	Kent,	Naugle,	Vaughan,
Curwood,	Kline,	Needham,	Verona,
Davis,	Knecht,	Ogilvie,	Wall,
Donahue,	Kolankiewicz,	Olsen,	Wallace,
Donaldson,	Kornick,	O'Neil,	Walsh,
Down,	Kooker,	Pacchioli,	Wargo,
Dougherty,	Kratz,	Parry,	Waterhouse,
Ehrgood,		Pashley,	Weidner,

Eilberg,	Kromer,	Paulhamus,	Welsh,
Erb,	Lafore,	Petrosky,	Wheeler,
Eshleman,	Lawyer,	Pettigrew,	Whitenight,
Ewing,	Leiby,	Polaski,	Wescott,
Farabaugh,	Leisey,	Polen,	Willaredt,
Filo,	Leonard,	Pomeroy,	Williams,
Fineman,	Leven,	Price,	Wilt,
Flint,	Light,	Pursley,	Wood,
Floyd,	Limper,	Readinger,	Worley,
Foster,	Lippincott,	Reibman,	Yetter,
Frank,	Lopresti,	Reidenbach,	Yetzer,
Fraseella,	Lovett,	Renwick,	Young,
Frost,	Lutty,	Rigby,	Ziegler,
Gaffney,		Rosen,	Andrews,
Garlock,		Rovansek,	Speaker

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order

The House proceeded to the consideration on final passage of House Bill No. 1644, entitled:

An Act providing for the construction installation maintenance marking use and inspection of storage tanks and storage containers for liquefied compressed gases except liquefied petroleum gas prohibiting the filling or refilling of the storage tanks and storage containers unless designed for the purpose authorizing the Department of Labor and Industry to prescribe uniform regulations for the carrying out of the provisions of this act requiring fees for permits and providing penalties

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. SARRAF. Mr. Speaker, I move that this bill be recommitted to the Committee on Rules.

The motion was agreed to.

BILL PASSED OVER

There being no objection

House Bill No. 1984 Printer's No. 1572,

was passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2051, entitled:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the powers and duties of the county board of school directors removing certain merger provisions and changing the procedure in the formation of union districts

RECONSIDERATION OF VOTE

Mr. McCANN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. POLEN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Greene, Mr. McCann vote on the third reading of this bill?

Mr. McCANN. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Washington, Mr. Polen vote on the third reading of this bill?

Mr. POLEN. Mr. Speaker, I voted with the prevailing side.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring.

Will the House agree to the bill on third reading?

Mr. McCANN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 2 (Sec. 252), page 4, lines 7 to 12, by striking out "or if a majority of the" in line 7, and all of lines 8 to 12.

Amend Sec. 2 (Sec. 254), page 5, line 12, by inserting after "district," "unless otherwise provided by an agreement in writing, approved by a majority vote of each board of school directors prior to the time said question of forming a union school district is submitted to the voters."

Amend Sec. 5 (Sec. 263), page 8, line 4, by striking out "1956" and inserting in lieu thereof, "1958."

Amend Sec. 5 (Sec. 263), page 9, line 6, by striking out "two" and inserting in lieu thereof "three."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 249, as follows:

An Act amending the act of June 24, 1937 (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" increasing monthly pension allowance and maximum income allowance crediting encumbrances in realty valuation and abolishing the sum of income and pension as a ceiling for pension receivable

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section 9 act of June 24, 1937 (P. L. 2051) known as the "Public Assistance Law" amended August 22, 1953 (P. L. 1361) is amended to read

Section 9 Eligibility for Assistance * * *

(c) Blind Persons A blind person is defined as one who (1) is twenty-one years of age or more (2) has three-sixtieth or ten two-hundredths or less normal vision (3) is not receiving any other assistance during the period

for which he is receiving assistance as a blind person (4) is not an inmate of any prison jail insane asylum or any other public reform or correctional institution The pension of a blind person shall be [fifty dollars ($50)] sixty dollars ($60) per month Provided That any blind person [with an actual income of [one thousand seven hundred sixteen dollars ($1716)] two thousand five hundred dollars ($2500) or upwards and any blind person] having (1) real property with an assessed valuation of over five thousand dollars ($5000) or (2) personal property with an actual value of over five thousand dollars ($5000) or (3) a combination of real and personal property with a total valuation of over five thousand dollars ($5000) the valuation of the real property to be determined by its assessed valuation minus encumbrances the valuation of the personal property to be determined by its actual value is not entitled to such pension The interest of a blind person in any property owned by the entireties shall be deemed to be a one-half interest [and provided further That where a blind person has an income of less than [one thousand seven hundred sixteen dollars ($1716)] two thousand five hundred dollars ($2500) per year the pension shall be fixed in such amount so that the combined income and pension shall not exceed [one thousand seven hundred sixteen dollars ($1716)] two thousand five hundred dollars ($2500) a year] No person shall be denied a pension because of the fact that he or she is not a citizen of the United States In the event that any act of Congress providing Federal aid toward pension for the blind requires the recipients to be citizens no such Federal aid moneys shall be expended in the payment of pensions to non-citizens but such person shall receive pensions out of the moneys appropriated by this Commonwealth

* * *

Section 2 The sum of two million one hundred fifty thousand dollars ($2,150,000) is hereby appropriated to the Department of Public Assistance to be used for the purpose of carrying out the provisions of this act

Section 3 The provisions of this act shall become effective June 1, 1956

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—202

Adam,	Garlock,	Lutty,	Royer,
Agnew,	Gelfand,	Magee,	Rubin,
Amarando,	George,	Mahan,	Rudisill,
Anderson, M. S.,	Gibb,	Markley,	Sarraf,
Anderson, S. A.,	Gibson,	Maxwell,	Scarcelli,
Ashton,	Goldstein,	McCann,	Schuster,
Banker,	Gramlich,	McCormack,	Sherman,
Barnatovich,	Greenwood,	McGee,	Sigman,
Bazin,	Guss,	McInroy,	Smith, C. C.,
Bell,	Guthrie,	McKeever,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	McLaughlin,	Snider,
Boies,	Hass,	McWherter,	Stevenson,
Bonner,	Haudenshield,	Meholchick,	Strausser,
Boory,	Heavey,	Metz,	Stroup,
Bower,	Helm,	Mihm,	Stank,
Branca,	Henzel,	Mikula,	Stebbins,
Breisch,	Hewitt,	Miller,	Steckel,
Brennan, A. P.,	Hocker,	Mills,	Stephens,
Brennan, J. J.,	Holt,	Monroe,	Stone,
Brenninger,	Horst,	Moody,	Stoner,
Breth,	Houk,	Moran,	Swartz,
Brown,	Isaacs,	Muldowney,	Taylor,
Bullen,	Jenkins,	Mullen,	Thomas,
Capano,	Johnson,	Munley,	Thompson,
Cianfrani,	Jones, G. E.,	Murphy,	Toll,
Cioffi,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Cochran,	Jump,	Murray, J. J.,	Toomey,
Comer,	Kamyk,	Murray, P. G.,	Varallo,
Connelly,	Kehler,	Musto,	Varner,
Cooper,	Keller,	Naugle,	Vaughan,
Curwood,	Kent,	Needham,	Verona,
Davis,	Kline,	Ogilvie,	Wall,
Donahue,	Knecht,	Olsen,	Wallace,
Donaldson,	Kolankiewicz,	O'Neil,	Walsh,
Down,	Kooker,	Pacchioli,	Waterhouse,
Dougherty,	Kornick,	Parry,	Wargo,
Ehrgood,	Kratz,	Pashley,	Weidner,
Eilberg,	Kromer,	Paulhamus,	Welsh,
Erb,	Lafore,	Petrosky,	Wescott,
Eshleman,	Lawyer,	Pettigrew,	Wheeler,
Ewing,	Leiby,	Polaski,	Willaredt,
Farabaugh,	Leisey,	Polen,	Williams,
Filo,	Leonard,	Price,	Whitenight,
Fineman,	Leven,	Pomeroy,	Wilt,
Flint,	Light,	Readinger,	Wood,
Floyd,	Limper,	Reibman,	Worley,
Foster,	Lippincott,	Reidenbach,	Yetter,
Frank,	Lopresti,	Renwick,	Yetzer,
Frascella,	Lovett,	Rigby,	Young,
Frost,		Rosen,	Ziegler,
Gaffney,		Rovansek,	Andrews, Speaker

NAYS—2

Moscrip,	Pursley,

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

TIME EXTENDED ON BILLS

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1379, Printer's No. 1196, on page 6 of today's calendar, bills on final passage postponed.

APPROPRIATION BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1675, entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth for two years beginning June first one thousand nine hundred fifty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred fifty-five

On the question,

Will the House agree to the bill on third reading?

Mr. POLEN. Mr. Speaker. I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 2, page 25, by inserting between lines 2 and 3 "For the payment of salaries wages or other compensation for the payment of general expenses supplies and printing and for all other expenses of maintenance and operation necessary for the proper conduct of the work of inspecting advising and supervising the operation of county city borough and township penal and correctional institutions as may be authorized and approved by the Attorney General the sum of one hundred thousand dollars ($100,000)

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 587, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire five tracts of land in the Borough of West Chester Chester County for use of West Chester State Teachers' College and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is authorized to purchase in the name of the Commonwealth of Pennsylvania for use of West Chester State Teachers' College any or all of the following described five tracts of land in the Borough of West Chester County of Chester and Commonwealth of Pennsylvania bounded and described as follows

Tract No 1 Beginning on the east side of New Street 348 feet 6 inches southwardly from the southeast corner of New and Sharpless Streets thence along the east side of New Street northwardly 75 feet to land now or late of Jacob Juricks thence by the same north 64¼ degrees east 223 feet 5½ inches to land now or late of Albert P Hall thence along Hall land south 25 degrees east 75 feet to land now or late of George Fitzsimmons thence by the same south 64¼ degrees west 225 feet and ½ of an inch to the place of beginning Containing 16,880 square feet more or less of land Having thereon erected a brick dwelling No 623 South New Street

Tract No 2 Beginning at a point in a line of land now or late of the Bradford estate 166 feet south of the southern line of Sharpless Street and in the center of Darlington Street extended with right of way of 10 feet over said extension thence southward along the line of the Bradford estate 182 feet 6 inches to a corner of land now or late of Jacob Voltz thence westward along the line of Jacob Voltz's land 236 feet 10½ inches to other land of Jacob Voltz thence northwardly along land of Jacob Voltz and others 182 feet 6 inches to the southern line of a 16 feet wide alley to be used in common with others thence eastwardly along the southern line of the alley 236 feet 3½ inches to the place of beginning Containing 43,234½ square feet more or less of land

Tract No 3 Beginning at a point in the east line of New Street a corner of land now or late of Dr Jacob Price thence by said land and land now or late of Albert P Hall north 66 degrees 29 minutes east 464.25 feet to a corner of land now or late of the Chester County Agriculture Society thence by the society's land south 22 degrees 59 minutes east 67.59 feet thence by other land now or late of George Fitzsimmons south 59 degrees 45 minutes west 471.35 feet to the east line of New Street thence north 21 degrees 29 minutes west 123 feet to the place of beginning Containing 1 acre and 752.82 square feet more or less of land

For title to tracts no 1 2 and 3 into the estate of Christine Voltz deceased present owner see Chester County Deed Book "U-10" Volume 242 page 61 Deed Book "V-12" Volume 293 page 530 Deed Book "C-13" Volume 300 page 522 and Deed Book "U-13" Volume 317 page 203 and Will of Jacob Voltz deceased who died March 25, 1926 recorded in the office of the Register of Wills of Chester County

Tract No 4 Beginning at an iron pin set in the south street line of Sharpless Street at a corner of land now or late of Elizabeth M Barter thence extending along the south street line of Sharpless Street south 67 degrees 40 minutes west 177.70 feet to an iron pin set at the intersection of the continuation of the center line of Darlington Street thence extending along the line of the continuation of the center line of Darlington Street south 21 degrees 30 minutes east 175.02 feet to an iron pin thence along other land now or late of Sophia E Voltz north 67 degrees 40 minutes east 180.25 feet to an iron pin a corner of land of Elizabeth M Barter thence extending along the Barter land north 22 degrees 20 minutes west 175 feet to the place of beginning Containing 31,320 square feet more or less of land

For title into Bible Presbyterian Church present owner see Chester County Deed Book "L" Volume 22 page 495

Tract No 5 Beginning in the line of land now or late of Elva F Hanley thence south along the east side of South High Street 90 feet to a point thence eastwardly by land now or late of Pearl W Lindemuth and Betty Lindemuth Wright about 150 feet to the west side of a public alley thence northwardly along the west side of the alley 90 feet to a corner of land now or late of Elva F Hanley thence westwardly by the Hanley land 150 feet to the east side of South High Street the place of beginning Containing 13,428 square feet more or less of land

For title into Frederick S Wood present owner see Chester County Deed Book "O" Volume 25 page 65

Section 2 None of the tracts of land shall be acquired until title thereto has been approved by the Department of Justice

Section 3 The sum of twenty-five thousand dollars ($25,000) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price and incidental expenses included the completion of abstracts of title

Section 4 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Garlock,	Mahan,	Royer,
Agnew,	Gelfand,	Markley,	Rubin,
Amarando,	George,	Maxwell,	Rudisill,
Anderson, M. S.,	Gibb,	McCann,	Sarraf,
Anderson, S. A.,	Gibson,	McCormack,	Scarcelli,
Ashton,	Goldstein,	McGee,	Schuster,
Banker,	Gramlich,	McInroy,	Sherman,
Barnatovich,	Greenwood,	McKeever,	Sigman,
Bazin,	Guss,	McLaughlin,	Smith, C. C.,
Bell,	Guthrie,	McWherter,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Meholchick,	Snider,
Boles,	Hass,	Metz,	Stank,
Bonner,	Haudenshield,	Mihm,	Stebbins,
Boory,	Hessey,	Mikula,	Steckel,
Bower,	Helm,	Miller,	Stephens,
Branca,	Henzel,	Mills,	Stevenson,
Breisch,	Hewitt,	Monroe,	Stone,
Brennan, A. P.,	Hocker,	Moody,	Stoner,
Brennan, J. J.,	Holt,	Moran,	Strausser,
Brenninger,	Horst,	Moscrip,	Stroup,
Breth,	Houk,	Muldowney,	Swartz,
Brown,	Isaacs,	Mullen,	Taylor,
Bullen,	Jenkins,	Munley,	Thomas,
Capano,	Johnson,	Murphy,	Thompson,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Toll,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cochran,	Jump,	Murray, P. G.,	Toomey,
Comer,	Kamyk,	Musto,	Varallo,
Connelly,	Kehler,	Naugle,	Varner,
Cooper,	Keller,	Needham,	Vaughan,
Curwood,	Kent,	Ogilvie,	Verona,
Davis,	Kline,	Olsen,	Wall,
Donahue,	Knecht,	O'Neil,	Wallace,
Donaldson,	Kolankiewicz,	Parry,	Walsh,
Dougherty,	Kooker,	Pashley,	Wargo,
Down,	Kornick,	Paulhamus,	Waterhouse,
Ehrgood,	Kratz,	Petrosky,	Weidner,
Eilberg,	Kromer,	Pettigrew,	Welsh,
Erb,	Lafore,	Polaski,	Wescott,
Eshleman,	Lawyer,	Polen,	Wheeler,
Ewing,	Leiby,	Pomeroy,	Whitenight,
Farabaugh,	Leisey,	Pacchioli,	Willaredt,
Filo,	Leonard,	Price,	Williams,
Fineman,	Leven,	Pursley,	Wilt,

Flint,	Light,	Readinger,	Wood,
Floyd,	Limper,	Reibman,	Worley,
Foster,	Lippincott,	Reidenbach,	Yetter,
Frank,	Lopresti,	Renwick,	Yetzer,
Frascella,	Lovett,	Rigby,	Young,
Frost,	Lutty,	Rosen,	Ziegler,
Gaffney,	Magee,	Rovansek,	Andrews, Speaker

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 967, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in or near White Haven Foster Township Luzerne County for the use of the Department of Welfare in the treatment of mentally retarded children and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor is hereby authorized to purchase in the name of the Commonwealth a certain tract of land from The Jefferson Medical College of Philadelphia a Pennsylvania corporation in or near White Haven Foster Township Luzerne County Pennsylvania with the improvements thereon formerly know as "White Haven Sanatorium" covering approximately 278 acres and including such personal property on said premises as shall be agreed upon by The Jefferson Medical College of Philadelphia and the Department of Welfare

Section 2 Said tract of land improvements and personal property when purchased shall be under the jurisdiction of the Department of Welfare and utilized in its treatment of mentally retarded children The deed of conveyance shall be deposited with the Secretary of Internal Affairs Said land shall not be acquired until the title thereto has been approved by the Department of Justice

Section 3 The sum of one hundred fifty-five thousand dollars ($155,000.00) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of the land buildings and personal property and expenses incidental thereto

Section 4 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gelfand,	Mahan,	Royer,
Agnew,	George,	Markley,	Rubin,
Amarando,	Gibb,	Maxwell,	Rudisill,
Anderson, M. S.,	Gibson,	McCann,	Scarcelli,
Anderson, S. A.,	Goldstein,	McCormack,	Sarraf,
Ashton,	Gramlich,	McGee,	Schuster,
Banker,	Greenwood,	McLaughlin,	Sherman,
Barnatovich,	Guthrie,	McWherter,	Sigman,
Bazin,	Guss,	McInroy,	Smith, C. C.,
Bell,	Hamilton, R. K.,	McKeever,	Smith, Wm. B.,
Blair,	Hass,	Meholchick,	Snider,
Boles,	Haudenshield,	Metz,	Stank,
Bonner,	Heavey,	Mihm,	Stebbins,
Boory,	Helm,	Mikula,	Stephens,
Bower,	Henzel,	Miller,	Steckel,
Branca,	Hewitt,	Mills,	Stevenson,
Breisch,	Hocker,	Monroe,	Stone,
Brennan, A. P.,	Holt,	Moody,	Stoner,
Brennan, J. J.,	Horst,	Moran,	Strausser,
Brenninger,	Houk,	Moscrip,	Stroup,
Breth,	Isaacs,	Muldowney,	Swartz,
Brown,	Jenkins,	Mullen,	Taylor,
Bullen,	Johnson,	Munley,	Thomas,
Capano,	Jones, G. E.,	Murphy,	Toll,
Cianfrani,	Jones, T. H. W.,	Murray, H. P.,	Thompson,
Cioffi,	Jump,	Murray, J. J.,	Tompkins,
Cochran,	Kamyk,	Murray, P. G.,	Toomey,
Comer,	Kehler,	Musto,	Varallo,
Connelly,	Keller,	Naugle,	Varner,
Cooper,	Kent,	Needham,	Vaughan,
Curwood,	Kline,	Ogilvie,	Verona,
Davis,	Kolankiewicz,	Olsen,	Wall,
Donahue,	Knecht,	O'Neil,	Wallace,
Donaldson,	Kooker,	Pacchioli,	Walsh,
Dougherty,	Kornick,	Parry,	Wargo,
Down,	Kratz,	Pashley,	Waterhouse,
Ehrgood,	Kromer,	Paulhamus,	Weidner,
Eilberg,	Lafore,	Petrosky,	Welsh,
Erb,	Lawyer,	Pettigrew,	Wescott,
Eshleman,	Leiby,	Polaski,	Wheeler,
Ewing,	Leisey,	Polen,	Whitenight,
Farabaugh,	Leonard,	Pomeroy,	Willaredt,
Filo,	Leven,	Price,	Williams,
Fineman,	Light,	Pursley,	Wilt,
Flint,	Limper,	Readinger,	Wood,
Floyd,	Lippincott,	Reibman,	Worley,
Foster,	Lopresti,	Reidenbach,	Yetter,
Frank,	Lovett,	Renwick,	Yetzer,
Frascella,	Lutty,	Rigby,	Young,
Frost,	Magee,	Rosen,	Ziegler,
Gaffney,		Rovansek,	Andrews, Speaker
Garlock,			

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House of Representatives has passed the same without amendment.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection

House Bill No. 7, Printer's No. 1466,
House Bill No. 279, Printer's No. 1467 and
House Bill No. 454, Printer's No. 1531

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 505, as follows:

An Act amending the act of July 18, 1917 (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by defining "final salary"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (17) of section 1 of the act of July 18, 1917 (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" amended by the act of December 27 1951 (P. L. 1739) is amended to read

Definitions

Section 1 Be it enacted etc That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

* * *

(17) "Final salary" shall mean [(I) in the case of a contributor who became a beneficiary before the effective date of this act whether or not such beneficiary subsequently is restored to school service the average annual salary earnable by the contributor as an employe for the ten years of service immediately preceding retirement except in the cas of contributors who were employed during the year which began July first one thousand nine hundred and thirty-two and ended June thirtieth one thousand nine hundred and thirty-three who have elected to contribute on the basis of salary receivable during said year in which case such salary shall be included in the computation of "final salary" for the number of years that contributions have been made on the basis of such salary and (II) in the case of a contributor who first becomes a beneficiary after the effective date of this act] the highest average annual salary earnable by a contributor as an employe during any five years of service preceding retirement [and in the case of contributors who became beneficiaries between the first day of May one thousand nine hundred fifty-one and the effective date of this act the average annual salary earnable by the contributor as an employe of either the five or the ten years of service immediately preceding retirement which ever is the greater amount]

Section 2 This act shall become effective immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gelfand,	Markley,	Rubin,
Agnew,	George,	Maxwell,	Rudisill,
Amarando,	Gibb,	McCann,	Sarraf,
Anderson, M. S.,	Gibson,	McCormack,	Scarcelli,
Anderson, S. A.,	Goldstein,	McGee,	Schuster,
Ashton,	Gramlich,	McInroy,	Sherman,
Banker,	Greenwood,	McKeever,	Sigman,
Barnatovich,	Guss,	McLaughlin,	Smith, C. Q.,
Bazin,	Guthrie,	McWherter,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	Meholchick,	Snider,
Blair,	Hass,	Metz,	Spencer,
Boies,	Haudenshield,	Mihm,	Stank,
Bonner,	Heavey,	Mikula,	Stebbins,
Boory,	Helm,	Miller,	Steckel,
Bower,	Henzel,	Mills,	Stephens,
Branca,	Hewitt,	Monroe,	Stevenson,
Breisch,	Hocker,	Moody,	Stone,
Brennan, A. P.,	Holt,	Moran,	Stoner,
Brennan, J. J.,	Horst,	Moscrip,	Strausser,
Brenninger,	Houk,	Muldowney,	Stroup,
Breth,	Isaacs,	Mullen,	Swartz,
Brown,	Jenkins,	Munley,	Taylor,
Bullen,	Johnson,	Murphy,	Thomas,
Capano,	Jones, G. E.,	Murray, H. P.,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toll,
Cioffi,	Jump,	Murray, P. G.,	Tompkins,
Cochran,	Kamyk,	Musto,	Toomey,
Comer,	Kehler,	Naugle,	Varallo,
Connelly,	Keller,	Needham,	Varner,
Cooper,	Kent,	Ogilvie,	Vaughan,
Curwood,	Kline,	Olsen,	Verona,
Davis,	Knecht,	O'Neil,	Wall,
Donahue,	Kolankiewicz,	Pacchioli,	Wallace,
Donaldson,	Kooker,	Parry,	Walsh,
Dougherty,	Kornick,	Pashley,	Wargo,
Down,	Kratz,	Paulhamus,	Waterhouse,
Ehrgood,	Kromer,	Petrosky,	Weidner,
Eilberg,	Lafore,	Pettigrew,	Welsh,
Erb,	Lawyer,	Polaski,	Wescott,
Eshleman,	Leiby,	Polen,	Wheeler,
Ewing,	Leisey,	Pomeroy,	Whitenight,
Farabaugh,	Leonard,	Price,	Willaredt,
Filo,	Leven,	Pursley,	Williams,
Fineman,	Light,	Readinger,	Wilt,
Flint,	Limper,	Reibman,	Wood,
Floyd,	Lippincott,	Reidenbach,	Worley,
Foster,	Lopresti,	Renwick,	Yetter,
Frank,	Lovett,	Rigby,	Yetzer,
Frascella,	Lutty,	Rosen,	Young,
Frost,	Magee,	Rovansek,	Ziegler,
Gaffney,	Mahan,	Royer,	Andrews, Speaker
Garlock,			

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 879, Printer's No. 1558

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 880, as follows:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858)entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting any State employe as a contributor under the provisions of the State employes' retirement system and who was an employe under the public school system of the Commonwealth and made contributions to the Public School Employes' Retirement Fund on account of such public school service to obtain credit for such service in the State employes' retirement sysetem under certain conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any State employe who is a contributor on the date of the final enactment of this act who as an employe under the public school system of this Commonwealth made contributions and on account of whose service contributions were made by the State and by any school district to the Public School Employes' Retirement Fund on account of the service credited to him under the Pub-

lic School Employes' Retirement System and for which he has not heretofore been credited under the act to which this is an amendment may request the retirement board to give him credit for such previous service. The retirement board shall credit the contributor with such period of service upon the fulfillment of the following conditions (1) there shall be furnished to the retirement board by the Public School Employes' Retirement Board a statement certifying all such service heretofore credited as a member of the Public School Employes' Retirement System which hereafter is to be considered as having been rendered as a State employe (2) the transfer to the State Employes' Retirement Fund from the Public School Employes' Retirement Fund of an amount equal to all contingent and State annuity reserves and the accumulated deductions to the credit of such contributor in the Public School Employes' Retirement Fund as determined by the Public School Employes' Retirement Board (3) the payment into the State Employes' Retirement Fund of a sum equal to the amount of back payments that would have been made by such contributor under the rules of the State Employes' Retirement Board fixing the entry age and the percentage of salary deductions required of such contributor because of such previous service toward which sum the amount of transferred accumulated deductions shall be applied but any unpaid balance of such back payments may be paid in a lump sum or by future increased deductions from the salary of the contributor in such amounts as may be agreed upon by the contributor and the Retirement Board but in no event shall such increased salary deductions be in amounts less than sufficient to pay such balance of back payments by the time the member reaches superannuation retirement age or if the member has reached superannuation retirement age by payment of such balance of back payments within six (6) months of the effective date of this act and (4) a further sum shall be paid into the State Employes' Retirement Fund by the contributor sufficient to provide the cost of the additional State annuity related to such previous service for which credit may have been allowed under this act less the sum and the accrued interest thereon transferred from the Public School Employes' Retirement Fund as the amount equal to all contingent and State annuity reserves to the credit of such contributor Until such further sum is applied toward providing such additional State annuity it shall be separately credited to the account of the contributor in his member's annuity savings account subject to the rules governing members' accumulated deductions Such further sum may be paid in a lump sum or by future increased deductions from the salary of the contributor in such amounts as may be agreed upon by the contributor and the Retirement Board Provided however That in the event the entire amount so paid does not equal the total sum required to provide such additional State annuity related to such previous services such additional State annuity shall be reduced proportionately

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gelfand,	Markley,	Rubin,
Agnew,	George,	Maxwell,	Rudisill,
Amarando,	Gibb,	McCann,	Sarraf,
Anderson, M. S.,	Gibson,	McCormack,	Scarcelli,
Anderson, S. A.,	Goldstein,	McGee,	Schuster,
Ashton,	Gramlich,	McInroy,	Sherman,
Banker,	Greenwood,	McKeever,	Sigman,
Barnatovich,	Guss,	McLaughlin,	Smith, C. C.,
Bazin,	Guthrie,	McWherter,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	Meholchick,	Snider,
Blair,	Hass,	Metz,	Spencer,
Boles,	Haudenshield,	Mihm,	Stank,
Bonner,	Heavey,	Mikula,	Stebbins,
Boory,	Helm,	Miller,	Steckel,
Bower,	Henzel,	Mills,	Stephens,
Branca,	Hewitt,	Monroe,	Stevenson,
Breisch,	Hocker,	Moody,	Stone,
Brennan, A. P.,	Holt,	Moran,	Stoner,
Brennan, J. J.,	Horst,	Moscrip,	Strausser,
Brenninger,	Houk,	Muldowney,	Stroup,
Breth,	Isaacs,	Mullen,	Swartz,
Brown,	Jenkins,	Munley,	Taylor,
Bullen,	Johnson,	Murphy,	Thomas,
Capano,	Jones, G. E.,	Murray, H. P.,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toll,
Cioffi,	Jump,	Murray, P. G.,	Tompkins,
Cochran,	Kamyk,	Musto,	Toomey,
Comer,	Kehler,	Naugle,	Varallo,
Connelly,	Keller,	Needham,	Varner,
Cooper,	Kent,	Ogilvie,	Vaughan,
Curwood,	Kline,	Olsen,	Verona,
Davis,	Knecht,	O'Neil,	Wall,
Donahue,	Kolankiewicz,	Pacchioli,	Wallace,
Donaldson,	Kooker,	Parry,	Walsh,
Dougherty,	Kornick,	Pashley,	Wargo,
Down,	Kratz,	Paulhamus,	Waterhouse,
Ehrgood,	Kromer,	Petrosky,	Weidner,
Elberg,	Lafore,	Pettigrew,	Welsh,
Erb,	Lawyer,	Polaski,	Wescott,
Eshleman,	Leiby,	Polen,	Wheeler,
Ewing,	Leisey,	Pomeroy,	Whitenight,
Farabaugh,	Leonard,	Price,	Willaredt,
Filo,	Leven,	Pursley,	Williams,
Fineman,	Light,	Readinger,	Wilt,
Flint,	Limper,	Reibman,	Wood,
Floyd,	Lippincott,	Reidenbach,	Worley,
Foster,	Lopresti,	Renwick,	Yetter,
Frank,	Lovett,	Rigby,	Yetzer,
Frascella,	Lutty,	Rosen,	Young,
Frost,	Magee,	Rovansek,	Ziegler,
Gaffney,	Mahan,	Royer,	Andrews, Speaker
Garlock,			

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 881, as follows:

A Supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefites and rights from taxation and judicial process and providing penalties" by permitting former contributors who have become State employes and members of the State Employes' Retirement Association to restore membership in the Public School Employes' Retirement Association and authorizing the transfer of monetary credits in the Public School Employes' Retirement Association to the State Employes' Retirement Association under certain conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any person who has heretofore been a contributor and has ceased to be a public school employe and has become a State employe and a member of the State Employes' Retirement Association may restore his or her membership in the Public School Employes' Retirement Association by repaying to the retirement board the full

amount of his or her accumulated deductions at the time of his or her ceasing to be a public school employe or any part thereof that may have been heretofore withdrawn

Section 2 Any person who has heretofore been a contributor and has ceased to be a public school employe and has become a State employe and a member of the State Employes' Retirement Association may request in writing the Public School Employes' Retirement Board to certify to the State Employes' Retirement Board the period of service for which credit has been allowed and to transfer to the State Employes' Retirement Fund a sum equal to all contingent and State annuity reserves and the accumulated deductions to the credit of such employe in the Public School Employes' Retirement Fund as determinded by the Public School Employes' Retirement Board for the purpose of establishing credit in the State Employes' Retirement Association under which he may receive credit in that system as a State employe for service previously credited to him in the Public School Employes' Retirement Association in accordance with the act as amended establishing the State Employes' Retirement Association Upon receipt of such request the Public School Employes' Retirement Board shall make such certification and transfer of funds

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gelfand,	Markley,	Rubin,
Agnew,	George,	Maxwell,	Rudisill,
Amarando,	Gibb,	McCann,	Sarraf,
Anderson, M. S.,	Gibson,	McCormack,	Scarcelli,
Anderson, S. A.,	Goldstein,	McGee,	Schuster,
Ashton,	Gramlich,	McInroy,	Sherman,
Banker,	Greenwood,	McKeever,	Sigman,
Barnatovich,	Guss,	McLaughlin,	Smith, C. C.,
Bazin,	Guthrie,	McWherter,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	Meholchick,	Snider,
Blair,	Hass,	Metz,	Spencer,
Boles,	Haudenshield,	Mihm,	Stank,
Bonner,	Heavey,	Mikula,	Stebbins,
Boory,	Helm,	Miller,	Steckel,
Bower,	Henzel,	Mills,	Stephens,
Branca,	Hewitt,	Monroe,	Stevenson,
Breisch,	Hocker,	Moody,	Stone,
Brennan, A. P.,	Holt,	Moran,	Stoner,
Brennan, J. J.,	Horst,	Moscrip,	Strausser,
Brenninger,	Houk,	Muldowney,	Stroup,
Breth,	Isaacs,	Mullen,	Swartz,
Brown,	Jenkins,	Munley,	Taylor,
Bullen,	Johnson,	Murphy,	Thomas,
Capano,	Jones, G. E.,	Murray, H. P.,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toll,
Cioffi,	Jump,	Murray, P. G.,	Tompkins,
Cochran,	Kamyk,	Musto,	Toomey,
Comer,	Kehler,	Naugle,	Varallo,
Connelly,	Keller,	Needham,	Varner,
Cooper,	Kent,	Ogilvie,	Vaughan,
Curwood,	Kline,	Olsen,	Verona,
Davis,	Knecht,	O'Neil,	Wall,
Donahue,	Kolankiewicz,	Pacchioli,	Wallace,
Donaldson,	Kooker,	Parry,	Walsh,
Dougherty,	Kornick,	Pashley,	Wargo,
Down,	Kratz,	Paulhamus,	Waterhouse,
Ehrgood,	Kromer,	Petrosky,	Weidner,
Eilberg,	Lafore,	Pettigrew,	Welsh,
Erb,	Lawyer,	Polaski,	Wescott,
Eshleman,	Leiby,	Polen,	Wheeler,
Ewing,	Leisey,	Pomeroy,	Whitenight,
Farabaugh,	Leonard,	Price,	Willaredt,
Filo,	Leven,	Pursley,	Williams,
Fineman,	Light,	Readinger,	Wilt,
Flint,	Limper,	Reibman,	Wood,
Floyd,	Lippincott,	Reidenbach,	Worley,
Foster,	Lopresti,	Renwick,	Yetter,
Frank,	Lovett,	Rigby,	Yetzer,
Frascella,	Lutty,	Rosen,	Young,
Gaffney,	Magee,	Rovansek,	Ziegler,
Frost,	Mahan,	Royer,	Andrews,
Garlock,			Speaker

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 882, as follows:

A Supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain refunds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting any school employe as a contributor under the provisions of the School Employes' Retirement System and who was an employe under the State Employes' Retirement System of the Commonwealth and made contributions to the State Employes' Retirement Fund on account of such State service to obtain credit for such service in the School Employes' Retirement System under certain conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any school employe who is a contributor on the date of the final enactment of this act who as an employe under the State Employes' Retirement Association of this Commonwealth made contributions and on account of whose service contributions were made by the State to the State Employes' Retirement Association on account of the service credited to him under the State Employes' Retirement Association and for which he has not heretofore been credited under the act to which this is an amendment may request the State Employes' Retirement Board to give him credit for such previous service The retirement board shall credit the contributor with such period of service upon the fulfillment of the following conditions (1) there shall be furnished to the retirement board by the State Employes' Retirement Board a statement certifying all such service heretofore credited as a member of the State Employes' Retirement Association which hereafter is to be considered as having been rendered as a public school employe (2) the transfer to the School Employes' Retirement Fund from the State Employes' Retirement Fund of an amount equal to all contingent and State annuity reserves and the accumulated deductions to the credit of such contributor in the State Employes' Retirement Association as determined by the State Employes' Retirement Board (3) the payment into the Public School Employes' Retirement Fund of a sum equal to the amount of back payments that would have been made by such contributor under the rules of the Public School Employes' Retirement Board fixing the entry age and the percentage of salary deductions required of such contributor because of such previous service toward which sum the amount of transferred accumulated deductions shall be applied but any unpaid balance of such back payments may be paid in a lump sum or by future increased deductions from the salary of the contributor in such amounts as may be agreed upon by the contributor and the Retirement Board but in no event shall such in-

creased salary deductions be in amounts less than sufficient to pay such balance of back payments by the time the member reaches superannuation retirement age or if the member has reached superannuation retirement age by payment of such balance of back payments within six (6) months of the effective date of this act and (4) a further sum shall be paid into the School Employes' Retirement Fund by the contributor sufficient to provide the cost of the additional State annuity related to such previous service for which credit may have been allowed under this act less the sum and the accrued interest thereon transferred from the State Employes' Retirement Fund as the amount equal to all contingent and State annuity reserves to the credit of such contributor Until such further sum is applied toward providing such additional State annuity it shall be separately credited to the account of the contributor in his member's annuity savings account subject to the rules governing members' accumulated deductions Such further sum may be paid in a lump sum or by future increased deductions from the salary of the contributor in such amounts as may be agreed upon by the contributor and the Retirement Board Provided however That in the event the entire amount so paid does not equal the total sum required to provide such additional State annuity related to such previous service such additional State annuity shall be reduced proportionately

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gelfand,	Markley,	Rubin,
Agnew,	George,	Maxwell,	Rudisill,
Amarando,	Gibb,	McCann,	Sarraf,
Anderson, M. S.,	Gibson,	McCormack,	Scarcelli,
Anderson, S. A.,	Goldstein,	McGee,	Schuster,
Ashton,	Gramlich,	McInroy,	Sherman,
Banker,	Greenwood,	McKeever,	Sigman,
Barnatovich,	Guss,	McLaughlin,	Smith, C. C.,
Bazin,	Guthrie,	McWherter,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	Meholchick,	Snider,
Blair,	Hass,	Metz,	Spencer,
Boies,	Haudenshield,	Mihm,	Stank,
Bonner,	Heavey,	Mikula,	Stebbins,
Boory,	Helm,	Miller,	Steckel,
Bower,	Henzel,	Mills,	Stephens,
Branca,	Hewitt,	Monroe,	Stevenson,
Breisch,	Hocker,	Moody,	Stone,
Brennan, A. P.,	Holt,	Moran,	Stoner,
Brennan, J. J.,	Horst,	Moscrip,	Strausser,
Brenninger,	Houk,	Muldowney,	Stroup,
Breth,	Isaacs,	Mullen,	Swartz,
Brown,	Jenkins,	Munley,	Taylor,
Bullen,	Johnson,	Murphy,	Thomas,
Capano,	Jones, G. E.,	Murray, H. P.,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Toll,
Cioffi,	Jump,	Murray, P. G.,	Tompkins,
Cochran,	Kamyk,	Musto,	Toomey,
Comer,	Kehler,	Naugle,	Varallo,
Connelly,	Keller,	Needham,	Varner,
Cooper,	Kent,	Ogilvie,	Vaughan,
Curwood,	Kline,	Olsen,	Verona,
Davis,	Knecht,	O'Neil,	Wall,
Donahue,	Kolankiewicz,	Pacchioli,	Wallace,
Donaldson,	Kooker,	Parry,	Walsh,
Dougherty,	Kornick,	Pashley,	Wargo,
Down,	Kratz,	Paulhamus,	Waterhouse,
Ehrgood,	Kromer,	Petrosky,	Weidner,
Eilberg,	Lafore,	Pettigrew,	Welsh,
Erb,	Lawyer,	Polaski,	Wescott,
Eshleman,	Leiby,	Polen,	Wheeler,
Ewing,	Leisey,	Pomeroy,	Whitenight,
Farabaugh,	Leonard,	Price,	Willaredt,
Filo,	Leven,	Pursley,	Williams,
Fineman,	Light,	Readinger,	Wilt,
Flint,	Limper,	Reibman,	Wood,
Floyd,	Lippincott,	Reidenbach,	Worley,
Foster,	Lopresti,	Renwick,	Yetter,
Frank,	Lovett,	Rigby,	Yetzer,
Frascella,	Lutty,	Rosen,	Young,
Frost,	Magee,	Rovansek,	Ziegler,
Gaffney,	Mahan,	Royer,	Andrews, Speaker
Garlock,			

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 883, as follows:

A Suplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the head of the departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting former contributors who have become public school employes and members of the Public School Employes' Retirement System to restore membership in the State Employes' Retirement Association and authorizing the transfer of monetary credits in the State Employes' Retirement Association to the Public School Employes' Retirement Association under certain conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any person who has heretofore been a contributor and has ceased to be a State employe and has become a public school employe and a member of the Public School Employes' Retirement Association may restore his or her membership in the State Employes' Retirement Association by repaying to the retirement board the full amount of his or her accumulated deductions at the time of his or her ceasing to be a State employe or any part thereof that may have been heretofore withdrawn

Section 2 Any person who has heretofore been a contributor and has ceased to be a State employe and has become a public school employe and a member of the Public School Employes' Retirement Association may request in writing the State Employes' Retirement Board to certify to the Public School Employes' Retirement Board the period of service for which credit has been allowed and to transfer to the Public School Employes' Retirement Fund a sum equal to all contingent and State annuity reserves and the accumulated deductions to the credit of such employe in the State Employes' Retirement Fund as determined by the State Employes' Retirement Board for the purpose of establishing credit in the Public School Employes' Retirement Association under which he may receive credit in that system as a public school employe for service previously credited to him in the State Employes' Retirement Association in accordance with the act as amended establishing the Public School Employes' Retirement Association Upon receipt of such request the State Employes' Retirement Board shall make such certification and transfer of funds

Section 3 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

NAYS—204

Adam,	Gelfand,	Markley,	Rubin,
Agnew,	George,	Maxwell,	Rudisill,
Amarando,	Gibb,	McCann,	Sarraf,
Anderson, M. S.,	Gibson,	McCormack,	Scarcelli,
Anderson, S. A.,	Goldstein,	McGee,	Schuster,
Ashton,	Gramlich,	McInroy,	Sherman,
Banker,	Greenwood,	McKeever,	Sigman,
Barnatovich,	Guss,	McLaughlin,	Smith, C. C.,
Bazin,	Guthrie,	McWherter,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	Meholchick,	Snider,
Blair,	Hass,	Metz,	Stank,
Boles,	Haudenshield,	Mihm,	Stebbins,
Bonner,	Heavey,	Mikula,	Steckel,
Boory,	Helm,	Miller,	Stephens,
Bower,	Henzel,	Mills,	Stevenson,
Branca,	Hewitt,	Monroe,	Stone,
Breisch,	Hocker,	Moody,	Stoner,
Brennan, A. P.,	Holt,	Moran,	Strausser,
Brennan, J. J.,	Horst,	Moscrip,	Stroup,
Brenninger,	Houk,	Muldowney,	Swartz,
Breth,	Isaacs,	Mullen,	Taylor,
Brown,	Jenkins,	Munley,	Thomas,
Bullen,	Johnson,	Murphy,	Thompson,
Capano,	Jones, G. E.,	Murray, H. P.,	Toll,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cioffi,	Jump,	Murray, P. G.,	Toomey,
Cochran,	Kamyk,	Musto,	Varallo,
Comer,	Kehler,	Naugle,	Varner,
Connelly,	Keller,	Needham,	Vaughan,
Cooper,	Kent,	Ogilvie,	Verona,
Curwood,	Kline,	Olsen,	Wall,
Davis,	Knecht,	O'Neil,	Wallace,
Donahue,	Kolankiewicz,	Pacchioli,	Walsh,
Donaldson,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Down,	Kratz,	Paulhamus,	Weidner,
Ehrgood,	Kromer,	Petrosky,	Welsh,
Eilberg,	Lafore,	Pettigrew,	Wescott,
Erb,	Lawyer,	Polaski,	Wheeler,
Eshleman,	Leiby,	Polen,	Whitenight,
Ewing,	Leisey,	Pomeroy,	Williams,
Farabaugh,	Leonard,	Price,	Willaredt,
Filo,	Leven,	Pursley,	Wilt,
Fineman,	Light,	Readinger,	Wood,
Flint,	Limper,	Reibman,	Worley,
Floyd,	Lippincott,	Reidenbach,	Yetter,
Foster,	Lopresti,	Renwick,	Yetzer,
Frank,	Lovett,	Rigby,	Young,
Frascella,	Lutty,	Rosen,	Ziegler,
Frost,	Magee,	Rovansek,	Andrews,
Gaffney,	Mahan,	Royer,	Speaker
Garlock,			

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 889, Printer's No. 1468

House Bill No. 1217, Printer's No. 1469,

House Bill No. 1269, Printer's No. 1532 and

House Bill No. 1387, Printer's No. 1547

were passed over at the request of Mr. READINGER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1474 as follows:

An Act amending the act of May 4 1927 (P L 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further regulating the power of boroughs to levy and collect the annual tax for general borough purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1301 act of May 4 1927 (P L 519) known as "The Borough Code" reenacted and amended July 10 1947 (P L 1621) and amended in part July 19 1951 (P L 1026) is reenacted and amended to read

Section 1301 Tax Levy The council of the borough shall have power by ordinance to levy and collect annually a tax not exceeding [fifteen] twenty mills for general borough purposes and in addition thereto such additional millage as may be sufficient to pay interest and sinking fund charges on the indebtedness of the borough [Where the borough council by majority action shall upon due cause shown petition the court of quarter sessions for the right to levy additional millage the court after such public notice as it may direct and after hearing may order a greater rate than fifteen (15) mills but not exceeding five additional mills to be levied] The said taxes shall be levied on the dollar on the valuation assessed for county purposes as now is or may be provided by law All real property offices professions and persons made taxable by the laws of this Commonwealth for county rates and levies may in the discretion of council be taxed after the same manner for such purposes No action on the part of the borough authorities fixing the tax rate for any year at a mill rate need include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property

Nothing herein contained shall prevent the application of moneys received from taxes levied for the general purposes to the purposes of paying interest and sinking fund charges on indebtedness

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—203

Adam,	Garlock,	Markley,	Rubin,
Agnew,	Gelfand,	Maxwell,	Rudisill,
Amarando,	George,	McCann,	Sarraf,
Anderson, M. S.,	Gibb,	McCormack,	Scarcelli,
Anderson, S. A.,	Gibson,	McGee,	Schuster,
Ashton,	Goldstein,	McInroy,	Sherman,
Banker,	Gramlich,	McKeever,	Sigman,
Barnatovich,	Guss,	McLaughlin,	Smith, C. C.,
Bazin,	Guthrie,	McWherter,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	Meholchick,	Snider,
Blair,	Hass,	Metz,	Stank,
Boles,	Haudenshield,	Mihm,	Stebbins,
Bonner,	Heavey,	Mikula,	Steckel,
Boory,	Helm,	Miller,	Stephens,
Bower,	Henzel,	Mills,	Stevenson,
Branca,	Hewitt,	Monroe,	Stone,
Breisch,	Hocker,	Moody,	Stoner,
Brennan, A. P.,	Horst,	Moran,	Strausser,
Brennan, J. J.,	Holt,	Moscrip,	Stroup,
Brenninger,	Houk,	Muldowney,	Swartz,
Breth,	Isaacs,	Mullen,	Taylor,
Brown,	Jenkins,	Munley,	Thomas,
Bullen,	Johnson,	Murphy,	Thompson,
Capano,	Jones, G. E.,	Murray, H. P.,	Toll,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cioffi,	Jump,	Murray, P. G.,	Toomey,
Cochran,	Kamyk,	Musto,	Varallo,
Comer,	Kehler,	Naugle,	Varner,
Connelly,	Keller,	Needham,	Vaughan,
Cooper,	Kent,	Ogilvie,	Verona,
Curwood,	Kline,	Olsen,	Wall,
Davis,	Knecht,	O'Neil,	Wallace,
Donahue,	Kolankiewicz,	Pacchioli,	Walsh,
Dougherty,	Kooker,	Parry,	Wargo,
Donaldson,	Kornick,	Pashley,	Waterhouse,

Down,	Kratz,	Paulhamus,	Weidner,
Ehrgood,	Kromer,	Petrosky,	Welsh,
Eilberg,	Lafore,	Pettigrew,	Wescott,
Erb,	Lawyer,	Polaski,	Wheeler,
Eshleman,	Leiby,	Polen,	Whitenight,
Ewing,	Leisey,	Pomeroy,	Willaredt,
Farabaugh,	Leonard,	Price,	Williams,
Filo,	Leven,	Pursley,	Wilt,
Fineman,	Light,	Readinger,	Wood,
Flint,	Limper,	Reibman,	Worley,
Floyd,	Lippincott,	Reidenbach,	Yetter,
Foster,	Lopresti,	Renwick,	Yetzer,
Frank,	Lovett,	Rigby,	Young,
Frascella,	Lutty,	Rosen,	Ziegler,
Frost,	Magee,	Rovansek,	Andrews,
Gaffney,	Mahan,	Royer,	Speaker

NAYS—1

Greenwood,

NOT VOTING—3

Auker, Bucchin, Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1504 as follows:

An Act reenacting and amending the act of April 11 1899 (P L 37) entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth" extending its provisions to municipalities and townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and the act of April 11 1899 (P L 37) entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth" are reenacted and amended to read

AN ACT

Relating to the keepers of junk shops and second hand dealers in [cities] municipalities and townships of this Commonwealth

Section 1 Be it enacted &c That from and after the passage of this act it shall be unlawful for any keeper owner proprietor or employe of any junk shop within any [city] municipality or township within this Commonwealth or for any owner proprietor or employe of any second hand store within any [such city] municipality or township to barter purchase exchange buy or accept from any person whatsoever except plumbers holding licenses as such from such [city] municipality or township or the owner or owners of buildings from which the material is taken any pipe faucet boilers spigots coils or any other like material whatever or to barter purchase exchange buy receive or accept any other second hand goods wares or merchandise of any kind or nature whatever without providing and keeping books and making therein at the time of such purchase exchange receive or accepting the entries hereinafter provided

Section 2 Every owner of such junk shops and second hand stores shall provide and constantly keep a book in which shall be fairly written down in the English language at the time of every purchase of any such material a description of all articles so purchased the name and residence of the person from whom such purchase was made and the day and hour of such purchase and such books shall at all times be open to the inspection of any and every member of the police and detective forces of such [city] municipality or township

Section 3 Any person who shall violate or neglect fail or refuse to comply with all of the provisions of this act or any of them shall for every offense upon conviction before any court of competent jurisdiction be subject to a fine of not less than twenty nor more than five hundred dollars and in default of payment thereof be imprisoned for a period not exceeding ninety days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gelfand,	Mahan,	Royer,
Agnew,	George,	Markley,	Rubin,
Amarando,	Gibb,	Maxwell,	Rudisill,
Anderson, M. S.,	Gibson,	McCann,	Sarraf,
Anderson, S. A.,	Goldstein,	McCormack,	Scarcelli,
Ashton,	Gramlich,	McGee,	Schuster,
Banker,	Greenwood,	McInroy,	Sherman,
Barnatovich,	Guss,	McKeever,	Sigman,
Bazin,	Guthrie,	McLaughlin,	Smith, C. C.,
Bell,	Hamilton, R. K.,	McWherter,	Smith, Wm. B.,
Blair,	Hass,	Meholchick,	Snider,
Boles,	Haudenshield,	Metz,	Stank,
Bonner,	Heavey,	Mihm,	Stebbins,
Boory,	Helm,	Mikula,	Steckel,
Bower,	Henzel,	Miller,	Stephens,
Branca,	Hewitt,	Mills,	Stevenson,
Breisch,	Hocker,	Monroe,	Stone,
Brennan, A. P.,	Holt,	Moody,	Stoner,
Brennan, J. J.,	Horst,	Moran,	Strausser,
Brenninger,	Houk,	Moscrip,	Stroup,
Breth,	Isaacs,	Muldowney,	Swartz,
Brown,	Jenkins,	Mullen,	Taylor,
Bullen,	Johnson,	Munley,	Thomas,
Capano,	Jones, G. E.,	Murphy,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cioffi,	Jump,	Murray, J. J.,	Tompkins,
Cochran,	Kamyk,	Murray, P. G.,	Toomey,
Comer,	Kehler,	Musto,	Varallo,
Connelly,	Keller,	Naugle,	Varner,
Cooper,	Kent,	Needham,	Vaughan,
Curwood,	Kline,	Ogilvie,	Verona,
Davis,	Knecht,	Olsen,	Wall,
Donahue,	Kolankiewicz,	O'Neil,	Wallace,
Donaldson,	Kooker,	Pacchioli,	Walsh,
Dougherty,	Kornick,	Parry,	Wargo,
Down,	Kratz,	Pashley,	Waterhouse,
Ehrgood,	Kromer,	Paulhamus,	Weidner,
Eilberg,	Lafore,	Petrosky,	Welsh,
Erb,	Lawyer,	Pettigrew,	Wescott,
Eshleman,	Leiby,	Polaski,	Wheeler,
Ewing,	Leisey,	Polen,	Whitenight,
Farabaugh,	Leonard,	Pomeroy,	Willaredt,
Filo,	Leven,	Price,	Williams,
Fineman,	Light,	Pursley,	Wilt,
Flint,	Limper,	Readinger,	Wood,
Floyd,	Lippincott,	Reibman,	Worley,
Foster,	Lopresti,	Reidenbach,	Yetter,
Frank,	Lovett,	Renwick,	Yetter,
Frascella,	Lutty,	Rigby,	Young,
Frost,	Magee,	Rosen,	Ziegler,
Gaffney,		Rovansek,	Andrews,
Garlock,			Speaker

NAYS—0

NOT VOTING—3

Auker, Bucchin, Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1544, Printer's No. 1533 and

House Bill No. 1785, Printer's No. 1842,

were passed over at the request of the SPEAKER pro tempore.

Areeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1842 as follows:

An Act amending the act of June 24, 1937 (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of diretors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" changing the amount the institution district may pay for burial costs in each case

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 403 act of June 24, 1937 (P. L. 2017) known as the "County Institution District Law" amended June 9, 1939 (P. L. 308) is amended to read

Section 403 Provision for Burial of Dependents and Other Persons Except as otherwise provided by law the local authorities of any institution district shall provide for the burial of any person who dies in the county or city unless his body is claimed by a relative by blood or marriage or by a friend or by his fraternal or veterans' organization or by a charitable organization or by the Anatomical Board of the State of Pennsylania and is buried at the expense of such relative friend or organization No such burial shall cost more than [seventy-five] one hundred dollars

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gelfand,	Mahan,	Royer,
Agnew,	George,	Markley,	Rubin,
Amarando,	Gibb,	Maxwell,	Rudisill,
Anderson, M. S.,	Gibson,	McCann,	Sarraf,
Anderson, S. A.,	Goldstein,	McCormack,	Scarcelli,
Ashton,	Gramlich,	McGee,	Schuster,
Banker,	Greenwood,	McInroy,	Sherman,
Barnatovich,	Guss,	McKeever,	Sigman,
Bazin,	Guthrie,	McLaughlin,	Smith, C. C.,
Bell,	Hamilton, R. K.,	McWherter,	Smith, Wm. B.,
Blair,	Hass,	Meholchick,	Snider,
Boies,	Haudenshield,	Metz,	Stank,
Bonner,	Heavey,	Mihm,	Stebbins,
Boory,	Helm,	Mikula,	Steckel,
Bower,	Henzel,	Miller,	Stephens,
Branca,	Hewitt,	Mills,	Stevenson,
Breisch,	Hocker,	Monroe,	Stone,
Brennan, A. P.,	Holt,	Moody,	Stoner,
Brennan, J. J.,	Horst,	Moran,	Strausser,
Brenninger,	Houk,	Moscrip,	Stroup,
Breth,	Isaacs,	Muldowney,	Swartz,
Brown,	Jenkins,	Mullen,	Taylor,
Bullen,	Johnson,	Munley,	Thomas,
Capano,	Jones, G. E.,	Murphy,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cioffi,	Jump,	Murray, J. J.,	Tompkins,
Cochran,	Kamyk,	Murray, P. G.,	Toomey,
Comer,	Kehler,	Musto,	Varallo,
Connelly,	Keller,	Naugle,	Varner,
Cooper,	Kent,	Needham,	Vaughan,
Curwood,	Kline,	Ogilvie,	Verona,
Davis,	Knecht,	Olsen,	Wall,
Donahue,	Kolankiewicz,	O'Neil,	Wallace,
Donaldson,	Kooker,	Pacchioli,	Walsh,
Dougherty,	Kornick,	Parry,	Wargo,
Down,	Kratz,	Pashley,	Waterhouse,
Ehrgood,	Kromer,	Paulhamus,	Weidner,
Eilberg,	Lafore,	Petrosky,	Welsh,
Erb,	Lawyer,	Pettigrew,	Wescott,
Eshleman,	Leiby,	Polaski,	Wheeler,
Ewing,	Leisey,	Polen,	Whitenight,
Farabaugh,	Leonard,	Pomeroy,	Willaredt,
Filo,	Leven,	Price,	Williams,
Fineman,	Light,	Pursley,	Wilt,
Flint,	Limper,	Readinger,	Wood,
Floyd,	Lippincott,	Reibman,	Worley,
Foster,	Lopresti,	Reidenbach,	Yetter,
Frank,	Lovett,	Renwick,	Yetzer,
Frascella,	Lutty,	Rigby,	Young,
Frost,	Magee,	Rosen,	Ziegler,
Gaffney,		Rovansek,	Andrews,
Garlock,			Speaker

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1843 as follows:

An Act amending the act of June 13, 1883 (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" regulating the burial costs for unclaimed bodies unfit for anatomical purposes and making provisions conform to existing law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The last paragraph of section 2 act of June 13, 1883 (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" amended May 18, 1945 (P. L. 701) is amended to read

Section 2 * * *

In case of the death of any person whose body is required to be buried at the public expense and the duly authorized officer or agent of the board deems such body unfit for anatomical purposes he shall notify in writing the [county commissioners in counties of the first class and] Welfare Commissioner of the City of Philadelphia or the executive officers of the county institution district in [all other counties] the county where such person died and who shall direct some person to take charge of the body of such deceased indigent person and cause it to be buried and draw warrants upon the treasurer of their city or county for the payment of such expenses which expenses shall not be more than [fifty dollars in counties of the first class and second class and not more than seventy-five dollars in all other counties] one hundred dollars ($100) on each body buried in accordance with the provisions for this act Such warrants shall be made payable to the persons so authorized and directed who shall have buried the bodies for which said warrants are to be drawn No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the board to the effect that such body is unfit

for anatomical purposes or that the body is that of a soldier sailor or marine of the United States or of the militia of the State of Pennsylania required to be buried at the public expense and that the provisions of this act have been complied with

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Garlock,	Mahan,	Royer,
Agnew,	Gelfand,	Markley,	Rubin,
Amarando,	George,	Maxwell,	Rudisill,
Anderson, M. S.,	Gibb,	McCann,	Sarraf,
Anderson, S. A.,	Gibson,	McCormack,	Scarcelli,
Ashton,	Goldstein,	McGee,	Schuster,
Banker,	Gramlich,	McInroy,	Sherman,
Barnatovich,	Greenwood,	McKeever,	Sigman,
Bazin,	Guss,	McLaughlin,	Smith, C. C.,
Bell,	Guthrie,	McWherter,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Meholchick,	Snider,
Boies,	Hass,	Metz,	Stank,
Bonner,	Haudenshield,	Mihm,	Stebbins,
Boory,	Heavey,	Mikula,	Steckel,
Bower,	Helm,	Miller,	Stephens,
Branca,	Henzel,	Mills,	Stevenson,
Breisch,	Hewitt,	Monroe,	Stone,
Brennan, A. P.,	Hocker,	Moody,	Stoner,
Brennan, J. J.,	Holt,	Moran,	Strausser,
Brenninger,	Horst,	Moscrip,	Stroup,
Breth,	Houk,	Muldowney,	Swartz,
Brown,	Isaacs,	Mullen,	Taylor,
Bullen,	Jenkins,	Munley,	Thomas,
Capano,	Johnson,	Murphy,	Thompson,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Toll,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cochran,	Jump,	Murray, P. G.,	Toomey,
Comer,	Kamyk,	Musto,	Varallo,
Connelly,	Kehler,	Naugle,	Varner,
Cooper,	Keller,	Needham,	Vaughan,
Curwood,	Kent,	Ogilvie,	Verona,
Davis,	Kline,	Olsen,	Wall,
Donahue,	Knecht,	O'Neil,	Wallace,
Donaldson,	Kolankiewicz,	Pacchioli,	Walsh,
Dougherty,	Kooker,	Parry,	Wargo,
Down,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kratz,	Paulhamus,	Weidner,
Eilberg,	Kromer,	Petrosky,	Welsh,
Erb,	Lafore,	Pettigrew,	Wescott,
Eshleman,	Lawyer,	Polaski,	Wheeler,
Ewing,	Leiby,	Polen,	Whitenight,
Farabaugh,	Leisey,	Pomeroy,	Willaredt,
Filo,	Leonard,	Price,	Williams,
Fineman,	Leven,	Pursley,	Wilt,
Flint,	Light,	Readinger,	Wood,
Floyd,	Limper,	Reibman,	Worley,
Foster,	Lippincott,	Reidenbach,	Yetter,
Frank,	Lopresti,	Renwick,	Yetzer,
Frascella,	Lovett,	Rigby,	Young,
Frost,	Lutty,	Rosen,	Ziegler,
Gaffney,	Magee,	Rovansek,	Andrews, Speaker

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1845 as follows:

An Act amending the act of June 20, 1919 (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" changing the tax rate on property transferred to lineal descendants of adopted children

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of June 20, 1919 (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" amended December 21, 1951 (P. L. 1713) is amended to read

Section 2 All taxes imposed by this act shall be imposed upon the clear value of the property subject to the tax and shall be at the rate of two per centum upon the clear value of the property subject to such tax passing to or for the use of father mother husband wife children lineal descendants born in lawul wedlock legally adopted children lineal descendants of legally adopted children chilren of a former husband or wife or the wife or widow of the son of a person dying seized or possessed thereof and also on the clear value of such property passing from the mother of an illegitimate child or from any person of whom the mother is a lineal descendant to such child his wife or widow and passing from an illegitimate child to his mother and at the rate of fifteen per centum upon the clear value of the property subject to such tax passing to or for the use of any other person or persons bodies corporate or politic to be paid for the use of the Commonwealth Provided That when the transfer is by the intestate laws of this Commonwealth and at the expiration of seven years from the date of the death of the intestate the estate of the intestate has not been distributed the taxes imposed by this act shall be at the rate of eighty per centum upon the clear value of the property subject to such tax passing to or from the use of a first cousin or other relative more remote in degree than a first cousin and the tax imposed by this proviso are imposed upon every transfer by the intestate laws of this Commonwealth of an estate or a portion of an estate which estate or portion thereof shall not have been distributed prior to the passage of this act In ascertaining the clear value of such estates the only deductions to be allowed from the gross values of such estates by the register of wills shall be the debts of the decedent reasonable and customary funeral expenses bequests or devises in trust in reasonable amounts the entire interest or income from which is to be perpetually applied to the care and preservation of the family burial lot or lots their enclosures and structures erected of monuments or grave stones grave and lot markers and the expenses of the administration of such estate and no deduction whatsoever shall be allowed for or on account of any taxes paid on such estate to the Government of the United

States or to any other State or Territory except as otherwise provided in section one of this act Provided That the deductions herein allowed in the case of any indebtedness of the decedent shall when founded upon a promise or agreement be limited to the extent that they were contracted bona fide and for an adequate and full consideration in money or money's worth And provided further That whenever the allowance of any deduction by the register of wills from the gross value of such estates shall be in dispute the question of allowance shall be determined by the court having jurisdiction of the accounts of the personal representative of the decedent in the adjudication made by such court upon any such account and unless either party shall by exceptions to the account or to the adjudication thereon duly presented as provided by law raise its objection to the allowance or disallowance of a dedution for any credit claimed in the account or any award made in the adjudication as the case may be the adjudication confirming the account or making the award shall conclusively establish that the deduction should be allowed or disallowed as the case may be

And said bill haing been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Garlock,	Mahan,	Royer,
Agnew,	Gelfand,	Markley,	Rubin,
Amarando,	George,	Maxwell,	Rudisill,
Anderson, M. S.,	Gibb,	McCann,	Sarraf,
Anderson, S. A.,	Gibson,	McCormack,	Scarcelli,
Ashton,	Goldstein,	McGee,	Schuster,
Banker,	Gramlich,	McInroy,	Sherman,
Barnatovich,	Greenwood,	McKeever,	Sigman,
Bazin,	Guss,	McLaughlin,	Smith, C. C.,
Bell,	Guthrie,	McWherter,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Meholchick,	Snider,
Boles,	Hass,	Metz,	Stank,
Bonner,	Haudenshield,	Mihm,	Stebbins,
Boory,	Heavey,	Mikula,	Steckel,
Bower,	Helm,	Miller,	Stephens,
Branca,	Henzel,	Mills,	Stevenson,
Breisch,	Hewitt,	Monroe,	Stone,
Brennan, A. P.,	Hocker,	Moody,	Stoner,
Brennan, J. J.,	Holt,	Moran,	Strausser,
Brenninger,	Horst,	Moscrip,	Stroup,
Breth,	Houk,	Muldowney,	Swartz,
Brown,	Isaacs,	Mullen,	Taylor,
Bullen,	Jenkins,	Munley,	Thomas,
Capano,	Johnson,	Murphy,	Thompson,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Toll,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cochran,	Jump,	Murray, P. G.,	Toomey,
Comer,	Kamyk,	Musto,	Varallo,
Connelly,	Kehler,	Naugle,	Varner,
Cooper,	Keller,	Needham,	Vaughan,
Curwood,	Kent,	Ogilvie,	Verona,
Davis,	Kline,	Olsen,	Wall,
Donahue,	Knecht,	O'Neil,	Wallace,
Donaldson,	Kolankiewicz,	Pacchioli,	Walsh,
Dougherty,	Kooker,	Parry,	Wargo,
Down,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kratz,	Paulhamus,	Weidner,
Ellberg,	Kromer,	Petrosky,	Welsh,
Erb,	Lafore,	Pettigrew,	Wescott,
Eshleman,	Lawyer,	Polaski,	Wheeler,
Ewing,	Leiby,	Polen,	Whitenight,
Farabaugh,	Leisey,	Pomeroy,	Willaredt,
Filo,	Leonard,	Price,	Williams,
Fineman,	Leven,	Pursley,	Wilt,
Flint,	Light,	Readinger,	Wood,
Floyd,	Limper,	Reibman,	Worley,
Foster,	Lippincott,	Reidenbach,	Yetter,
Frank,	Lopresti,	Renwick,	Yetzer,
Frascella,	Lovett,	Rigby,	Young,
Frost,	Lutty,	Rosen,	Ziegler,
Gaffney,	Magee,	Rovansek,	Andrews,
			Speaker

NAYS—0

NOT VOTING—3

Auker, Bucchin, Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1872, Printer's No. 1534 and

House Bill No. 1876, Printer's No. 1535

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1890 as follows:

An Act reenacting and amending the act of September 26, 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trade-marks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof and imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith" extending the act to service-marks used to identify certain services and distinguish them from others

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and the act of September 26, 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trade-marks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof and imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith" are reenacted and amended to read

AN ACT

To provide for the registration and protection of trade-marks and service-marks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof and imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith

Section 1 Definitions

(a) The term "trade-mark" as used herein means any word name symbol or device or any combination thereof adopted and used by a person to identify goods produced manufactured or sold by him and to distinguish them from goods produced manufactured or sold by others

(a.1) The term "service-mark" as used herein means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others and includes without limitation the marks names symbols titles designations slogans character names and distinctive features of radio or other advertising used in commerce

(b) The term "person" as used herein means any individual firm co-partnership corporation association or other organization

(c) The term "applicant" as used herein means any person filing an application for registration of a trade-mark or service-mark under this act or his legal representatives successors or assigns

(d) The term "registrant" as used herein means any person heretofore registering a trade-mark or service-mark under this act or his legal representatives successors or assigns

(e) For the purposes of this act a trade-mark shall be deemed to be "adopted and used" in this Commonwealth when it is placed in any manner on the goods or their containers or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in this Commonwealth

(f) For the purpose of this act a service-mark shall be deemed to be "adopted and used" in this Commonwealth when it is used to identify the services of one person and distinguish them from the services of others and such services are sold or otherwise rendered in this Commonwealth

Section 2 Registrability

A trade-mark or service-mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered which

(a) consists of or comprises immoral deceptive or scandalous matter or

(b) consists of or comprises the flag or coat of arms or other insigna of the United States the Commonwealth of Pennsylvania or of any other state or municipality or of any foreign nation or any simulation thereof or

(c) consists of or comprises the name signature or portrait of any living individual except with his written consent or

(d) consists merely of the name of any individual copartnership corporation or association unless such name be written printed impressed or woven in some particular or distinctive manner or

(e) consists of or comprises any trade-mark or service-mark which

1 when applied to the goods or services of the applicant is merely descriptive or deceptively misdescriptive of them or

2 when applied to the goods or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them or

(f) consists of or comprises a trade-mark or service-mark which so resembles any trade-mark or service-mark registered in this Commonwealth and not abandoned as to be likely when applied to the goods or services of the applicant to cause confusion or mistake or to deceive the public concerning the origin or manufacture of such goods or services unless it shall be proved to the satisfaction of the Secretary of the Commonwealth that the person co-partnership or corporation last applying for the registry of such trade-mark or service-mark is entitled thereto and the owner thereof by right of prior adoption and use in which case the date of the adoption shall determine the ownership and shall be proved by affidavits of persons conversant with such dates In case the Secretary of the Commonwealth becomes satisfied after a hearing held in his discretion that the person copartnership or corporation last applying for registry is entitled by priority of adoption and use in the Commonwealth of Pennsylvania to register such trade-mark or service-mark he shall revoke the first registry thereof and upon application and the payment of the fee register the same in the name of said applicant

Section 3 Powers of the Secretary of the Commonwealth

The Secretary of the Commonwealth is authorized to promulgate rules and regulations and prescribe forms for the filing of trade-marks and service-marks under the provisions of this act and to have the power and authority reasonably necessary to enable him to administer this act efficiently and to perform the duties imposed upon him by its provisions

Section 4 Application for Registration

Subject to the limitations set forth in this act any person who has adopted and used a trade-mark or service-mark in this Commonwealth may file in the office of the Secretary of the Commonwealth on a form to be furnished by the Secretary of the Commonwealth an application for registration of that trade-mark or service-mark setting forth under oath the following information

1 The name of the person co-partnership or corporation applying for such registration his or its residence location or place of business and if a corporation the state of incorporation

2 The general class of merchandise or services with which the mark is used and the particular articles or services comprised therein to which it has been appropriated and used

3 The date when the trade-mark or service mark was first used anywhere and the date when it was first used in this [State] Commonwealth by the applicant or his predecessor in title

4 A statement that the applicant is the owner of the trade-mark or service-mark and that no other person has the right to use such trade-mark or service-mark in this [State] Commonwealth either in the identical form thereof or in any such near resemblance thereto as might be calculated to deceive or to be mistaken therefor The application shall be signed and sworn to by any officer of the corporation or association or by a member of the copartnership applying The application shall be accompanied with two specimens or facsimilies of such trade-mark or service-mark and check or money order for the filing fee of $15.00 payable to the Secretary of the Commonwealth

Section 5 Certificate of Registration

Upon compliance by the applicant with the requirements of this act the Secretary of the Commonwealth shall cause a certificate of registration to be issued and delivered to him The certificate of registration shall be issued under the signature of the Secretary of the Commonwealth and the seal of the [State] Commonwealth and shall set forth the name and address of the applicant the name or description of the trade-mark or service-mark and the general class of goods or services to which appropriated and the date on which the application was filed

Any certificate of registration issued by the Secretary of the Commonwealth under the provisions hereof or a copy thereof duly certified by him shall be admissible in evidence as competent and sufficient proof of the registration of such trade-mark or service-mark in any action or judicial proceedings in any court of this Commonwealth

Section 6 Duration and Renewal

Registration of a trade-mark or service-mark hereunder shall be effective for a term of ten years from the date of registration and upon application filed [within] not less than two months nor more than six months prior to the expiration of such term on a form to be furnished by the Secretary of the Commonwealth the registration may be renewed for a like term A renewal fee of $15.00 payable to the Secretary of the Commonwealth shall accompany the application for renewal of the registration

A trade-mark or service-mark registration may be renewed for successive periods of ten years in like manner

Any registration of a trade-mark in force on [the date on which this act shall become effective] September 26 1951 shall expire ten years from the date of the registration or of the last renewal thereof or on September 26 1956 [five years after the effective date of this] [act] whichever is later and may be renewed by filing an application with the Secretary of the Commonwealth on a form furnished by him and paying the aforementioned renewal fee thereof [within] not less than two months nor more than six months prior to the expiration of the registration

Section 7 Assignment

Any trade-mark or service-mark and its registration hereunder shall be assignable with the good will of the business in which the trade-mark or service-mark is used or with that part of the good will of the business connected with the use of and symbolized by the trade-mark or service-mark Assignment shall be by instrument in writing duly executed and may be recorded with the Secretary of the Commonwealth upon the payment of a fee of $10.00 payable to the Secretary of the Commonwealth who upon recording of the assignment shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof An assignment of any registration under this act shall be void as against any subsequent purchaser for valuable consideration and without notice unless it is recorded with the Secretary of the Commonwealth

[within] not later than three months after the date of the assignment or prior to such subsequent purchase

Section 8 Records

The Secretary of the Commonwealth shall keep for public examination a record of all trade-marks or service-marks registered or renewed under this act

Section 9 Cancellation

The Secretary of the Commonwealth shall cancel from the register

(1) [After] In the case of trade-marks on and after September 26 1956 and in the case of service-marks after [five] ten years from the effective date of this reenacting and amending act all registrations under this or prior acts which are more than ten years old and not renewed in accordance with this act

(2) Any registration concerning which the Secretary of the Commonwealth shall receive a voluntary request for cancellation thereof from the registrant or the assignee of record

(3) All registrations granted under this act and not renewed in accordance with the provisions hereof

(4) Any registration concerning which a court of competent jurisdiction shall find

(a) That the registered trade-mark or service-mark has been abandoned

(b) That the registrant is not the owner of the trade-mark or service-mark

(c) That the registration was granted improperly

(d) That the registration was obtained fraudulently

(e) That the registered trade-mark or service-mark is so similar to a trade-mark or service-mark registered under this act as to be likely to cause confusion or mistake or to deceive or that it is similar to a trade-mark or service mark registered by another person in the United States Patent Office prior to the date of the filing of the application for registration by the registrant hereunder and not abandoned Provided [however] That should the registrant prove that he is the owner of a concurrent registration of his trade-mark or service-mark in the United States Patent Office covering an area including this [State] Commonwealth the registration hereunder shall not be canceled

(5) When a court of competent jurisdiction shall order cancellation of a registration on any ground

(6) Any registration in the following circumstances

(a) Where an applicant by affidavits and other good and sufficient evidence shall prove to the satisfaction of the secretary that he is entitled to any trade-mark or service-mark heretofore registered in this office by virtue of prior adoption and use

(b) In the case of a corporation having filed articles of dissolution or a decree of dissolution any person may at any time at least three years thereafter present a petition under proper affidavit to the Secretary of the Commonwealth setting forth such fact

(c) In the case of a person co-partnership or corporation not having filed articles of dissolution or a decree of dissolution but having discontinued or gone out of the business to which such registration is pertinent

(d) When a registered trade-mark or service-mark has been abandoned or discontinued for a period of at least five years subsequent to registration and such abandonment and non-user still persists

In all circumstances enumerated in [section] subsection (6) [subsections] clauses (a) to (d) inclusive any person may present his petition for cancellation in writing and supported by proper affidavit to the Secretary of the Commonwealth accompanied with a fee of $25.00

The petition shall set forth the pertinent facts relative thereto and shall contain proof of service of notice of such petition on the person co-partnership or comporation in whose name the said registration is recorded and asking that such registration be cancelled The secretary shall fix a time to hear the parties concerned in the matter and shall send by registered mail a notice thereof to the person co-partnership or corporation in whose name such registration is recorded If after hearing the secretary is satisfied of the truth of the facts alleged in the petition in accordance with the provisions of this section he shall cancel the said registration

Section 10 Classification

The following general classes of goods and services are established for the purpose of administering this act The Secretary of the Commonwealth is authorized in his discretion to amend by rule or regulation the classification hereinafter established but not in any way to limit or extend the applicants or registrants rights An application for registration of a trade-mark or service-mark shall be limited to a single general class of merchandise or service Provided [however] That nothing in this act shall be construed as limiting the registration of a trade-mark or service-mark to one general class

The said classes are as follows

1 Raw or partly prepared materials
2 Receptacles
3 Baggage animal equipments portfolios and pocketbooks
4 Abrasives and polishing materials
5 Adhesives
6 Chemicals and chemical compositions
7 Cordage
8 Smokers' articles not including tobacco products
9 Explosives firearms equipments and projectiles
10 Fertilizers
11 Inks and inking materials
12 Construction materials
13 Hardware and plumbing and steam-fitting supplies
14 Metals and metal castings and forgings
15 Oils and greases
16 Paints and painters' materials
17 Tobacco products
18 Medicines and pharmaceutical preparations
19 Vehicles
20 Linoleum and oiled cloth
21 Electrical apparatus machines and supplies
22 Games toys and sporting goods
23 Cutlery machinery and tools and parts thereof
24 Laundry appliances and machines
25 Locks and safes
26 Measuring and scientific appliances
27 Horological instruments
28 Jewelry and precious-metal ware
29 Brooms brushes and dusters
30 Crockery earthenware and porcelain
31 Filters and refrigerators
32 Furniture and upholstery
33 Glassware
34 Heating lighting and ventilating apparatus
35 Belting hose machinery packing and nonmetalic tires
36 Musical instruments and supplies
37 Paper and stationery
38 Prints and publications
39 Clothing
40 Fancy goods furnishings and notions
41 Canes parasols and umbrellas
42 Knitted netted and textile fabrics and substitutes therefor
43 Thread and yarn
44 Dental medical and surgical appliances
45 Soft drinks and carbonated waters
46 Foods and ingredients of foods
47 Wines
48 Malt beverages and liquors
49 Distilled alcoholic liquors
50 Merchandise not otherwise classified
51 Cosmetics and toilet preparations
52 Detergents and soaps
100 Miscellaneous
101 Advertising and business
102 Insurance and financial
103 Nonprofit hospital plans and nonprofit medical dental and osteopathic service plans
104 Construction and repair
105 Communication
106 Transportation and storage
107 Material treatment
108 Education and entertainment

Section 11 (a) Fraudulent Registration

Any person who shall for himself or on behalf of any

other person procure the filing or registration of any trade-mark or service-mark in the office of the Secretary of the Commonwealth under the provisions hereof by knowingly making any false or fraudulent representation or declaration verbally or in writing or by any other fraudulent means shall be liable to pay all damages sustained in consequence of such filing or registration to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction

(b) Disclaimer

The Secretary of the Commonwealth shall require unregistrable matter to be disclaimed but such disclaimer shall not prejudice or affect the applicant's common law rights then existing or thereafter arising in such disclaimed matter

Section 12 Infringement

Subject to the provisions of section 14 hereof any person who shall

(a) Use without the consent of the registrant any reproduction counterfeit copy or colorable imitation of a trade-mark or service-mark registered under this act in connection with the sale offering for sale or advertising of any goods [on or in connection with such use as] or services in a manner likely to cause confusion or mistake or to deceive purchasers as to the source of origin of such goods or services or

(b) Reproduce counterfeit copy or colorably imitate any such trade-mark or service-mark and apply such reproduction counterfeit copy or colorable imitation to labels signs prints packages wrappers receptables or advertisements intended to be used [upon or] in connection with the sale or other distribution in this [State] Commonwealth of such goods or services shall be subject to a penalty of $100 to be sued for in any court having jurisdiction of an action by fine or penalty by a person copartnership or corporation aggrieved thereby and in addition to the penalty provided for in this section may award to the plaintiff such damages resulting from such wrongful and unlawful acts as may be proved and shall require the defendant to pay to the plaintiff the profits derived by such unlawful acts

The provisions of this section shall not apply to any advertising agency publisher of newspapers magazines or other advertising media accepting authorization for the reproduction or copy of any such trade-mark or service-mark innocently and in good faith in the usual course of business

Section 13 Remedies

Any owner of a trade-mark or service-mark registered under this act may proceed by suit to enjoin the manufacture use display or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture use display or sale as may be by the [said] court deemed just and reasonable and may require the defendants to pay to such owners all profits derived from [and/or] and all damages suffered by reason of such wrongful manufacture use display or sale and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court or to the complainant to be detsroyed but no owner of such a trade-mark or service-mark shall have such right of injunction against an advertising agency publisher of newspapers magazines or other advertising media accepting authorization for the reproduction or copy of any such trade-mark or service-mark innocently and in good faith in the usual course of business

The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any penal law of this [State] Commonwealth

Section 14 Common Law Rights

Nothing herein shall adversely affect the rights or the enforcement of rights in trade-marks or service-marks acquired in good faith at any time at common law

Section 15 Serverability

If any provision hereof or the application of such provision to any person or circumstance is held invalid the remainder of this act shall not be affected thereby

Section 16 Time of Taking Effect

This act shall be in force and take effect immediately after enactment but shall not affect any suit proceeding or appeal then pending

Section 17 Repeal of Prior Acts

The act approved the twentieth day of June one thousand nine hundred one (Pamphlet Laws 582) entitled "An act to provide for the registration of labels trade-marks trade-names stamps designs devices shop-marks terms brands designations descriptions or forms of advertisement and protect and secure the rights property and interest therein of the persons copartnerships or corporations adopting and filing the same and providing penalties for the violations of the act" and its amendments are hereby repealed

All other acts relating to trade-marks and parts of any other acts inconsistent herewith are hereby repealed on the effective date of this act Provided That as to any suit proceeding or appeal pending at the time this act shall take effect such repeal shall not be deemed to be effective until final determination of said pending suit proceeding or appeal

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gelfand,	Markley,	Rubin,
Agnew,	George,	Maxwell,	Rudisill,
Amarando,	Gibb,	McCann,	Sarraf,
Anderson, M. S.,	Gibson,	McCormack,	Scarcelli,
Anderson, S. A.,	Goldstein.	McGee,	Schuster,
Ashton,	Gramlich,	McInroy,	Sherman,
Banker,	Greenwood,	McKeever,	Sigman,
Barnatovich,	Guss,	McLaughlin,	Smith, C. C.,
Bazin,	Guthrie,	McWherter,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	Meholchick,	Stank,
Blair,	Hass,	Metz,	Snider,
Boles,	Haudenshield,	Mihm,	Stebbins,
Bonner,	Heavey,	Mikula,	Steckel,
Boory,	Helm,	Miller,	Stephens,
Bower,	Henzel,	Mills,	Stevenson,
Branca,	Hewitt,	Monroe,	Stone,
Breisch,	Hocker,	Moody,	Stoner,
Brennan, A. P.,	Holt,	Moran,	Strausser,
Brennan, J. J.,	Horst,	Moscrip,	Stroup,
Brenninger,	Houk,	Muldowney,	Swartz,
Breth,	Isaacs,	Mullen,	Taylor,
Brown,	Jenkins,	Munley,	Thomas,
Bullen,	Johnson,	Murphy,	Thompson,
Capano,	Jones, G. E.,	Murray, H. P.,	Toll,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cioffi,	Jump,	Murray, P. G.,	Toomey,
Cochran,	Kamyk,	Musto,	Varallo,
Comer,	Kenier,	Naugle,	Varner,
Connelly,	Keller,	Needham,	Vaughan,
Cooper,	Kent,	Ogilvie,	Verona,
Curwood,	Kline,	Olsen,	Wall,
Davis,	Knecht,	O'Neil,	Wallace,
Donahue,	Kolankiewicz,	Pacchioli,	Walsh,
Donaldson,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Down,	Kratz,	Paulhamus,	Weidner,
Ehrgood,	Kremer,	Petrosky,	Welsh,
Eilberg,	Lafore,	Pettigrew,	Wescott,
Erb,	Lawyer,	Polaski,	Wheeler,
Eshleman,	Leiby,	Polen,	Whitenight,
Ewing,	Leisey,	Pomeroy,	Willaredt,
Farabaugh,	Leonard,	Price,	Williams,
Filo,	Leven,	Pursley,	Wilt,
Fineman,	Light,	Readinger,	Wood,
Flint,	Limper,	Reibman,	Worley,
Floyd,	Lippincott,	Reidenbach,	Yetter,
Foster,	Lopresti,	Renwick,	Yetzer,
Frank,	Lovett,	Rigby,	Young,
Frascella,	Lutty,	Rosen,	Ziegler,
Frost,	Magee,	Rovansek,	Andrews,
Gaffney,	Mahan,	Royer,	Speaker
Garlock,			

NAYS—0

NOT VOTING—3

Auker, Bucchin, Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1905, as follows:

An Act amending the act of May 1, 1929 (P. L. 905), entitled An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by changing registration fees for certain motor buses and motor omnibuses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 707 act of May 1, 1929 (P. L. 905). known as "The Vehicle Code" amended June 22, 1931 (P. L. 751), is amended to read

Section 707 Motor Buses and Motor Omnibuses with Pneumatic Tires

The fee for annual registration of each motor bus and motor omnibus with pneumatic tires shall be according to seating capacity and the following classes

Class	Seating Capacity	Fee
A	Five (5) passengers or less	$25.00
B	More than five (5) passengers and less than eight (8) passengers	$30.00
C	More than seven (7) passengers and not more than twenty-six (26) passengers plus $4.00 for each seat over seven seats	$40.00
D	In excess of twenty-six (26) passengers plus $4.00 for each seat over seven seats to and including twenty-six seats plus $10.00 for each seat over twenty-six	$40.00
E	[In excess of fifty-three (53) passengers when operated exclusively in cities	$300.00]
	In excess of forty-five (45) passengers	$300.00

Section 2 The provisions of this act shall become effective with respect to registration years beginning June 1, 1956

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—195

Adam,	Gelfand,	Maxwell,	Royer,
Agnew,	George,	McCann,	Rubin,
Amarando,	Gibb,	McCormack,	Rudisill,
Anderson, M. S.,	Gibson,	McGee,	Sarraf,
Anderson, S. A.,	Goldstein,	McInroy,	Scarcelli,
Barnatovich,	Gramlich,	McKeever,	Schuster,
Bazin,	Greenwood,	McLaughlin,	Sherman,
Bell,	Guss,	McWherter,	Sigman,
Blair,	Guthrie,	Meholchick,	Smith, C. C.,
Boles,	Hamilton, R. K.,	Metz,	Smith, Wm. B.,
Bonner,	Hass,	Mihm,	Snider,
Boory,	Haudenshield,	Mikula,	Stank,
Bower,	Heavey,	Miller,	Stebbins,
Branca,	Helm,	Mills,	Steckel,
Breisch,	Henzel,	Monroe,	Stephens,
Brennan, A. P.,	Hewitt,	Moody,	Stevenson,
Brennan, J. J.,	Hocker,	Moran,	Stone,
Brenninger,	Holt,	Moscrip,	Stoner,
Breth,	Horst,	Muldowney,	Strausser,
Bullen,	Houk,	Mullen,	Stroup,
Capano,	Isaacs,	Munley,	Swartz,
Cianfrani,	Jenkins,	Murphy,	Taylor,
Cioffi,	Johnson,	Murray, H. P.,	Thomas,
Cochran,	Jones, G. E.,	Murray, J. J.,	Thompson,
Comer,	Jones, T. H. W.,	Murray, P. G.,	Toll,
Connelly,	Kamyk,	Musto,	Tompkins,
Cooper,	Kehler,	Naugle,	Toomey,
Curwood,	Keller,	Needham,	Varallo,
Davis,	Kent,	Ogilvie,	Varner,
Donahue,	Kline,	Olsen,	Verona,
Donaldson,	Knecht,	O'Neil,	Wall,
Dougherty,	Kolankiewicz,	Pacchioli,	Wallace,
Down,	Kooker,	Parry,	Walsh,
Ehrgood,	Kornick,	Pashley,	Wargo,
Ellberg,	Kratz,	Paulhamus,	Waterhouse,
Erb,	Lafore,	Petrosky,	Weidner,
Eshleman,	Lawyer,	Pettigrew,	Welsh,
Ewing,	Leiby,	Polaski,	Wheeler,
Farabaugh,	Leonard,	Polen,	Whitenight,
Filo,	Leven,	Pomeroy,	Willaredt,
Fineman,	Limper,	Price,	Williams,
Flint,	Lippincott,	Pursley,	Wilt,
Floyd,	Lopresti,	Readinger,	Wood,
Foster,	Lovett,	Reibman,	Worley,
Frank,	Lutty,	Reidenbach,	Yetter,
Frascella,	Magee,	Renwick,	Yetzer,
Frost,	Mahan,	Rigby,	Young,
Gaffney,	Markley,	Rosen,	Ziegler,
Garlock,		Rovansek,	Andrews, Speaker

NAYS—9

Ashton,	Jump,	Leisey,	Vaughan,
Banker,	Kromer,	Light,	Wescott,
Brown,			

NOT VOTING—3

Auker, Bucchin, Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1934, as follows:

An Act amending the act of June 29, 1953 (P. L. 304), entitled "An act providing for the administration of a statewide system of vital statistics prescribing the functions of the State Department of Health the State Advisory Health Board and local registrars imposing duties upon coroners prothonotaries clerks of orphans' court physicians midwives and other persons requiring reports and certificates for the registration of vital statistics regulating the disposition of dead bodies limiting the disclosure of records prescribing the sufficiency of vital statistics records as evidence prescribing fees and penalties and revising and consolidating the laws relating thereto" making it unlawful for unauthorized persons to copy duplicate or issue certificates of birth death or fetal death

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act of June 29, 1953 (P. L. 304), known as

the "Vital Statistics Law of 1953" is amended by adding after section 810 a new section to read

Section 811 Copies of Certificates Unlawful Exceptions No person shall photograph photostat or duplicate or issue what purports to be a certified copy certification or certificate of birth death or fetal death except authorized employes of the department or its local registrars of Vital Statistics acting in accordance with directives regulations or law governing their official duties and except school authorities may for their school records only cause photostatic copies to be made of birth certificates of children entering first grade of the school under their jurisdiction

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Garlock,	Mahan,	Royer,
Agnew,	Gelfand,	Markley,	Rubin,
Amarando,	George,	Maxwell,	Rudisill,
Anderson, M. S.,	Gibb,	McCann,	Sarraf,
Anderson, S. A.,	Gibson,	McCormack,	Scarcelli,
Ashton,	Goldstein,	McGee,	Schuster,
Banker,	Gramlich,	McInroy,	Sherman,
Barnatovich,	Greenwood,	McKeever,	Sigman,
Bazin,	Guss,	McLaughlin,	Smith, C. C.,
Bell,	Guthrie,	McWherter,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Meholchick,	Snider,
Boles,	Hass,	Metz,	Stank,
Bonner,	Haudenshield,	Mihm,	Stebbins,
Boory,	Heavey,	Mikula,	Steckel,
Bower,	Helm,	Miller,	Stephens,
Branca,	Henzel,	Mills,	Stevenson,
Breisch,	Hewitt,	Monroe,	Stone,
Brennan, A. P.,	Hocker,	Moody,	Stoner,
Brennan, J. J.,	Holt,	Moran,	Strausser,
Brenninger,	Horst,	Moscrip,	Stroup,
Breth,	Houk,	Muldowney,	Swartz,
Brown,	Isaacs,	Mullen,	Taylor,
Bullen,	Jenkins,	Munley,	Thomas,
Capano,	Johnson,	Murphy,	Thompson,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Toll,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cochran,	Jump,	Murray, P. G.,	Toomey,
Comer,	Kamyk,	Musto,	Varallo,
Connelly,	Kehler,	Naugle,	Varner,
Cooper,	Keller,	Needham,	Vaughan,
Curwood,	Kent,	Ogilvie,	Verona,
Davis,	Kline,	Olsen,	Wall,
Donahue,	Knecht,	O'Neil,	Wallace,
Donaldson,	Kolankiewicz,	Pacchioli,	Walsh,
Dougherty,	Kooker,	Parry,	Wargo,
Down,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kratz,	Paulhamus,	Weidner,
Eilberg,	Kromer,	Petrosky,	Welsh,
Erb,	Lafore,	Pettigrew,	Wescott,
Eshleman,	Lawyer,	Polaski,	Wheeler,
Ewing,	Leiby,	Polen,	Whitenight,
Farabaugh,	Leisey,	Pomeroy,	Willaredt,
Filo,	Leonard,	Price,	Williams,
Fineman,	Leven,	Pursley,	Wilt,
Flint,	Light,	Readinger,	Wood,
Floyd,	Limper,	Reibman,	Worley,
Foster,	Lippincott,	Reidenbach,	Yetter,
Frank,	Lopresti,	Renwick,	Yetzer,
Frascella,	Lovett,	Rigby,	Young,
Frost,	Lutty,	Rosen,	Ziegler,
Gaffney,	Magee,	Rovansek,	Andrews, Speaker

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1941, Printer's No. 1590, and

House Bill No. 1942, Printer's No. 1591,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1945, as follows:

An Act amending the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" changing requirements in promulgating rules and regulations by the Department of Health

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (g) of section 2102 of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929" is amended to read

Section 2102 General Health Administration The Department of Health shall have the power and its duty shall be

* * *

(g) To promulgate its rules and regulations [by sending printed copies thereof to all local boards of health county and district superintendents of schools and clerks of councils of cities and boroughs and by printing the same once in at least one daily newspaper of Philadelphia and Pittsburgh and to cause to be printed in circular form such rules and regulations and give copies thereof to any person requesting the same] subject to the requirements of section 2 of the act of June 4, 1945 (P. L. 1388), known as the "Administrative Agency Law" and its amendments

* * *

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gelfand,	Mahan,	Royer,
Agnew,	George,	Markley,	Rubin,
Amarando,	Gibb,	Maxwell,	Rudisill,
Anderson, M. S.,	Gibson,	McCann,	Sarraf,
Anderson, S. A.,	Goldstein,	McCormack,	Scarcelli,
Ashton,	Gramlich,	McGee,	Schuster,
Banker,	Greenwood,	McInroy,	Sherman,
Barnatovich,	Guss,	McKeever,	Sigman,
Bazin,	Guthrie,	McLaughlin,	Smith, C. C.,
Bell,	Hamilton, R. K.,	McWherter,	Smith, Wm. B.,
Blair,	Hass,	Meholchick,	Snider,
Boles,	Haudenshield,	Metz,	Stank,
Bonner,	Heavey,	Mihm,	Stebbins,
Boory,	Helm,	Mikula,	Steckel,
Bower,	Henzel,	Miller,	Stephens,
Branca,	Hewitt,	Mills,	Stevenson,

Breisch,	Hocker,	Monroe,	Stone,
Brennan, A. P.,	Holt,	Moody,	Stoner,
Brennan, J. J.,	Horst,	Moran,	Strausser,
Brenninger,	Houk,	Moscrip,	Stroup,
Breth,	Isaacs,	Muldowney,	Swartz,
Brown,	Jenkins,	Mullen,	Taylor,
Bullen,	Johnson,	Munley,	Thomas,
Capano,	Jones, G. E.,	Murphy,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cioffi,	Jump,	Murray, J. J.,	Tompkins,
Cochran,	Kamyk,	Murray, P. G.,	Toomey,
Comer,	Kehler,	Musto,	Varallo,
Connelly,	Keller,	Naugle,	Varner,
Cooper,	Kent,	Needham,	Vaughan,
Curwood,	Kline,	Ogilvie,	Verona,
Davis,	Knecht,	Olsen,	Wall,
Donahue,	Kolankiewicz,	O'Neil,	Wallace,
Donaldson,	Kooker,	Pacchioli,	Walsh,
Dougherty,	Kornick,	Parry,	Wargo,
Down,	Kratz,	Pashley,	Waterhouse,
Ehrgood,	Kromer,	Paulhamus,	Weidner,
Eilberg,	Lafore,	Petrosky,	Welsh,
Erb,	Lawyer,	Pettigrew,	Wescott,
Eshleman,	Leiby,	Polaski,	Wheeler,
Ewing,	Leisey,	Polen,	Whitenight,
Farabaugh,	Leonard,	Pomeroy,	Willaredt,
Filo,	Leven,	Price,	Williams,
Fineman,	Light,	Pursley,	Wilt,
Flint,	Limper,	Readinger,	Wood,
Floyd,	Lippincott,	Reibman,	Worley,
Foster,	Lopresti,	Reidenbach,	Yetter,
Frank,	Lovett,	Renwick,	Yetzer,
Frascella,	Lutty,	Rigby,	Young,
Frost,	Magee.	Rosen,	Ziegler,
Gaffney.		Rovansek,	Andrews,
Garlock,			Speaker

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 194, as follows:

An Act amending the act of May 5, 1921 (P. L. 374) entitled "An act providing for the licensing and regulation of corporations copartnerships associations and individuals engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment or of issuing negotiating offering for sale or selling any certificate securities contracts or other choses in actions evidenced by writing on the partial payment or installment plan or of assuming fixed obligations or issuing in connection therewith a contract based upon payments being made upon installments or single payments under which all or part of the total amount received is to be repaid at some future time with or without profit and imposing penalties" authorizing deposit of bonds of authorities created by the State or political sub-divisions as security for licensure

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 3 act of May 5, 1921 (P. L. 374), entitled "An act providing for the licensing and regulation of corporations copartnerships associations and individuals engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment or of issuing negotiating offering for sale or selling any certificates securities contracts or other choses in actions evidenced by writing on the partial payment or instalment plan or of assuming fixed obligations or issuing in connection therewith a contract based upon payments being made upon instalments or single payments under which all or part of the total amount received is to be repaid at some future time with or without profit and imposing penalties" amended May 15, 1933 (P. L. 788), is amended to read

Section 4 No corporation or person shall be licensed under the provisions of this act unless and until it has deposited with the commission in cash or bonds of the United States or of the State of Pennsylvania or of cities counties boroughs or school districts of this Commonwealth or of any authority created by the State or any political subdivision or any other state of the United States approved by the commission of the clear market value of one hundred thousand dollars ($100,000) as security for the fulfillment of its contract made heretofore or hereafter with residents of Pennsylvania Exchanges of such bonds may be made from time to time with the approval of the commission If any of said bonds are called for payment the proceeds thereof shall remain in the hands of the commission until other bonds of the character described in this section shall be substituted in like amount for the bonds so paid The corporation or person making such deposit shall be entitled to the income thereon

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Garlock,	Mahan,	Royer,
Agnew,	Gelfand,	Markley,	Rubin,
Amarando,	George,	Maxwell,	Rudisill,
Anderson, M. S.,	Gibb,	McCann,	Sarraf,
Anderson, S. A.,	Gibson,	McCormack,	Scarcelli,
Ashton,	Goldstein.	McGee,	Schuster,
Banker,	Gramlich,	McInroy,	Sherman,
Barnatovich,	Greenwood,	McKeever,	Sigman,
Bazin,	Guss,	McLaughlin,	Smith, C. C.,
Bell,	Guthrie,	McWherter,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Meholchick,	Snider,
Boles,	Hass,	Metz,	Stank,
Bonner,	Haudenshield,	Mihm,	Stebbins,
Boory,	Heavey,	Mikula,	Steckel,
Bower,	Helm,	Miller,	Stephens,
Branca,	Henzel,	Mills,	Stevenson,
Breisch,	Hewitt,	Monroe,	Stone,
Brennan, A. P.,	Hocker,	Moody,	Stoner,
Brennan, J. J.,	Holt,	Moran,	Strausser,
Brenninger,	Horst,	Moscrip,	Stroup,
Breth,	Houk,	Muldowney,	Swartz,
Brown,	Isaacs,	Mullen,	Taylor,
Bullen,	Jenkins,	Munley,	Thomas,
Capano,	Johnson,	Murphy,	Thompson,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Toll,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cochran,	Jump,	Murray, P. G.,	Toomey,
Comer,	Kamyk,	Musto,	Varallo,
Connelly,	Kehler,	Naugle,	Varner,
Cooper,	Keller,	Needham,	Verona,
Curwood,	Kent,	Ogilvie,	Vaughan,
Davis,	Kline,	Olsen,	Wall,
Donahue,	Knecht,	O'Neil,	Wallace,
Donaldson,	Kolankiewicz,	Pacchioli,	Walsh,
Dougherty,	Kooker,	Parry,	Wargo,
Down,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kratz,	Paulhamus,	Weidner,
Eilberg,	Kromer,	Petrosky,	Welsh,
Erb,	Lafore,	Pettigrew,	Wescott,
Eshleman,	Lawyer,	Polaski,	Wheeler,
Ewing,	Leiby,	Polen,	Whitenight,
Farabaugh,	Leisey,	Pomeroy,	Willaredt,
Filo,	Leonard,	Price,	Williams,
Fineman,	Leven,	Pursley,	Wilt,
Flint,	Light,	Readinger,	Wood,
Floyd,	Limper,	Reibman,	Worley,
Foster,	Lippincott,	Reidenbach,	Yetter,
Frank,	Lopresti,	Renwick,	Yetzer,
Frascella,	Lovett,	Rigby,	Young,
Frost,	Lutty,	Rosen,	Ziegler,
Gaffney,	Magee,	Rovansek,	Andrews,
			Speaker

NAYS—0

NOT VOTING—3

Auker, Bucchin, Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1970, as follows:

An Act amending the act of June 25 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" authorizing the use of certified mail when tax ordinances and statements are filed

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection F of section 1 act of June 25 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinances or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court amended May 27 1953 (P. L. 234) is amended to read

Section 1 * * *

F Filing of Certified Copies of Ordinances and Resolutions When an ordinance or a resolution is first passed or adopted by a political subdivision imposing a tax or license fee under the authority of this act an exact printed or typewritten copy thereof certified to by the secretary of the taxing body shall be filed with the Bureau of Municipal Affairs of the Department of Internal Affairs within fifteen days after the same becomes effective If such ordinance or resolution is again passed or adopted imposing the same tax or license fee without substantial change for the year next following and thereafter from year to year the secretary of the taxing body shall file with said bureau within fifteen days after the new ordinance or resolution goes into effect the following statement

"The 19 ordinance (or resolution) which imposed a tax or license fee on has been reenacted without substantial change for the year by the (City etc)

of the

Certified to by:

....."

Secretary

The filing of the tax ordinance and of the statement as to the reenactment of a tax ordinance as herein required shall be made by registered or certified mail with return receipt requested

Any secretary or person acting as the clerk or secretary of the taxing body of any political subdivision during the meeting at which an ordinance or resolution imposing a tax or license fee is passed or adopted as herein provided who shall fail to file the certified copy or statement relative thereto with the Bureau of Municipal Affairs as herein required shall upon summary conviction thereof in the county in which the political subdivision is located be sentenced to pay a fine of not less than five dollars ($5) nor more than twenty-five dollars ($25) and the costs of prosecution

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	**Gelfand,**	Markley,	Royer,
Agnew,	George,	Maxwell,	Rubin,
Amarando,	**Gibb,**	McCann,	Rudisill,
Anderson, M. S.,	**Gibson,**	**McCormack,**	Sarraf,
Anderson, S. A.,	Goldstein,	McGee,	Scarcelli,
Ashton,	**Gramlich,**	McInroy,	Schuster,
Banker,	**Greenwood,**	**McKeever,**	Sherman,
Barnatovich,	Guss,	McLaughlin,	Sigman,
Bazin,	Guthrie,	McWherter,	Smith, C. C.,
Bell,	**Hamilton, R. K.,**	**Meholchick,**	**Smith, Wm. B.,**
Blair,	**Hass,**	Metz,	Snider,
Boies,	Haudenshield,	**Mihm,**	Stank,
Bonner,	**Heavey,**	Mikula,	**Stebbins,**
Boory,	**Helm,**	Miller,	Steckel,
Bower,	Henzel,	Mills,	**Stephens,**
Branca,	Hewitt,	Monroe,	**Stevenson,**
Breisch,	Hocker,	Moody,	Stone,
Brennan, A. P.,	**Holt,**	Moran,	Stoner,
Brennan, J. J.,	**Horst,**	Moscrip,	Strausser,
Brenninger,	Houk,	Muldowney,	Stroup,
Breth,	**Isaacs,**	Mullen,	**Swartz,**
Brown,	**Jenkins,**	Munley,	Taylor,
Bullen,	Johnson,	Murphy,	Thomas,
Capano,	Jones, G. E.,	**Murray, H. P.,**	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, J. J.,	**Toll,**
Cioffi,	**Jump,**	Murray, P. G.,	**Tompkins,**
Cochran,	Kamyk,	Musto,	**Toomey,**
Comer,	Kehler,	Naugle,	**Varallo,**
Connelly,	Keller,	Needham,	**Varner,**
Cooper,	**Kent,**	Ogilvie,	Verona,
Curwood,	**Kline,**	Olsen,	Vaughan,
Davis,	Knecht,	O'Neil,	**Wall,**
Donahue,	Kolankiewicz,	Pacchioli,	Wallace,
Donaldson,	Kooker,	Parry,	Walsh,
Dougherty,	**Kornick,**	Pashley,	Wargo,
Down,	Kratz,	**Paulhamus,**	**Waterhouse,**
Ehrgood,	Kromer,	Petrosky,	Weidner,
Eilberg,	**Lafore,**	Pettigrew,	**Welsh,**
Erb,	Lawyer,	Polaski,	Wescott,
Eshleman,	Leiby,	**Polen,**	Wheeler,
Ewing,	Leisey,	Pomeroy,	**Whitenight,**
Farabaugh,	Leonard,	Price,	Willaredt,
Filo,	Leven,	**Pursley,**	Williams,
Fineman,	Light,	**Readinger,**	Wilt,
Flint,	Limper,	Reibman,	**Wood,**
Floyd,	**Lippincott,**	**Reidenbach,**	Worley,
Foster,	Lopresti,	**Renwick,**	Yetter,
Frank,	Lovett,	Rigby,	Yetzer,
Frascella,	Magee,	Rosen,	Young,
Frost,	Mahan.	Rovansek,	Ziegler,
Gaffney,		Lutty,	Andrews,
Garlock,			Speaker

NAYS—0

NOT VOTING—3

Auker, Bucchin, Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1972, as follows:

An Act amending the act of September 26 1951 (P. L. 1505) entitled "An act to authorize the revival of judgments entered in favor of the Commonwealth of Pennsylvania by filing a suggestion of nonpayment" authorizing the giving of notice by certified mail return receipt requested

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 act of September 26 1951 (P. L. 1505) entitled "An act to authorize the revival of judgments entered in favor of the Commonwealth of Pennsylvania by filing a suggestion of non-payment" is amended to read

Section 1 Whenever a claim of the Commonwealth of Pennsylvania has been reduced to judgment and the claim has not been paid then in any such case a suggestion of nonpayment may be filed in the county where the judgment was originally entered with the prothonotary of said county at any time within five years of the date of entry of the original judgment After notice to all proper parties by registered mail or certified mail return receipt requested to their last known address or advertisement inserted in a newspaper in the county where the property is located and no objection being filed within fifteen days after such service thereof when indexed upon the judgment index the suggestion of nonpayment filed as herein provided shall revive the original judgment for a period of five years from the date of filing such suggestion of nonpayment with the same force and effect as though a writ of scire facias had been issued served on all proper parties including real owners or terre-tenants and duly prosecuted to judgment and any judgment so revived shall remain a valid lien upon any real estate upon which it was a lien at the time the suggestion of nonpayment was filed and indexed upon the judgment index for a further period of five years and may again be revived in like manner

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Garlock,	Mahan,	Rovansek,
Agnew,	Gelfand,	Markley,	Royer,
Amarando,	George,	Maxwell,	Rubin,
Anderson, M. S.,	Gibb,	McCann,	Sarraf,
Anderson, S. A.,	Gibson,	McCormack,	Scarcelli,
Ashton,	Goldstein,	McGee,	Schuster,
Banker,	Gramlich,	McInroy,	Sherman,
Barnatovich,	Greenwood,	McKeever,	Sigman,
Bazin,	Guss,	McLaughlin,	Smith, C. C.,
Bell,	Guthrie,	McWherter,	Smith, Wm. B.,
Blair,	Hamilton, R. K.,	Meholchick,	Snider,
Boies,	Hass,	Metz,	Stank,
Bonner,	Haudenshield.	Mihm,	Stebbins,
Boory,	Heavey,	Mikula,	Steckel,
Bower,	Helm,	Miller,	Stephens,
Branca,	Henzel,	Mills,	Stevenson,
Breisch,	Hewitt,	Monroe,	Stone,
Brennan, A. P.,	Hocker,	Moody,	Stoner,
Brennan, J. J.,	Holt,	Moran,	Strausser,
Brenninger,	Horst,	Moscrip,	Stroup,
Breth,	Houk,	Muldowney,	Swartz,
Brown,	Isaacs,	Mullen,	Taylor,
Bullen,	Jenkins,	Munley,	Thomas,
Capano,	Johnson,	Murphy,	Thompson,
Cianfrani,	Jones, G. E.,	Murray, H. P.,	Toll,
Cioffi,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Cochran,	Jump,	Murray, P. G.,	Toomey,
Comer,	Kamyk,	Musto,	Varner,
Connelly,	Kehler,	Naugle,	Varallo,
Cooper,	Keller,	Needham,	Vaughan,
Curwood,	Kent,	Ogilvie,	Verona,
Davis,	Kline,	Olsen,	Wall,
Donahue,	Knecht,	O'Neil,	Wallace,
Donaldson,	Kolankiewicz,	Pacchioli,	Walsh,
Dougherty,	Kooker,	Parry,	Wargo,
Down,	Kornick,	Pashley,	Waterhouse,
Ehrgood,	Kratz,	Paulhamus,	Weidner,
Eilberg,	Kromer,	Petrosky,	Welsh,
Erb,	Lafore,	Pettigrew,	Wescott,
Eshleman,	Lawyer,	Polaski,	Wheeler,
Ewing,	Leiby,	Polen,	Whitenight,
Farabaugh,	Leisey,	Pomeroy,	Willaredt,
Filo,	Leonard,	Price,	Williams,
Fineman,	Leven,	Pursley,	Wilt,
Flint,	Light,	Readinger,	Wood,
Floyd,	Limper,	Reibman,	Worley,
Foster,	Lippincott,	Reidenbach,	Yetter,
Frank,	Lopresti,	Renwick,	Yetzer,
Frascella,	Lovett,	Rigby,	Young,
Frost,	Lutty,	Rosen,	Ziegler,
Gaffney,	Magee,	Rudisill,	Andrews, Speaker

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection

House Bill No. 2024, Printer's No. 1553

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2041, as follows:

An Act relating to the distribution sale or transportation of adulterated or misbranded insecticides fungicides rodenticides and other pesticides regulating traffic therein providing for registration and examination of such materials and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Insecticide Fungicide and Rodenticide Act of 1956"

Section 2 Definitions As used in this act

(1) "Pesticide" means any substance or mixture of substances intended for preventing destroying repelling or mitigating any insects rodents fungi weeds or other forms of plant or animal life or viruses except viruses on or in living man or other animals which the Secretary shall declare to be a pest

(2) "Insecticide" means any substance or mixture of substances intended for preventing destroying repelling or mitigating any insects which may be present in any environment whatsoever

(3) "Fungicide" means any substance or mixture of substances intended for preventing destroying repelling or mitigating any fungi

(4) "Rodenticide" means any substance or mixture of substances intended for preventing destroying repelling or mitigating rodents or any other vertebrate animal which the Secretary shall declare to be a pest

(5) "Herbicide" means any substance or mixture of substances intended for preventing destroying repelling or mitigating rodents or any other vertebrate animal which the Secretary shall declare to be a pest

(5) "Herbicide" means any substance or mixture of substances intended for preventing destroying repelling or mitigating any weed

(6) "Insect" means any of the numerous small in-

vertebrate animals generally having the body more or less obviously segmented for the most part belonging to the class Insecta comprising six-legged usually winged forms as for example bettles bugs bees flies and to other allied classes of arthropods whose members are wingless and usually have more than six legs as for example spiders mites ticks centipedes and wood lice

(7) "Fungi" means all non-chlorophyll-bearing thallophytes (that is all non-chlorophyll-bearing plants of a lower order than mosses and liverworsts) as for example rusts smuts mildews molds yeasts and bacteria except those on or in living man or other animals

(8) "Weed" means any plant which grows where not wanted

(9) "Ingredient statement" means either

(i) a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in a pesticide or

(ii) a statement of the name of each active ingredient together with the name of each and total percentage of the inert ingredients if any in the pesticide except clause (i) shall apply if the preparation is for agricultural use or is highly toxic to man determined as provided in section six of this act and in addition to clause (i) and (ii) if the pesticide contains arsenic in any form a statement of the percentages of total and water soluble arsenic each calculated as elemental arsenic

(10) "Active ingredient" means an ingredient which will prevent destroy repel or mitigate insects fungi rodents weeds or other pests

(11) "Inert ingredient" means an ingredient which is not an active ingredient

(12) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment

(13) "Person" means any individual partnership association corporation or organized group of persons whether incorporated or not

(14) "Secretary" means the Secretary of Agriculture of the Commonwealth of Pennsylvania

(15) "Registrant" means the person registering any pesticide pursuant to the provisions of this act

(16) "Label" means the written printed or graphic matter on or attached to the pesticide or the immediate container thereof and the outside container or wrapper of the retail package if any of the pesticide

(17) "Labeling" means all labels and other written printed or graphic matter

(i) upon the pesticide or any of its containers or wrappers

(ii) accompanying the pesticide at any time and

(iii) to which reference is made on the label or in literature accompanying the pesticide except when accurate non-misleading reference is made to current official publications of the United States Departments of Agriculture Interior Health Education and Welfare State Experiment Stations State Agricultural Colleges or other similar Federal institutions or official agencies of this Commonwealth or other states authorized by law to conduct research in the field of pesticides

(18) "Adulterated" applies to any pesticide if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold or if any substance has been substituted wholly or in part for the article or if any valuable constituent of the article has been wholly or in part abstracted

Section 3 Misbranding "Misbranded" shall apply

(1) to any pesticide if its labeling bears any statement design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular

(2) to any pesticide

(i) if it is an imitation of or is offered for sale under the name of another pesticide

(ii) if its labeling bears any reference to registration under this act

(iii) if the labeling accompanying it does not contain instructions for use which are necessary and if complied with adequate for the protection of the public

(iv) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals

(v) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper if there be one through which the ingredient statement on the immediate container cannot be clearly read of the retail package which is presented or displayed under customary conditions of purchase

(vi) if any word statement or other information required by or under the authority of this act to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words statements designs or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use or

(vii) if in the case of an insecticide fungicide or herbicide when used as directed or in accordance with commonly recognized practice it shall be injurious to living man or other vertebrate animals or vegetation except weeds to which it is applied or to the person applying the pesticide

Section 4 Prohibited Acts (a) It shall be unlawful for any person to distribute sell or offer for sale within this Commonwealth or deliver for transportation or transport in intrastate commerce or between points within this Commonwealth through any point outside this Commonwealth

(1) Any pesticide which has not been registered pursuant to the provisions of section five of this act or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representation made in connection with its registration or if the composition of a pesticide differs from its composition as represented in connection with its registration Provided That the Secretary may permit a change in the labeling or formula of a pesticide within a registration period without requiring reregistration of the product

(2) Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to such container and to the outside container or wrapper of the retail package if there be one through which the required information on the immediate container cannot be clearly read a label bearing

(i) the name and address of the manufacturer registrant or person for whom manufactured

(ii) the name brand or trademark under which the article is sold and

(ii) the net weight or measure of the content subject to such reasonable variations as the Secretary may permit

(3) Any pesticide which contains any substance or substances in quantities highly toxic to man determined as provided in section six of this act unless the label shall bear in addition to any other matter required by this act

(i) the skull and crossbones

(ii) the word "poison" prominently in red on a background of distinctly contrasting color and

(iii) a statement of an antidote for the pesticide

(4) Pesticides commonly known as standard lead arsenate basic lead arenate calcium arsenate magnesium arsenate zinc arsenate sodium fluoride sodium fluosilicate and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this act or any other white powder pesticide which the Secretary after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration shall by regulation require to be distinctly colored or discolored unless it has been so colored or discolored The Secretary may exempt any pesticide to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if he determines that coloring or discoloring for such use or uses is not necessary for the protection of the public health

(5) Any pesticide which is adulterated or misbranded

(b) It shall be unlawful

(1) for any person to detach alter deface or destroy in whole or in part any label or labeling provided for in this act or regulations promulgated hereunder or to add any substance to or take any substance from a pesticide in a manner that may defeat the purpose of this act

(2) for any person to use for his own advantage or to reveal other than to the Secretary or proper officials or employes of the Commonwealth or to the courts of this Commonwealth in response to a subpoena or to physicians or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes any information relative to formulas of products acquired by authority of section five of this act

Section 5 Registration (a) Every pesticide which is distributed sold or offered for sale within this Commonwealth or delivered for transportation or transported in intrastate commerce or between points within this Commonwealth through any point outside this Commonwealth shall be registered with the Secretary and such registration shall be renewed annually Products which have the same formula are manufactured by the same person the labeling of which contains the same claims and the labels of which bear a designation identifying the product as the same pesticide may be registered as a single pesticide and additional names and labels shall be added by supplement statements during the current period of registration The registrant shall file with the Secretary a statement including

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label if other than the registrant

(2) The name of the pesticide

(3) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it including directions for use and

(4) If requested by the Secretary a full description of the tests made and the results thereof upon which the claims are based In the case of renewal of registration a statement shall be required when the pesticide was registered or last reregistered

(b) Each pesticide shall be registered with the Secretary before being offered for sale sold or otherwise distributed in this Commonwealth The application for registration shall be submitted to the Secretary on forms which he shall supply and shall be accompanied by a fee of seven dollars and fifty cents ($7.50) per brand Upon approval by the Secretary a copy of the registration shall be furnished to the applicant All registrations shall expire on the thirty-first day of December of each year The registration fees and fines when collected shall constitute a fund to be administered by the Secretary for the payment of the costs of inspection sampling analysis and other expenses necessary for the administration of this act

(c) The Secretary whenever he deems it necessary in the administration of this act may require the submission of the complete formula of any pesticide If it appears to the Secretary that the composntion of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of section four of this act he shall register the article

(d) If it does not appear to the Secretary that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this act he shall notify the registrant of the manner in which the article labeling or other material required to be submitted fail to comply with the act so as to afford the registrant an opportunity to make the necessary corrections If upon receipt of such notice the registrant insists that the corrections are not necessary and requests in writing that the article be registered the Secretary shall register the article under protest and the registration shall be accompanied by a warning in writing to the registrant of the apparent failure of the article to comply with the provisions of this act In order to protect the public the Secretary may at any time cancel the registration of a pesticide and in lieu thereof issue a registration under protest in accordance with the foregoing procedure In no event shall registration of an article whether or not protested be construed as a defense for the commission of any offense prohibited under section four of this act

(e) Notwithstanding any other provision of this act registration is not required in the case of a pesticide shipped from one plant within this Commonwealth to another plant within this Commonwealth operated by the same person

Section 6 Determinations Rules Regulations Uniformity (a) The Secretary may after opportunity for a hearing

(1) Declare as a pest any form of plant or animal life or virus which is injurious to plants men domestic animals articles or substances

(2) Determine whether pesticides are highly toxic to man and

(3) Determine standards of coloring or discoloring for pesticides and to subject pesticides to the requirements of section four (a) (4) of this act

(b) The Secretary may after due public hearing make rules and regulations for carrying out the provisions of this act including rules and regulations providing for the collection and examination of samples of pesticides

(c) In order to avoid confusion endangering the public health resulting from diverse requirements particularly as to the labeling and coloring of pesticides and to avoid increased costs to the people of this Commonwealth due to the necessity of complying with such diverse requirements in the manufacture and sale of such pesticides it is desirable that there should be uniformity between the requirements of the several states and the Federal government relating to such pesticides To this end the Secretary may after due public hearing adopt rules and regulations applicable to and in conformity with the primary standards established by this act which are prescribed in the United States Department of Agriculture with respect to pesticides Such rules and regulations shall have the full force and effect of law as if they had been specifically enacted by the Legislature

Section 7 Enforcement (a) The examination of pesticides shall be made under the direction of the Secretary for the purpose of determining whether they comply with the requirements of this act If it appears from such examination that a pesticide fails to comply with the provisions of this act and the Secretary contemplates instituting proceedings against any person the Secretary shall cause appropriate notice to be given to such person and to the registrant Any person so notified shall be given an opportunity to present his views either orally or in writing with regard to such contemplated proceedings and if thereafter in the opinion of the Secretary it appears that the provisions of the act have been violated by such person the Secretary shall institute such action as is hereinafter provided in the county in which the violation occurred Nothing in this act shall be construed as requiring the Secretary to report for prosecution or for the institution of libel proceedings minor violations of the act whenever he believes that the public interests will be best served by a suitable notice or warning in writing

(b) The Secretary shall by publication in such manner as he may prescribe give public notice of all judgments entered in actions instituted under the authority of this act and all registrantions made under protest

Section 8 Exemptions (a) The penalties provided for violations of section four (a) of this act shall not apply to

(1) Any carrier while lawfully engaged in transporting a pesticide within this Commonwealth if such carrier shall upon request permit the Secretary or his designated agent to copy all records showing the transactions in and movement of the articles

(2) Public officials of this Commonwealth and the Federal government engaged in the performance of their official duties

(3) The manufacturer or shipper of a pesticide for experimental use only

(i) by or under the supervision of an agency of this

Commonwealth or of the Federal government authorized by law to conduct research in the field of pesticide or

(ii) by others if the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only Not to be sold" together with the manufacturer's name and address when a written permit has been obtained from the Secretary pesticides may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit

(b) No article shall be deemed in violation of this act when intended solely for export to a foreign country and when prepared or packaged according to the specifications or directions of the purchaser If not so exported all the provisions of this act shall apply

Section 9 Penalties (a) Any person violating any of the provisions of this act shall for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100) and costs of prosecution and in default of payment thereof shall be sentenced to undergo imprisonment for not more than thirty (30) days and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) or to undergo imprisonment not exceeding one (1) year or both Any offense committed more than five (5) years after a previous conviction shall be considered a first offense In any case where a registrant was issued a warning by the Secretary pursuant to the provisions of this act the registrant shall upon conviction of a violation of any provision of this act other than section four (a) (1) be fined not more than one thousand dollars ($1000) or imprisoned for not more than one (1) year or both and the registration of the article with reference to which the violation occurred shall terminate automatically An article the registration of which has been terminated may not again be registered unless the article its labeling and other material required to be submitted appear to the Secretary to comply with all the requirements of this act

(b) Notwithstanding any other provisions of this section in case any person with intent to defraud uses or reveals information relative to formulas of products acquired under authority of section five of this act upon conviction thereof shall be fined not less than two hundred dollars ($200) or imprisoned for not more than one (1) year or both

Section 10 Seizures (a) Any pesticide that is distributed sold or offered for sale within this Commonwealth or delievered for transportation or transported in intrastate commerce or between points within this Commonwealth through any point outside this Commonwealth shall be liable to be proceeded against in any competent court in any county of the Commonwealth where it may be found and seized for confiscation by process of libel for condemnation

(1) In the case of a pesticide

(i) if it is adulterated or misbranded

(ii) if it has not been registered under the provisions of section five of this act

(iii) if it fails to bear on its label the information required by this act

(iv) if it is a white powder pesticide and is not colored as required under this act

(b) If the article is condemned it shall after entry of decree be disposed of by destruction or sale as the court may direct and the proceeds if such article is sold less legal costs shall be paid into the fund hereinbefore referred to in section five (b) of this act the article shall not be sold contrary to the provisions of this act Upon payment of costs and execution and delivery of a good and suffcient bond conditioned that the article shall not be disposed of unlawfully the court may direct that the article be delivered to the owner thereof for relabeling or reprocessing as the case may be

(c) Then a decree of condemnation is entered against the article court costs and fees and storage and other proper expenses shall be awarded against the person if any intervening as claimant of the article

Section 11 Delegation of Duties All Authority vested in the Secretary by virtue of the provisions of this act may with like force and effect be executed by duly authorized agents of the Department of Agriculture as the Secretary may from time to time designate for said purpose

Section 12 Cooperation The Secretary is authorized and empowered to cooperate with and enter into agreement with any other agency of this Commonwealth the United States Department of Agriculture and any other State or agency thereof for the purpose of carrying out the provisions of this act and securing uniformity of regulations

Section 13 Repealer The act approved the seventeenth day of May one thousand nine hundred seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded Paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" is hereby repealed

Section 14 Effective date This act shall take effect the first day of January one thousand nine hundred fifty-seven

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—200

Adam,	Gelfand,	Maxwell,	Rubin,
Agnew,	George,	McCann,	Rudisill,
Amarando,	Gibb,	McCormack,	Sarraf,
Anderson, M. S.,	Gibson,	McGee,	Scarcelli,
Anderson, S. A.,	Goldstein,	McInroy,	Schuster,
Ashton,	Gramlich,	McKeever,	Sherman,
Banker,	Greenwood,	McLaughlin,	Sigman,
Barnatovich,	Guss,	McWherter,	Smith, C. C.,
Bazin,	Guthrie,	Meholchick,	Smith, Wm. B.,
Bell,	Hamilton, R. K.,	Metz,	Snider,
Blair,	Hass,	Mihm,	Stank,
Boles,	Haudenshield,	Mikula,	Stebbins,
Bonner,	Heavey,	Miller,	Steckel,
Boory,	Helm,	Mills,	Stephens,
Bower,	Henzel,	Monroe,	Stevenson,
Branca,	Hewitt,	Moody,	Stone,
Breisch,	Hocker,	Moran,	Stoner,
Brennan, A. P.,	Holt,	Moscrip,	Strausser,
Brennan, J. J.,	Horst,	Muldowney,	Stroup,
Brenninger,	Houk,	Mullen,	Swartz,
Breth,	Isaacs,	Munley,	Taylor,
Brown,	Jenkins,	Murphy,	Thomas,
Bullen,	Johnson,	Murray, H. P.,	Thompson,
Capano,	Jones, G. E.,	Murray, J. J.,	Toll,
Cianfrani,	Jones, T. H. W.,	Murray, P. G.,	Tompkins,
Cioffi,	Jump,	Musto,	Toomey,
Cochran,	Kamyk,	Naugle,	Varallo,
Comer,	Kehler,	Needham,	Varner,
Connelly,	Keller,	Ogilvie,	Vaughan,
Cooper,	Kent,	Olsen,	Verona,
Curwood,	Kline,	O'Neil,	Wall,
Davis,	Knecht,	Pacchioli,	Wallace,
Donaldson,	Kolankiewicz,	Parry,	Walsh,
Dougherty,	Kooker,	Pashley,	Wargo,
Down,	Kornick,	Faulhamus,	Waterhouse,
Ehrgood,	Kratz,	Petrosky,	Weidner,
Eilberg,	Kromer,	Pettigrew,	Welsh,
Erb,	Lawyer,	Polaski,	Wescott,
Eshleman,	Leiby,	Polen,	Wheeler,
Ewing,	Leisey,	Pomeroy,	Whitenight,
Farabaugh,	Leonard,	Price,	Williams,
Filo,	Leven,	Pursley,	Wilt,
Fineman,	Limper,	Readinger,	Wood,
Flint,	Lippincott,	Reibman,	Worley,
Floyd,	Lopresti,	Reidenbach,	Yetter,
Foster,	Lovett,	Renwick,	Yetzer,
Frank,	Lutty,	Rigby,	Young,
Frascella,	Magee,	Rosen,	Ziegler,
Frost,	Mahan,	Rovansek,	Andrews,
Gaffney,	Markley,	Royer,	Speaker
Garlock,			

NAYS—4

Donahue,	Lafore,	Light,	Willaredt,

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being not objection

House Bill No. 2043, Printer's No. 1450

was passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2072, as follows:

An Act regulating rights and duties of teachers in schools for the teaching and training of the mentally retarded functioning within the Department of Welfare

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words terms and phrases as used in this act shall have the meanings herein assigned to them unless the context clearly indicates otherwise

(1) "Schools" shall mean schools for the teaching and training of the mentally retarded that are functioning within the Department of Welfare

(2) "Teacher" shall mean any teacher employed to teach in schools as defined in this act

Section 2 Permanent Certificates The Superintendent of Public Instruction shall issue a permanent college certificate to every graduate of a college or university approved by the State Council of Education and of such departments therein as are approved by him when such graduate furnishes satisfactory evidence of good moral character and successful experience of three years' teaching in schools The permanent college certificates issued pursuant to this section shall be subject to all lawful privileges and restrictions applying to like certificates to teach in the public schools of this Commonwealth

Section 3 Contracts Execution Form In schools all contracts with teachers shall be in writing in duplicate and shall be executed on behalf of the Commonwealth of Pennsylvania by the Secretary of Welfare and signed by the teacher The Commonwealth of Pennsylvania shall hereafter enter into a contract in writing with each teacher who has satisfactorily completed two years of service in any school in this Commonwealth which shall contain only the following

"It is agreed by and between .....Teacher and the Commonwealth of Pennsylvania that the teacher shall under the authority of the Commonwealth of Pennsylvania and subject to the supervision of the properly authorized person serve as a teacher in the school for a term of ..... months for an annual compensation of $.....payable monthly or semi-monthly during the year less the contribution required by law to be paid to the State Employes' Retirement Fund and less other proper deductions for loss of time

"And it is further agreed by the parties hereto that this contract shall continue in force year after year with the right of the Commonwealth of Pennsylvania to increase the compensation over the compensation herein stated from time to time as may be provided under the provisions and proper operation of the established salary schedule if any for the Commonwealth of Pennsylvania subject to the provisions of law without invalidating any other provision of this contract unless terminated by the teacher by written resignation presented sixty days before resignation becomes effective or by the Commonwealth of Pennsylvania by official written notice from the Secretary of Welfare presented or mailed to the teacher The notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted if the teacher within ten days after receipt of the termination notice presents either in person or by mail a written request for a hearing"

Section 4 Termination of Contract The only valid causes for termination of a contract heretofore or hereafter entered into with a teacher shall be immorality incompetency intemperance cruelty persistent negligence mental derangement or advocation of or participating in un-American or subversive doctrine. The Commonwealth of Pennsylvania may terminate the service of any teacher who has attained the age of sixty-two The service of any teacher shall be terminated when the teacher attains the age of seventy

Nothing within the foregoing enumeration of causes shall be interpreted to conflict with the retirement of teachers upon proper evidence of disability

Section 5 Rating System In determining whether a teacher shall be dismissed for incompetency the teacher shall be rated by an approved rating system which shall give due consideration to personality preparation technique and pupil reaction in accordance with standards and regulations for such scoring as defined by rating cards to be prepared by the Department of Welfare and to be revised from time to time by the Department of Welfare with the cooperation and advice of a committee appointed by the Secretary of Welfare including representation from classroom teachers school directors school supervisors and such other groups or interests as the Secretary of Welfare may deem appropriate Rating shall be done by or under the supervision of the Secretary of Welfare or if so directed by him the same may be done by the person who has supervision over the work of the teacher who is being rated No unsatisfactory rating shall be valid unless approved by the Secretary of Welfare

Section 6 Causes for Suspension The Secretary of Welfare may suspend the necessary number of teachers for any of the causes hereinafter enumerated

(1) Substantial decrease in the number of pupils in any school

(2) Curtailment or alteration of school educational program by the Department of Welfare

Section 7 Suspensions and Reinstatements How Made (a) Whenever the Department of Welfare decreases the number of teachers in schools the suspensions to be made shall be determined by the Secretary of Welfare on the basis of efficiency rank determined by ratings made in accordance with standards and regulations determined by rating cards prepared by the Department of Welfare It shall be the duty of the Secretary of Welfare to cause to be established a permanent record system containing ratings for each teacher employed in a school Copies of all ratings for the year shall be transmitted to the teacher upon his or her request or if any rating during the year is unsatisfactory a copy of same shall be transmitted to the teacher concerned No teacher shall be dismissed under this act unless rating records have been kept on file by the Department of Welfare

(b) In cases in which suspensions are to be made teachers shall be retained on the basis of seniority rights acquired due to length of employment where no differences in rating are found Seniority rights shall also prevail where there is no substantial difference in rating In cases where there are substantial differences in rating of those under consideration for suspension seniority shall be given consideration in accordance with principles and standards of weighting incorporated in the rating cards

(c) No suspended teacher shall be prevented from engaging in other occupation during the period of suspension Suspended teachers shall be reinstated in the inverse order of their suspension No new appointment

shall be made while there are suspended teachers available who are properly certified to fill such vacancies

Section 8 Hearings Suspensions of teachers and the termination of teachers' contracts shall be subject to the right of notice hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the act of June 4 1954 (P. L. 1388) known as the "Administrative Agency Law" or any amendment or reenactment thereof relating to adjudication procedure

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	Gelfand,	Mahan,	Royer,
Agnew,	Gibb,	Markley,	Rubin,
Amarando,	Gibson,	Maxwell,	Rudisill,
Anderson, M. S.,	George,	McCann,	Sarraf,
Anderson, S. A.,	Goldstein,	McCormack,	Scarcelli,
Ashton,	Gramlich,	McGee,	Schuster,
Banker,	Greenwood,	McInroy,	Sherman,
Barnatovich,	Guss,	McKeever,	Sigman,
Bazin,	Guthrie,	McWherter,	Smith, C. C.,
Bell,	Hamilton, R. K.,	McLaughlin,	Smith, Wm. B.,
Blair,	Hass,	Meholchick,	Snider,
Boies,	Haudenshield,	Metz,	Stank,
Bonner,	Heavey,	Mihm,	Stebbins,
Boory,	Helm,	Mikula,	Steckel,
Bower,	Henzel,	Miller,	Stephens,
Branca,	Hewitt,	Mills,	Stevenson,
Breisch,	Hocker,	Monroe,	Stone,
Brennan, A. P.,	Holt,	Moody,	Stoner,
Brennan, J. J.,	Horst,	Moran,	Strausser,
Brenninger,	Houk,	Moscrip	Stroup,
Breth,	Isaacs,	Muldowney,	Swartz,
Brown,	Jenkins,	Mullen,	Taylor,
Bullen,	Johnson,	Munley,	Thomas,
Capano,	Jones, G. E.,	Murphy,	Thompson,
Cianfrani,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Cioffi,	Kamyk,	Murray, J. J.,	Tompkins,
Cochran,	Jump,	Murray, P. G.,	Toomey,
Comer,	Kehler,	Musto,	Varallo,
Connelly,	Keller,	Naugle,	Varner,
Cooper,	Kent,	Needham,	Vaughan,
Curwood,	Kline,	Ogilvie,	Verona,
Davis,	Knecht,	Olsen,	Wall,
Donaldson,	Kolankiewicz,	O'Neil,	Wallace,
Donahue,	Kooker,	Pacchioli,	Walsh,
Dougherty,	Kornick,	Parry,	Wargo,
Down,	Kratz,	Pasnley,	Waterhouse,
Ehrgood,	Kromer,	Paulhamus,	Weidner,
Eilberg,	Lafore,	Petrosky,	Welsh,
Erb,	Lawyer,	Pettigrew,	Wescott,
Eshleman,	Leiby,	Polaski,	Wheeler,
Ewing,	Leisey,	Polen,	Whitenight,
Farabaugh,	Leonard,	Pomeroy,	Willaredt,
Filo,	Leven,	Price,	Williams,
Fineman,	Light,	Pursley,	Wilt,
Flint,	Limper,	Readinger,	Wood,
Floyd,	Lippincott,	Reibman,	Worley,
Foster,	Lopresti,	Reidenbach,	Yetter,
Frank,	Lovett,	Renwick,	Yetzer,
Frascella,	Lutty,	Rigby,	Young,
Frost,	Magee,	Rosen,	Ziegler,
Gaffney,		Rovansek,	Andrews,
Garlock,			Speaker

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2082 entitled:

An Act amending the act of July 28 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" authorizing employes of departments of health of the Commonwealth of Pennsylvania cities of the second and third class boroughs and townships upon application to become members of the county retirement system upon becoming county employes providing for payment by the employes and former employes into the county retirement fund

On the question,

Will the House agree to the bill on third reading?

Mr. SARRAF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Title, page 1, line 4 of Title, by striking out "departments of health of"

Amend Sec. 1 (Sec. 1710), page 2, line 9, by striking out "Department of Health"

Amend Sec. 1 (Sec. 1710), page 2, line 16, by striking out "Department of Health of the"

Amend Sec. 1 (Sec. 1710), page 3, line 9, by striking out "Department of Health"

Amend Sec. 1 (Sec. 1710), page 3, lines 13 to 15, by striking out all of said lines.

On the question,

Will the House agree to the bill on third reading?

Mr. SARAF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1 (Sec. 1710), page 4, line 5, by striking out "a Department of Health of"

Amend Sec. 1 (Sec. 1710), page 4, lines 10 and 11, by striking out "Departments of Health" and inserting in lieu thereof: municipalities

Amend Sec. 1 (Sec. 1710), page 4, lines 17 and 18, by striking out "Department of Health" and inserting in lieu thereof: municipalities

Amend Sec. 1 (Sec. 1710), page 5, line 11, by striking out "Departments of Health" and inserting in lieu thereof: municipalities

Amend Sec. 1 (Sec. 1710), page 6, lines 1 to 4, by striking out all of said lines.

Amend Sec. 1, (Sec. 1710), page 2, lines 16, 17 and 18, by striking out "In addition thereto interest" in line 16, all of line 17, and "tions would have been paid. Both" in line 18, and inserting in lieu The

Amend Sec. 1 (Sec. 1710), page 2, line 18, by striking out "and interest"

Amend Sec. 1 (Sec. 1710), page 3, line 2, by striking out "both" and inserting in lieu the

Amend Sec. 1, (Sec. 1710), page 3, line 2, by striking out "and interest"

Amend Sec. 1, (Sec. 1710), page 3, lines 2 and 3, by striking out "consolidated into one amount and"

Amend Sec. 1, (Sec. 1710), page 3, line 4, by striking out "plus interest"

Amend Sec. 1 (Sec. 1710), page 4, lines 18 and 19, by striking out "In addition thereto interest at the legal rate shall" in line 18 and all of 19,

Amend Sec. 1, (Sec. 1710), page 5, line 1 by striking out "been paid Both" and inserting in lieu The

Amend Sec. 1, (Sec. 1710), page 5, line 1, by striking out "and interest"

Amend Sec. 1, (Sec. 1710), page 5, line 3, by striking out "both" and inserting the

Amend Sec. 1, (Sec. 1710), page 5, line 3, by striking out "and interest"

Amend Sec. 1, (Sec. 1710), page 5, lines 3 and 4, by striking out "consolidated into one amount and"

Amend Sec. 1, (Sec. 1710), page 5, line 4, by striking out "plus interest"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2087 as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justice of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records and admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating applications for registration changing annual registration fees for certain commercial motor vehicles truck tractors trailers and semi-trailers prescribing certain engine capacity and additional equipment requirements for certain vehicles changing the maximum gross weights allowed for certain vehicles providing a formula for determining the gross maximum weights and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 102 act of May 1 1929 (P L 905) known as "The Vehicle Code" is amended by adding after the definition of "Motor Vehicles" a new definition to read

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

* * *

"Net Brake Horsepower" The net brake horsepower of of a vehicle is the horsepower delivered to the clutch or its equivalent with all accessories and attachments (including exhaust pipe muffler and tail pipe) which are standard or regular equipment on the engine as installed in the vehicle functioning at the governed speed as certified to by the manufacturer or otherwise determined by the secretary

* * *

Section 2 Subsection (a) of section 402 of the act amended April 11 1949 (P L 423) is amended to read

Section 402 Application for Registration (a) Application for the registration of a motor vehicle trailer or semi-trailer shall be made to the department upon a form furnished by the department The application shall contain the full name and the actual or bona fide address of the owner or owners together with the name manufacturer's serial number the character of the motive power [and the horsepower or] seating capacity and in the case of commercial motor vehicles [the gross weight of the chassis as given and certified by the manufacturer] the number of square inches of aggregate braking surface of the service brakes as given and certified to by the manufacturer the rated net brake horsepower of the engine or motor the governed speed at which determined and a declaration of the class in which the vehicle is to be registered together with the maximum gross weight allowed for such class and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semi-trailers the combined weight of the chassis and body is so constructed or the [gross] weight of the trailer or semi-trailer exclusive of the load to be transported and in the case of trailers or semi-trailers other than those designed and used exclusively as living quarters a declaration of the class in which the trailer or semi-trailer is to be registered and the maximum gross weight allowed for such class and also such description of the motor vehicle trailer or semi-trailer including lamps and other equipment as the secretary shall require The application shall be signed by the owner if a natural person and in cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by said corporation copartnership or association to sign the same and shall be accompanied by the fee provided in this act

* * *

Section 3 Sections 703 704 706 and 811 of the act amended June 30 1955 (P L 225) are amended to read

Section 703 Commercial Motor Vehicles and Truck Tractors with Pneumatic Tires Commercial motor vehicles and truck tractors with pneumatic tires other than those electrically operated shall be divided into eight (8) classes and the fee for annual registration of such vehicles in each of the respective classes based on the maximum gross [chassis] weight [as given and certified to by the manufacturer] shall be as follows

Four-Wheeled Class	[Chassis Weight in Pounds]	Maximum Gross Weight in Pounds	Fee
R	[Less than 2000]	5000	$16.50
S	[2000 and over but less than 3000]	7000	$26.00
T	[3000 and over but less than 4000]	11000	$35.00
U	[4000 and over but less than 5000]	16500	$55.00
V	[5000 and over but less than 6000]	21000	$90.00
W	[6000 and over but less than 7500]	26000	120.00
Y	[7500 and over but less than 9000]	30000	190.00
Z	[9000 and over]	33000	225.00

Six-Wheeled (3 Axles) Class	[Chassis Weight in Pounds]	Maximum Gross Weight in Pounds	Fee
RZ	[2000 and over but less than 3000]	12000	$48.00
SZ	[3000 and over but less than 4000]	14000	60.00
TZ	[4000 and over but less than 5000]	16000	72.00
UZ	[5000 and over but less than 6000]	26000	132.00
VZ	[6000 and over but less than 7500]	31000	168.00
WZ	[7500 and over but less than 9000]	36000	208.00
YZ	[9000 and over but less than 12000]	40000	252.00
ZZ	[12000 and over]	47000	300.00

Commercial Vehicles

Eight-Wheeled (4 Axles in Pairs) Class	[Chassis Weight in Pounds]	Maximum Gross Weight in Pounds	Fee
RX	[3000 and over but less than 4000]	14000	$60.00
SX	[4000 and over but less than 5000]	16000	72.00
TX	[5000 and over but less than 6000]	26000	132.00
UX	[6000 and over but less than 7500]	31000	168.00
VX	[7500 and over but less than 9000]	36000	208.00
WX	[9000 and over but less than 12000]	40000	252.00
YX	[12000 and over but less than 13500]	47000	300.00
ZX	[13500 and over]	60000	360.00

Section 704 Commercial Motor Vehicles and Truck Tractors with Solid Rubber or Cushion Rubber Tires Commercial motor vehicles and truck tractors with solid rubber or cushion rubber tires approved by the Secretary of Highways of this Commonwealth other than those electrically operated shall be divided into eight (8) classes and the fee for the annual registration of such vehicles in each of the respective classes based on the maximum gross [chassis] weight [as given and certified to by the manufacturer] shall be as follows

Four-Wheeled Class [Chassis Weight in Pounds] (Solid Rubber Tires)	Maximum Gross Weight in Pounds	Fee
R [Less than 2000]	5000	$30.00
S [2000 and over but less than 3000]	7000	45.00
T [3000 and over but less than 4000]	11000	75.00
U [4000 and over but less than 5000]	16500	120.00
V [5000 and over but less than 6000]	21000	170.00
W [6000 and over but less than 7500]	26000	225.00
Y [7500 and over but less than 9000]	30000	285.00
Z [9000 and over]	33000	340.00

Six-Wheeled (3 Axles) Class [Chassis Weight in Pounds] (Solid Rubber Tires)	Maximum Gross Weight in Pounds	Fee
RZ [2000 and over but less than 3000]	12000	$72.00
SZ [3000 and over but less than 4000]	14000	90.00
TZ [4000 and over but less than 5000]	16000	110.00
UZ [5000 and over but less than 6000]	26000	200.00
VZ [6000 and over but less than 7500]	31000	288.00
WZ [7500 and over but less than 9000]	36000	311.00
YZ [9000 and over but less than 12000]	40000	375.00
ZZ [12000 and over]	47000	450.00

Four-Wheeled Class [Chassis Weight in Pounds] (Cushion Rubber Tires)	Maximum Gross Weight in Pounds	Fee
R [Less than 2000]	5000	$25.00
S [2000 and over but less than 3000]	7000	37.00
T [3000 and over but less than 4000]	11000	66.00
U [4000 and over but less than 5000]	16500	99.00
V [5000 and over but less than 6000]	21000	140.00
W [6000 and over but less than 7500]	26000	177.00
Y [7500 and over but less than 9000]	30000	230.00
Z [9000 and over]	33000	275.00

Six-Wheeled (3 Axles) Class [Chassis Weight in Pounds] (Cushion Rubber Tires)	Maximum Gross Weight in Pounds	Fee
RZ [2000 and over but less than 3000]	12000	$60.00
SZ [3000 and over but less than 4000]	14000	75.00
TZ [4000 and over but less than 5000]	16000	90.00
UZ [5000 and over but less than 6000]	26000	162.00
VZ [6000 and over but less than 7500]	31000	213.00
WZ [7500 and over but less than 9000]	36000	250.00
YZ [9000 and over but less than 12000]	40000	300.00
ZZ [12000 and over]	47000	360.00

Section 706 Trailers and Semi-Trailers Trailers and semi-trailers equipped with pneumatic or solid rubber or cushion rubber tires approved by the Secretary of Highways shall be divided into seven (7) classes and the fee for annual registration of such vehicles in each of the respective classes based on [the combined weight of chassis and body if so constructed or] the gross weight of the trailer or semi-trailer [exclusive of] and the load to be transported shall be as follows

Two-Wheeled Semi-Trailer Class [Weight in Pounds]	Maximum Gross Weight in Pounds	Tire Equipment Fee Pneumatic	Cushion	Solid
A [Less than 1000]	3000	$10.00	$12.00	$15.00
B [1000 and over but less than 2000]	8000	30.00	35.00	40.00
C [2000 and over but less than 3000]	10000	45.00	60.00	75.00
D [3000 and over but less than 4000]	12000	57.00	75.00	95.00
E [4000 and over but less than 5000]	14000	73.00	95.00	115.00
F [5000 and over but less than 6000]	16000	88.00	110.00	135.00
G [6000 and over]	20000	125.00	150.00	175.00

Four-Wheeled (2 Axles) Trailer or Semi-Trailer Class [Weight in Pounds]	Maximum Gross Weight in Pounds	Tire Equipment Fee Pneumatic	Cushion	Solid
A [Less than 1000]	3000	$10.00	$12.00	$15.00
B [1000 and over but less than 2000]	8000	30.00	32.00	40.00
C [2000 and over but less than 3000]	10000	45.00	60.00	75.00
D [3000 and over but less than 4000]	16000	57.00	75.00	95.00
E [4000 and over but less than 5000]	20000	72.00	95.00	115.00
F [5000 and over but less than 6000]	24000	88.00	110.00	135.00
G [6000 and over]	32000	125.00	150.00	175.00

Six-Wheeled (3 Axles) Trailer Class [Weight in Pounds]	Maximum Gross Weight in Pounds	Tire Equipment Fee Pneumatic	Cushion	Solid
AZ [Less than 3000]	12000	$45.00	$50.00	$55.00
BZ [3000 and over but less than 4000]	15000	55.00	60.00	67.00
CZ [4000 and over but less than 5000]	20000	75.00	85.00	90.00
DZ [5000 and over but less than 6000]	26000	97.00	105.00	120.00
EZ [6000 and over but less than 7000]	30000	112.00	120.00	135.00
FZ [7000 and over but less than 9000]	34000	127.00	140.00	155.00
GZ [9000 and over]	40000	150.00	160.00	180.00

Section 811 Brakes

(a) Every vehicle using the highways of this Commonwealth except trailers and semi-trailers having chassis and body weights of less than one thousand (1000) pounds shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle Brakes shall be capable of stopping the vehicle and its load if any traveling at a speed of twenty (20) miles per hour upon a dry hard approximately level stretch of highway free from loose material where the grade does not exceed one (1) per centum within the following distances namely fifty-five (55) feet for emergency brakes forty (40) feet for service brakes effective upon less than all wheels and thirty (30) feet for service brakes effective upon all wheels Brakes shall be maintained in good working order and so adjusted upon vehicles other than motorcycles and bicycles with motors attached as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicles Emergency brakes shall be adequate to hold such vehicle or vehicles stationary upon any grade upon which operated

(b) Every motor vehicle using the highways of this Commonwealth except motorcycles and bicycles with motors attached shall be equipped with two (2) separate means of applying the brakes so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without operative brakes on at least two (2) wheels One such means shall be an emergency brake employing a ratchet and pawl or other suitable locking and releasing mechanism effective to lock at least two (2) rear wheels on opposite sides of the vehicle The other such means shall be a service brake effective upon all wheels of every such motor vehicle sold new in this Commonwealth on or after the first day of January one thousand nine hundred thirty-six and upon at least two (2) wheels of every other such motor vehicle

(c) Every motorcycle and bicycle with motor attached using the highways of this Commonwealth shall be provided with at least one (1) brake which may be operated by hand or foot

(d) Every combination of a commercial motor vehicle and trailer or truck tractor and semi-trailer when operated upon a highway shall be equipped with brakes so designed as to be applied upon both vehicles by the driver of the towing motor vehicle from its cab The brakes shall be so designed and connected that in case of an accidental break-away of the towed vehicle the brakes thereof shall be automatically applied and stop and hold such vehicle for at least fifteen (15) minutes

(e) Every commercial motor vehicle and every combination of a commercial motor vehicle and trailer or of a truck tractor and semi-trailer when used on a highway shall be equipped with service brakes having an aggregate braking surface of a type designed for a maximum of one hundred twenty (120) degrees and a minimum of ninety (90) degrees friction surface of not less than one (1) square inch for each fifty-five (55) pounds of maximum gross weight allowed by this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 4 The act is amended by adding after section 821 a new section to read

Section 821.1 Minimum Engine Capacity Every commercial motor vehicle and every combination of a commercial motor vehicle and trailer or of a truck tractor and semi-trailer when used on a highway shall be equipped with an engine having a net brake horsepower ratio of not less than one brake horsepower at governed speed for each four hundred fifty (450) pounds of maximum gross weight allowed but not less than fifty (50) net brake horsepower

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 5 Section 903 of the act amended June 30, 1955 (P. L. 225) is amended to read

Section 903 Weight of Vehicles and Loads

(a) Commercial motor vehicles and truck tractors other than those electrically operated shall not be used or operated on any highway with gross weight exceeding those specified for the several classes [and weights of chassis] as follows

Four-Wheeled (2 Axles) Class	[Chassis Weight] [in Pounds]	Maximum Gross Weight in Pounds
R	[Less than 2000]	5000
S	[2000 and over but less than 3000]	7000
T	[3000 and over but less than 4000]	11000
U	[4000 and over but less than 5000]	16500
V	[5000 and over but less than 6000]	21000
W	[6000 and over but less than 7500]	26000
Y	[7500 and over but less than 9000]	30000
Z	[9000 and over]	33000

Six-Wheeled (3 Axles) Class	[Chassis Weight] [in Pounds]	Maximum Gross Weight in Pounds
RZ	[2000 and over but less than 3000]	12000
SZ	[3000 and over but less than 4000]	14000
TZ	[4000 and over but less than 5000]	16000
UZ	[5000 and over but less than 6000]	26000
VZ	[6000 and over but less than 7500]	31000
WZ	[7500 and over but less than 9000]	36000
YZ	[9000 and over but less than 12000]	40000
ZZ	[12000 and over]	47000

Eight-Wheeled (4 Axles in Pairs) Class	[Chassis Weight] [in Pounds]	Maximum Gross Weight in Pounds
RX	[3000 and over but less than 4000]	14000
SX	[4000 and over but less than 5000]	16000
TX	[5000 and over but less than 6000]	26000
UX	[6000 and over but less than 7500]	31000
VX	[7500 and over but less than 9000]	36000
WX	[9000 and over but less than 12000]	40000
YX	[12000 and over but less than 13500]	47000
ZX	[13500 and over]	60000

(b) Electrically operated commercial motor vehicles and truck tractors shall not be used or operated on any highway with gross weight exceeding those specified for the several classes as follows

Four-Wheeled (2 Axles) Class	Maximum Gross Weight in Pounds
R	5000
S	7000
T	11000
U	15000
V	18000
W	22000
Y	25000
Z	26000

Six-Wheeled (3 Axles) Class	Maximum Gross Weight in Pounds
RZ	12000
SZ	14000
TZ	16000
UZ	22000
VZ	26000
WZ	30000
YZ	34000
ZZ	36000

(c) Trailers and semi-trailers except trailers designed and used exclusively for living quarters shall not be used or operated on any highway with gross weight exceeding those specified for the several classes as follows

Four-Wheeled (2 Axles) Trailer or Semi-Trailer Class	[Weight in Pounds]	Maximum Gross Weight in Pounds
A	[Less than 1000]	3000
B	[1000 and over but less than 2000]	6000
C	[2000 and over but less than 3000]	10000
D	[3000 and over but less than 4000]	16000
E	[4000 and over but less than 5000]	20000
F	[5000 and over but less than 6000]	24000
G	[6000 and over]	36000

Six-Wheeled (3 Axles) Trailer Class	[Weight in Pounds]	Maximum Gross Weight in Pounds
AZ	[Less than 3000]	12000
BZ	[3000 and over but less than 4000]	15000
CZ	[4000 and over but less than 5000]	20000
DZ	[5000 and over but less than 6000]	26000
EZ	[6000 and over but less than 7000]	30000
FZ	[7000 and over but less than 9000]	34000
GZ	[9000 and over]	47000

Two-Wheeled (1 Axle) Semi-Trailer Class	[Weight in Pounds]	Maximum Gross Weight in Pounds
A	[Less than 1000]	3000
B	[1000 and over but less than 2000]	8000
C	[2000 and over but less than 3000]	10000
D	[3000 and over but less than 4000]	12000
E	[4000 and over but less than 5000]	14000
F	[5000 and over but less than 6000]	16000
G	[6000 and over]	22400

(d) Whenever two vehicles are used or operated as a combination on any highway the gross weight of the combination shall not exceed the sum of the maximum gross weights allowed for the respective vehicles and in addition the gross weight of the combination shall not exceed the gross weight specified as follows

Combination	Maximum Gross Weight in Pounds
Truck tractor and single-axle semi-trailer	50000

Truck tractor and two-axle semi-trailer	60000
Commercial motor vehicle and trailer	62000

(e) Maximum gross weights provided in this section are allowed only under conditions where no other restrictions are provided in this act or in any other laws regulating maximum gross weight of vehicles

(f) No vehicle shall be operated upon any highway with weight in excess of eighteen thousand (18,000) pounds upon any axle less than seventy-two (72) inches from any other axle or with weight in excess of twenty-two thousand four hundred (22,400) pounds upon any other axle or with weight in excess of eight hundred (800) pounds upon any one wheel for each nominal inch of width of tire on such wheel

(g) No vehicle with four or more wheels shall be operated upon any highway unless any two axles be at least thirty-six (36) inches apart No truck tractor and semi-trailer shall be operated as a combination on any highway unless the rear-most axle of the truck tractor and the foremost axle of the semi-trailer be at least ninety six (96) inches apart

(h) None of the restrictions provided in this section shall be applicable to fire department equipment or to any motor bus or motor omnibus

Penalty Any person operating any vehicle or combination of vehicles upon any highway with a gross weight or with weight on any axle or wheel exceeding by more than three (3) per centum the maximum weight allowed in that particular case shall upon summary conviction before a magistrate be sentenced to pay the costs of prosecution and a fine for each and every pound of excess above the maximum weight allowed according to the following schedule

If the excess is	The fine shall be
Not over 3000 pounds	$ 60.00
Over 3000 pounds but not over 3500 pounds	120.00
Over 3500 pounds but not over 4000 pounds	140.00
Over 4000 pounds but not over 4500 pounds	240.00
Over 4500 pounds but not over 5000 pounds	270.00
Over 5000 pounds but not over 5500 pounds	400.00
Over 5500 pounds but not over 6000 pounds	440.00
Over 6000 pounds but not over 6500 pounds	600.00

For each additional 500 pounds or part thereof over 6500 pounds $600.00 plus $50.00 for each additional 500 pounds or part thereof Provided That in any case in which there shall be concurrent violations of more than one of the clauses of this section prescribing maximum weights the penalty imposed shall be for violation of that clause which produces the greatest fine but no penalty shall be imposed for violation of any other such clause

Any person operating a vehicle or combination of vehicles in violation of clause (g) of this section shall upon summary conviction before a magistrate be sentenced to pay the costs of prosecution and a fine of twenty-five ($25) dollars

In default of payment of any fine and costs of prosecution imposed pursuant to the foregoing provisions of this penalty clause the magistrate shall impound the vehicle or combination of vehicles and order the arresting officer or other peace officer to seize them The magistrate shall forthwith notify the sheriff of the county wherein the violation occurred who shall store the impounded vehicle or combination of vehicles The sheriff's costs storage costs and all other costs incident to impounding shall be deemed additional costs of prosecution The sheriff shall give immediate notice by telegram and registered mail return receipt requested of the impoundment and location of the vehicle or combination of vehicles to the owner of said vehicle or combination of vehicles and the owner of the load if said owners' names and addresses are known or can be ascertained by the sheriff

The title to the load shall remain in the owner thereof and he shall be entitled to repossess it at any time upon presentation of proof of such ownership to the sheriff If the load shall spoil during possession by the Commonwealth the loss shall be upon the owner thereof subject to any right of recovery of damages at common law that he may have against the owner of the vehicle or combination of vehicles and the costs of disposition thereof shall be deemed an additional cost of prosecution In case any vehicle or combination of vehicles impounded or the load thereon as aforesaid shall remain unredeemed in the case of the vehicle or combination of vehicles and unclaimed in the case of a load for a period of sixty (60) days after notice of impoundment is given as aforesaid the same shall be deemed to be abandoned and shall be disposed of by the sheriff upon order of the magistrate in accordance with the procedures outlined in section four of the act approved the third day of July one thousand nine hundred forty-one (P. L. 263) with the exception that the reference to a court therein contained for the purposes of this act shall be construed to mean magistrate And provided further That the proceeds of such sale after the payment of encumbrances shall be applied to the payment of fine and costs and the balance thereof shall be remitted to the owner

For the enforcement of this section all peace officers shall have the power to arrest on view for violation of any of the provisions of this section

Section 6 Sections 1 2 3 and 4 of this act shall become effective according to the following schedule namely on the first day of the registration year 1956 as to any vehcile not theretofore titled in this Commonwealth on the first day of the registration year 1957 as to any other vehicle with declared maximum gross weight of twenty thousand (20,000) pounds or more and on the first day of the registration year 1958 as to any other vehicle with declared maximum gross weight of less than twenty thousand (20,000) pounds Section 5 of this act shall become effective immdeiately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—204

Adam,	**Gelfand,**	Mahan,	Royer,
Agnew,	George,	Markley,	**Rubin,**
Amarando,	**Gibb,**	Maxwell,	Rudisill,
Anderson, M. S.,	**Gibson,**	**McCann,**	Sarraf,
Anderson, S. A.,	**Goldstein,**	McCormack,	Scarcelli,
Ashton,	**Gramlich,**	McGee,	Schuster,
Banker,	**Greenwood,**	McInroy,	Sherman,
Barnatovich,	Guss,	McKeever	Sigman,
Bazin,	**Guthrie,**	McLaughlin,	Smith, C. C.,
Bell,	**Hamilton, R. K.,**	McWherter,	**Smith, Wm. B.,**
Blair,	**Hass,**	**Meholchick,**	Snider,
Boies,	Haudenshield,	Metz,	Stank,
Bonner,	**Heavey,**	**Mihm,**	**Stebbins,**
Boory,	**Helm,**	Mikula,	Steckel,
Bower,	**Henzel,**	Miller,	Stephens,
Branca,	**Hewitt,**	Mills,	**Stevenson,**
Breisch,	**Hocker,**	Monroe,	Stone,
Brennan, A. P.,	**Holt,**	Moody,	Stoner,
Brennan, J. J.,	**Horst,**	Moran,	Strausser,
Brenninger,	**Houk,**	Moscrip,	Stroup,
Breth,	**Isaacs,**	Muldowney,	**Swartz,**
Brown,	**Jenkins,**	Mullen,	**Taylor,**
Bullen,	**Johnson,**	Munley,	Thomas,
Cianfrani,	Jones, G. E.,	Murphy,	Thompson,
Cioffi,	Jones, T. H. W.,	**Murray, H. P.,**	Toll,
Capano,	**Jump,**	Murray, J. J.,	**Tompkins,**
Cochran,	**Kamyk,**	Murray, P. G.,	**Toomey,**
Comer,	**Kehler,**	Musto,	**Varallo,**
Connelly,	**Keller,**	Naugle,	Varner,
Cooper,	**Kent,**	Needham,	Vaughan,
Curwood,	**Kline,**	Ogilvie,	Verona,
Davis,	**Knecht,**	Olsen,	Wall,
Donahue,	Kolankiewicz,	O'Neil,	**Wallace,**
Donaldson,	**Kooker,**	Pacchioli,	Walsh,
Dougherty,	**Kornick,**	Parry,	Wargo,
Down,	**Kratz,**	Pashley,	**Waterhouse,**
Ehrgood,	**Kromer,**	Paulhamus,	Weidner,
Eilberg,	**Lafore,**	Petrosky,	**Welsh,**
Erb,	**Lawyer,**	Pettigrew,	**Wescott,**
Eshleman,		**Polaski,**	**Wheeler,**

Ewing,	Leiby,	Polen,	Whitenight,
Farabaugh,	Leisey,	Pomeroy,	Willaredt,
Filo,	Leonard,	Price,	Williams,
Fineman,	Leven,	Pursley,	Wilt,
Flint,	Light,	Readinger,	Wood,
Floyd,	Limper,	Reibman,	Worley,
Foster,	Lippincott,	Reidenbach,	Yetter,
Frank,	Lopresti,	Renwick,	Yetzer,
Frascella,	Lovett,	Rigby,	Young,
Frost,	Lutty,	Rosen,	Ziegler,
Gaffney,	Magee,	Rovansek,	Andrews,
Garlock,			

NAYS—0

NOT VOTING—3

Auker,	Bucchin,	Flynn,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

Senate Bill No. 209, Printer's No. 610,
Senate Bill No. 221, Printer's No. 139,
Senate Bill No. 414, Printer's No. 143,
Senate Bill No. 420, Printer's No. 483,
Senate Bill No. 600, Printer's No. 330,
Senate Bill No. 657, Printer's No. 278,
Senate Bill No. 906, Printer's No. 430,
Senate Bill No. 916, Printer's No. 481 and
Senate Bill No. 957, Printer's No. 516,

were passed over at the request of the SPEAKER pro tempore.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. KAMYK.

The House resumed the consideration on third reading of House Bill No. 1904, entitled:

An Act amending the act of September 26, 1951 (P. L. 1536) entitled "An act providing for the licensure and regulation of commercial boarding homes for the aged conferring certain powers and duties upon the Department of Welfare imposing license fees and providing penalties" further providing for refusal to grant refusal to renew and revocation of licenses changing license fees.

On the question,

Will the House agree to the bill on third reading?

Mr. KAMYK. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 7, page 3, line 6, by striking out the bracket before the word "The" and, on line 9, by striking out the bracket after the word "notice".

Amend Section 7, page 3, line 8, by bracketing out the word "two" and the word "months" on line 9 and substituting therefor the words one month.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, the plans for tomorrow are the same as announced formerly. It will be a regular working day. We are planning to meet at 10:00 o'clock tomorrow morning and almost immediately take up controversial legislation. We are going to take up controversial legislation whether we have all our Members here or whether we do not.

There are many important bills on this calendar which we could not take up today because of the arrangements made to have us leave here at 4:00 o'clock in order to prepare the Hall for the services tonight, but they will be taken up tomorrow. If Members do not want to be voted "absent" on important roll calls, they most certainly will be here tomorrow.

The present plans for next week call for a two-day consent session. Due to the religious holidays to be celebrated it is impossible to expect enough of the Members here next week to take up all types of legislation. By having a two-day consent session we are hoping the various conferees on many of the Conference Committees will come here to work and get their reports ready, so that by the following week we will be in a position to pass or reject the conference reports.

We appreciate your indulgence in staying here today. We tried to pass or reject as much non-controversial legislation as we could today.

We hope to see all of you tonight, and we certainly want to see you at 10:00 o'clock tomorrow morning.

I failed to mention a moment ago that if we have a session at all on Thursday of this week, it certainly will be a consent session. At the moment we are not even sure there will be that.

REPORTS FROM COMMITTEE

Mr. NEEDHAM from the Committee on Mines and Mining, reported as committed, House Bill No. 2069, entitled:

An Act authorizing the appointment of a House committee for the purpose of making a study and investigation and legislative recommendations relating to subsidence of surface soil in anthracite coal mining regions and the damages occurring as a result of such subsidence; * * *.

Mr. PURSLEY from the Committee on Counties, reported as committed, House Bill No. 2074, entitled:

An Act amending "The County Code" approved August 9, 1955 (P. L. 323), further regulating the payment of salaries in certain counties.

Mr. STANK from the Committee on Rules, reported as committed, House Bill No. 2097, entitled:

An Act to further amend the "Administrative Code of 1929 * * *" by abolishing the State Civil Service Commission, creating the State Personnel Board, and establishing duties of that board.

Mr. STANK from the Committee on Rules, reported as committed, House Bill No. 2098, entitled:

An Act regulating and improving the personnel service of departments and agencies of the Commonwealth; vesting in the State Personnel Board, a Rules Committee and an Executive Director certain powers and duties; providing for classification of positions, adoption of compensation schedules and certification of payrolls; imposing duties upon certain officers and employes of the Commonwealth, authorizing service of State departments or agencies and political subdivisions of the Commonwealth in matters relating to personnel service; defining certain crimes and misdemeanors; imposing penalties; making certain appropriations; and repealing certain acts and parts thereof.

Mr. McGEE from the Committee on Public Health and Sanitation, reported as committed, Senate Bill No. 335, entitled:

An Act amending the "Sanitary Water Law" of June 22, 1937 (P. L. 1987), entitled as amended "An act to preserve and improve * * *," authorizing certain corporations to acquire interests in land by eminent domain.

Mr. GARLOCK from the Committee on Townships, reported as committed, Senate Bill No. 591, entitled:

An Act amending the "Second Class Township Code" of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class and * * *" increasing the land area appurtenant to fire hydrants which may be taxed.

Mr. GARLOCK from the Committee on Townships, reported as committed, Senate Bill No. 833, entitled:

An Act amending the "Second Class Township Code" of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class and * * *" authorizing townships to improve public streets or roads without petition and collect the costs thereof from owners of abutting properties.

Mr. GARLOCK from the Committee on Townships, reported as committed, Senate Bill No. 987, entitled:

An Act amending the "Second Class Township Code" of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class and * * *" further regulating the payment by cities and boroughs for certain improvements and facilities in portions of the township annexed by them.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2069, entitled:

An Act authorizing the appointment of a House committee for the purpose of making a study and investigation and legislative recommendations relating to subsidence of surface soil in anthracite coal mining regions and the damages occurring as a result of such subsidence; * * *.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and considsideration of House Bill No. 2074, entitled:

An Act amending "The County Code" approved August 9, 1955 (P. L. 323), further regulating the payment of salaries in certain counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2097, entitled:

An Act to further amend the "Administrative Code of 1929 * * *" by abolishing the State Civil Service Commission, creating the State Personnel Board, and establishing duties of that board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2098, entitled:

An Act regulating and improving the personnel service of departments and agencies of the Commonwealth; vesting in the State Personnel Board, a Rules Committee and an Executive Director certain powers and duties; providing for classification of positions, adoption of compensation schedules and certification of payrolls; imposing duties upon certain officers and employes of the Commonwealth, authorizing service of State departments or agencies and political subdivisions of the Commonwealth in matters relating to personnel service; defining certain crimes and misdemeanors; imposing penalties; making certain appropriations; and repealing certain acts and parts thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 335, entitled:

An Act amending the "Sanitary Water Law" of June 22, 1937 (P. L. 1987), entitled as amended "An act to preserve and improve * * *," authorizing certain corporations to acquire interests in land by eminent domain.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 591, entitled:

An Act amending the "Second Class Township Code" of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class and * * *" increasing the land area appurtenant to fire hydrants which may be taxed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 833, entitled:

An Act amending the "Second Class Township Code" of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class and * * *" authorizing townships to improve public streets or roads without petition and collect the costs thereof from owners of abutting properties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 987, entitled:

An Act amending the "Second Class Township Code" of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class and * * *" further regulating the payment by cities and boroughs for certain improvements and facilities in portions of the township annexed by them.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

RESOLUTION

CONGRATULATIONS

Mrs. MUNLEY, Messrs. WARGO, NEEDHAM and YETZER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and unanimously adopted as follows:

In the House of Representatives, March 20, 1956.

Today marks the anniversary of the birth date of our colleague and friend, John F. Stank. He was born in Coal Township the son of August and Josephine Stank and attended the Coal Township schools. He is in the furniture business and he is tireless in his endeavors for his State and community.

Among us he is noted for his great energy and his willingness to work as long and as hard as the needs of his State require. But unlike the common conception of the dedicated man, he is possessed of a great good humor. He wears a smile as standard equipment and is capable of bringing a smile upon the face of any one of us at any time. His humor is loved, respected and thoroughly appreciated because it is a kind humor. His jokes are inexhaustible and each one is a compliment to someone; never does one carry a barb.

His pleasant easy going manner has been a constant source of comfort to all of us here. During troubled times in the House, his ready wit and good humor provide balsam for jangled nerves and injured feelings; therefore be it

Resolved, That the members of the House of Representatives extend their heartiest personal congratulations to John Stank on his birthday, our best wishes for continued success, and our earnest supplication that he never change, and be it further

Resolved, That the members of the House of Representatives note our appreciation to his wife, the former Gertrude T. Sacus and his three children for providing the happy home life that a man of his generous character must have; and be it further

Resolved, That a copy of this resolution be delivered to John F. Stank.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland, Mr. Stank.

Mr. STANK. There seemed to be a lot of—I do not know what you would call it, I did hear the part about the jangled nerves. Because of the fact that I started to celebrate last night, that is what I have today.

I really want to thank the Members for their kind consideration. Outside of that I have enough to say tonight, so I am going to cut this real short. Thank you.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1618.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1618, Printer's No. 1446, entitled "An act amending the act of April 9, 1929 (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' prescribing powers and duties of the Department of welfare with respect to juveniles."

GEORGE M. LEADER.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

CIVIL SERVICE

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, March 20, 1956.

To the Honorable, the Members of the General Assembly of the Commonwealth of Pennsylvania:

No matter how great our effort to improve State Government, it is foredoomed to failure if we cannot attract competent people to the State's service; and if, having attracted them, we cannot induce them to remain in their jobs for a reasonable length of time.

Two vital factors which attract first-rate people to the service of their State are salary and job security.

Our State Government must improve both if we are to have efficient government.

Historically, the policy-making level of jobholders in State Government are appointed under the administrative power. And this also holds true for those whose jobs require only routine training.

But between these extremes there exists a middle group, comprising technical and professional people, to whom State service must offer a non-political career.

At best, such specialists are hard to come by, for their skills are in great demand in the Nation's market places. But it becomes almost impossible to attract them to jobs in government when the government concerned can offer them no security of employment, and therefore no opportunity for building their careers.

It is with the intent of ameliorating this situation that we propose new legislation extending Civil Service in the technical and professional field.

Before discussing this measure, however, I should like to show concrete examples of our failure, under the present system, to recruit the competent people we need for those technical and professional positions which our Commonwealth must fill.

Out of 50 graduates of the Pennsylvania State University Forestry School last year, only one entered the Pennsylvania Forestry Corps. Roughly three-quarters of these men took jobs with the Forestry Departments of our neghboring states.

Salaries were not at issue, for our own are competitive.

Job security was, in all cases, the determining factor.

Pennsylvania's Department of Forests and Waters needs twelve trained foresters immediately, but Secretary Goddard, despite personal recruiting trips, has been unable thus far to get them.

We urgently need 200 civil engineers in our Department of Highways. Yet we have had only one civil engineering graduate of the Pennsylvania State University join the staff of our Highway Department since 1951.

Skilled men and women like these cannot be blamed for seeking employment which offers job security and turning their backs on positions which ofler no future, or an uncertain future at best.

This Administration, which has faced the problem for upwards of a year, therefore feels that the principle of job security must be extended to some 1100 or 1200 more salaried positions.

Without such job security, we shall not be able to get the people we want, nor hold the people we have.

Accordingly, we strongly recommend a new Personnel Act, embodying the following principle features:

1. It will replace the Civil Service Act of 1941 and cover all positions mentioned in that Act.

2. The range of those positions with job security may be expanded by action of the General Assembly or the Executive Board. But no such positions may be removed from Civil Service protection except by action of the General Assembly. This provision is designed of course, to prevent liquidation of the job security system by executive action.

3. Incumbent employes will be confirmed in their posts through qualifying examinations.

4. The name of the Civil Service Commission will be changed to the State Personnel Board.

5. The State Personnel Board will be composed of five laymen appointed for five years each on a staggered basis. Of these, no more than three shall represent a single poltical party. The Board will be semi-autonomous, but will be attached to the Governor's Office for administrative purposes.

6. An Executive Director will administer the Personnel Act. He will be appointed and supervised by the State Personnel Board.

7. Employes in the technical and professional classes affected will have the right to appeal dismissals and the right to reinstatement if they have been improperly dismissed.

8. No employe will have security of tenure until he has completed a six-month probationary period.

9. The status of veterans is unchanged under this legislation.

By making this bill law, the General Assembly will be taking a positive step toward more modern, more efficient and more effective State government.

The proposed Personnel Act is completely in line with the most up-to-date approach to governmental administration.

It is a strentgthening of Civil Service and an extension of job security to a critical area of Commonwealth employment, and it cannot fail to ease the task of attracting top people to those professional and technical jobs which now go begging.

I strongly urge the General Assembly's early action on this vitally important legislation.

GEORGE M. LEADER.

BILL INTRODUCED AND REFERRED

By Mr. HEAVEY. HOUSE BILL No. 2099.

An Act amending the act of August 31, 1955 (P. L. 531) entitled "An act permitting and regulating wrestling and boxing contests and exhibitions; requiring licenses and permits; conferring powers and imposing duties upon the State Athletic Commission; providing for the granting, suspension, and revocation of licenses and permits issued by the Commission; preserving the rights of existing licensees and permittees; prescribing penalties, fines, forfeitures and misdemeanors requiring bonds and insurance; creating a Medical Advisory Board; providing for rules and regulations; and making appropriations," authorizing cities of the first class to regulate boxing or wrestling contests or exhibitions; and providing penalties.

Referred to the Committee on Law and Order.

RESOLUTION INTRODUCED AND REFERRED

By Mr. JUMP. RESOLUTION (Not Printed).

In the House of Representatives, March 20, 1956.

March 17, 1956 marked the 150th birthday anniversary of Wilkes-Barre, Pennsylvania. It was on this day in the year 1806, that the General Assembly of the Commonwealth of Pennsylvania passed the act of March 17, 1806 (P. L. 529) which incorporated the town plot as a borough. The Sesquicentennial observance which shall continue throughout the year with at least a dozen or more separate events, has for its basic theme the "beautification of the valley, its entrances, its homes—the entire area." The seal adopted by the citizenry for this anniversary is "Acclaim the past—proclaim the future."

Although Wilkes-Barre was not incorporated until 1806, it was in the year 1769 that Major John Durkee led a large group of settlers from Connecticut and New York to the valley of Wyoming where they joined the settlers who had previously arrived there in 1762. Immediately upon their arrival, they built Fort Durkee near the river bank upon the site which is now known as West River Street. Shortly after the completion of the fort, Major Durkee, a profound admirer of two Britons, John Wilkes and Col. Isaac Barre, compounded their names into Wilkes-Barre and applied it to the territory in the port area. Wilkes, a former member of the English Parliament and Col. Barre, who had been an officer in the British army and also a member of Parliament, were defenders of the oppressed American Colonies and denounced the British Parliament's unfair measures in the Colonies. The name "Sons of Liberty" was adopted by the colonists from Col. Barre's speech in violent opposition to the Stamp Act. In commemoration of these three great men, a portrait of Barre was hung in Faneuil Hall ((the Cradle of Liberty), a monument of Wilkes and Barre stands today on Public Square and a monument of Major Durkee, Founder of the City, stands upon the site of the original Fort Durkee, on the River Common near South Street and West River Street.

From its humble beginning in 1769, through the trying times prior to and during the American Revolution when the citizens of Wyoming Valley were identified as lovers of liberty and the progressive years thereafter when the borough was recognized as the hub of economic, educational, social and cultural development, the citizens of Wilkes-Barre and the Wyoming Valley have always looked and moved forward with vision to make Wilkes-Barre a leading community in this great Commonwealth. At the official ceremonies to begin the 150th anniversary, highlighted by Mr. Douglas F. Stoner, president and owner of the newspaper feature "Believe It or Not" presenting an article to Mayor Kniffen which stated "Wilkes-Barre furnished more volunteers for the United States Navy than any other city in the U. S. A.," Mayor Kniffen issued his Sesquicentennial proclamation with the keynote that it is time "to reorient ourselves and to prepare for the future in order that Wilkes-Barre may truly take its rightful place in this modern 20th century and make a major contribution in this Atomic Age,"; therefore be it

Resolved, That the members of the House of Representatives are happy to share the satisfaction and pride of the citizens of Wilkes-Barre in the history of their fair city and extends to the people of Wilkes-Barre its warmest contratulations upon the celebration of the one hundred and fiftieth birthday anniversary observance of the incorporation of their city. It extends contratulations also to Mayor Kniffen and those on the planning committees for their efforts in making this anniversary a successful one; and be it further

Resolved, That the Chief Clerk of the House of Repre-

sentatives transmit a copy of this resolution to Luther M. Kniffen, the Mayor of the city of Wilkes-Barre.

Referred to the Committee on Rules.

COMMITTEE MEETINGS

MILITARY AFFAIRS, Mr. Needham, Chairman, Room 323, Wednesday, March 21, at 9:30 a.m.

STATE GOVERNMENT, Mr. Polaski, Chairman, Room 324, Wednesday, March 21, 9:45 a.m.

RECESS

The SPEAKER pro tempore. Without objection, the Chair will declare a recess until 7:30 p.m. The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Herman G. Andrews) in the Chair.

The SPEAKER. This being the day and the hour agreed upon for the final adjournment ceremonies, the Chair requests the gentleman from Northumberland, Mr. Stank, Chairman of the Select Committee for Final Adjournment Ceremonies, to preside.

Mr. STANK in the Chair.

PRESENTATION CEREMONIES

The CHAIRMAN. Mr. Speaker, it is a privilege to preside as Chairman on this very pleasant occasion when we pause in our deliberations to express our gratitude to those who have been our leaders, and to those who have carried on the work of this House so efficiently during a truly extraordinary session.

It is fitting and proper that we open with the singing of "America." The Chair requests the gentleman from Luzerne, Mr. Jump, and the gentleman from Lawrence, Mr.Cioffi, to lead with the gentleman from Venango, Mr. Gramlich, at the piano.

Those assembled sang America, and a number of other selections.

The CHAIRMAN. This has been a long and arduous session. While many of us have spent our after-hours in relaxation in clubs and other places of amusement, we have one Member who all during this long session has persued his musical studies and practice as his after-hour diversion.

As proof of this we now give you the "Old Nighthawk" himself, the gentleman from Berks, Mr. Readinger, in a violin duet with the great Montovani.

Mr. READINGER. Members and dear friends who have come here tonight to help us celebrate this event, in my infancy I thought I wanted to be a violinist. When I got to high school I discovered I was not. Tonight you will help me rediscover that I am not. This tragedy occurs because of the fact that we had a wonderful trio set up called "The Night Owls," but the untimely death of the father of one of them prevents him from being here tonight. So the Committee decided to inflict me upon you.

I crave your indulgence, and if it is lousy, at least it will be novel. Most of the time a soloist is accompanied by an orchestra, tonight you are going to be entertained by a soloist accompanying an orchestra. In case you do not recognize this, the number is the "Barcarole."

Selections were played by Mr. Readinger.

The CHAIRMAN. We are highly honored this evening in having with us one of the finest quartets in America from our own state of Pennsylvania. They are winners of the Arthur Godfrey Talent Scout Program.

It gives me great pleasure to present "The Chordsmen."

A number of selections were rendered by the Chordsmen.

The CHAIRMAN. On behalf of the Committee, I wish to thank all who have taken part in this musical portion of the program and to compliment them.

RESOLUTION

CONGRATULATING THE SPEAKER

Mr. READINGER offered a resolution which was read, considered and unanimously adopted as follows

In the House of Representatives, March 20, 1956.

The Honorable Hiram G. Andrews has long merited the profound respect and high regard of his colleagues. Prior to this session, he had served long and notably as Minority Leader of this House of Representatives, and during the present session, his admirable handling of the problems confronting him as Speaker of this House has further enhanced his brilliant reputation as an outstanding member of the General Assembly.

Mr. Andrews has shown eminent fairness in every ruling made from the chair and an honest desire to let every person be heard. He has constantly been a source of strength and stability to his colleagues during this long and frequently trying session. His thorough knowledge of parliamentary procedures gleaned from his long membership in this body has been of great value of this House of Representatives during Mr. Andrews' tenure as Speaker.

Mr. Andrews has done much to aid in the successful fulfillment of the aims of this Legislature, and his fair and well considered treatment of all problems confronting him as Speaker is an example of why the membership of this House of Representativs takes pride in him and his accomplishments therefore, be it

Resolved, That this House of Representatives hereby congratulates the Honorable Hiram G. Andrews for the success with which he has accomplished his duties as Speaker of the House of Representatives; and, be it further

Resolved, That we, as individual members of this House of Representatives, thank him for his courteous treatment of all questions which have been raised, and for his proficiency in handling the affairs of this legislative body; and, be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk to the Honorable Hiram G. Andrews.

The CHAIRMAN. The Chair recognizes the gentleman from Berks, Mr. Readinger.

Mr. READINGER. Mr. Chairman, Members of the House and guests, there are times when it is very easy to say a lot of nice things about somebody and at the same time it is rather difficult because there are so many nice things we would like to say about the party involved. That is my position tonight.

Hi came here some twenty years ago as a renegade, a rebel and a party all his own. It took us twentytwo years to drive him into line and make a good party man of him. It has been a tough job, but I think we have succeeded.

Tonight we pay honor to a man who, in my opinion, has been one of our great Speakers, and we have had

many of them in the past. When it was my privilege in the beginning of the session to nominate Mr. Andrews for Speaker and to say a few words about him, I think I said at that time he was going to be one of our great Speakers. I believe you will agree with me tonight that he has been and always will be.

It is not only a privilege to speak about a man of this kind, but it is a distinct pleasure too, because Hi has not only been a fair Speaker, sometimes not too courteous to us, but after all you have to put up with some defects. He has been fair, he has been honest, he has been very able and above all, he has been fair to every one of us.

Somebody spoke to me just recently about installing an electric roll call system in this House. I said, "As long as Hi is Speaker we are never going to need one, because we are going to get nothing but honest roll calls."

As a Floor Leader sometimes I am not very keen about that, but at least it is the way a Speaker should be, it is the way the Speakers have been in the past, and I am sure it is the way the Speakers will be in the future.

One thing I can say about Mr. Andrews that perhaps we could not say about other Speakers in the past, and that is he has always fought diligently to put this House on the plane where it belongs in the dignity of the Commonwealth of Pennsylvania. He has not only fought for better pensions for us, better salaries at times, but he understands, I think, even better than most of us the stature of a state Legislator, especially a Member of the House. He has never forgotten it and he has kept it right on the top of his agenda. I think as Members we should be grateful to him for that, among the many other things he has done.

I say, we salute Mr. Pennsylvania Legislature!

The CHAIRMAN. The Chair recognizes the gentleman from Philadelphia, Mr. Smith.

Mr. CHARLES C. SMITH. Mr. Chairman, it gives me great pleasure to say something nice about Hi Andrews. He has been a good friend of long standing. While we have had a lengthy session, and it has been a most tiring one, I honestly can state, and I know—having been a Speaker at one time—that Hi has presided very ably.

I can say with sincerity, that he has all the qualifications that are needed in a Speaker. He has that sterling character which always has the rights of the minority firmly in mind. He has patience, tolerance, and all of us know the good humor that every once in a while came from the rostrum.

I might say, as the Majority Leader mentioned, that at times, his patience got a bit thin and showed, but after all, having served fifteen months, everyone is human and may err a little bit.

I, too, believe that Hi will go down as one of the great Speakers of Pennsylvania.

Hi Andrews has one particularly outstanding characteristic for which this House should be most grateful. We may have had great Speakers in the past, but I truly feel that we have never had a Speaker who has fought as long and courageous a battle to preserve and defend the rights and traditions of this house. For that reason alone I look upon Hi as the greatest Speaker we have ever had.

Mr. Speaker, I want you to know that it was a privilege to work with you when we were in the majority; it has been a pleasure to work with you when we were in the minority, and I know it will be a privilege and pleasure for some of the Members to work with you next year, when, I hope you are again in the minority.

The CHAIRMAN. The Chair recognizes the gentleman from Armstrong, Mr. Helm, the cochairman of the Committee on Final Adjournment Ceremonies.

Mr. HELM. Mr. Chairman, I would like to direct the few remarks I have to make to the Speaker of the House.

Mr. Speaker, I consider it an honor and certainly a privilege to be chosen for the presentation of our gift to you.

There is not a man on either side of this House who has not learned and profited by your occupancy of the Speaker's chair.

Your problems were many and difficult and were you not so young and full of faith, your answer could have been, "Let nature take its course." But for you that was not the answer. Your answer seemed to be, "However we do it, we must do it well." You endeavored at every turn to inculcate the challenge that we as Legislators must impress in proper season our worthwhile personalities on the public life, on the communities that we serve, to gain a higher esteem by the public and a serene pride in our heritage and our work.

You, Mr. Speaker, have worn your pride in your high legislative office as a knight wears his shield, and in so doing you have shown us that character is a victory and not a gift. We hold that you are a citizen of high resolve and vision, and we as your colleagues do respect your integrity and inspiring leadership. You have immortalized the words of the great Roman Senator Cato, who said, "Speak the truth freely, though the truth be hard."

It is not our intent, Mr. Speaker, to dictate your leisure time nor how you should spend it, but we do hope your leisure in future years will be made much more enjoyable by the gift we have to offer you tonight.

Mr. Chairman, I would ask that the gentleman from Cambria, Mr. Andrews, the Speaker of this House, present himself in the well of the House.

Mr. Speaker, on behalf of your colleagues, the Members of this House, I present to you our gift to you, a color TV set.

The CHAIRMAN. The Chair recognizes the gentleman from Cambria, Mr. Andrews, the Speaker of the House of Representatives.

Mr. ANDREWS. Mr. Chairman, every day I have a higher regard for this House. I have come to love it, particularly because of the enemies it has made. After all this old House is strong and sturdy; this old House is sometimes wordy, but this old House has times of sanity and braves the blasts of editorial inanity.

This, Mr. Chairman, is the day of complete absolution. For the moment the past sins of leadership are forgiven. If we place our halos somewhat atilt upon our heads it is because we are not accustomed to them and well know that come tomorrow we will just be another member of the brigade composed of those who are criticised.

Whatever their individual standing may be, Members of this House are from my viewpoint a much maligned group. We are not popular in a certain portion of Pennsylvania's press. Personally I have found a perfect defense against criticism, a perfect defense; I simply outlive the critics.

Now I had planned a few remarks concerning the

gentleman of the press which I will discard—remarks concerning the categories into which our critics fall. I will only say just now there are such people as editorial writers, with whom a little knowledge is a dangerous thing and they should drink deep or shun the Hyperin spring. The rule is if you see an editorial writer, clip him on the nose. He may not learn to love you, but he will pay attention when you are around.

Now I do not wish to be misunderstood and I beg pardon for being serious at this time, but there are some things I want to take this opportunity to say to this House and to our visitors. In the past we have been guilty of many legislative sins, sins of omission and sins of commission. I say to you frankly, I say to the Press and I say to the people of our Commonwealth that the shadow cast by our legislative pasts by what we have failed to do would be the occasion for dismay and despair if its gloom were not illumined by the light of the opportunities for service which the days to come present. We can well afford to let the dead past bury the past. There comes a tomorrow and there is so much, so much, to be done.

We have not even begun to create a really equalized tax base. We in some respects seem blithely unconscious of the problems that are ahead. At times, it has seemed to me, we have been like children casting pebbles into the financial sea, unconcerned about the future financial problems that the coming years will bring. The problems which will face us come 1957 will exceed in magnitude the problems we have faced in 1956. We must determine whether we will face those problems in an off-the-cuff fashion or whether we will begin deliberately to prepare for a partial solution of them.

I envision the time—it may not come this year, it may not even come next year—when the Members of this House will in effect comprise a portion of the Joint State Government Commission, a time when the major committees of this House, as soon as we adjourn will begin to prepare for the next session with technical advice from the staff of the Joint State Government Commission, augmented by additions to that staff.

Public education presents a vast array of unsolved problems. We have yet to create in Pennsylvania an integrated public education system.

We have just begun to realize that even the legislation we have passed at this session will present increased tax burdens, which must be financed.

Are we going to rush into the next Session without being clothed with the mantle of preparation? If we do that we will proceed in spasmodic fashion, operating as we have in the past, creating new liabilities without even faintly realizing their extent.

I would, I repeat, have the committees of this House constituted permanent committees, which, as soon as one Session adjourned, would begin studying the problems of the next Session. Only by doing that can we provide continuity in thinking, continuity in planning, and continuity in action.

Mr. Chairman, if we are to extend the range of our activities, the Members of this House should be adequately compensated. The times call for a fulltime salary, for a fulltime service, and in addition a reasonable, fair pension system.

I hope that within my day I can see these objectives realized. I am confident at least one of those objectives will be realized at this session and we will have made a start on the others.

Now Mr. Chairman, the Minority Leader envisions himself in another office with his party in control. The worst possible luck I could wish him would be to be in the majority with a lead of two votes.

One of the reasons why I love this House is because I have served here quite a number of years and during all of that time never once has any Member of this body broken an agreement or a bargain. I say where there is such a continuing core of integrity there is the potential power for increased service.

It was a rare experience to hear the Majority Leader say what he did. I would like to believe it was all true; it was a rare experience to hear the Minority Leader say what he did. Of course, it is possible his statement was properly due because there was an occasion where I said nice things about him.

Now, Mr. Chairman, Governors come and Governors go, but this House endures. We are the custodians of the financial future of our Commonwealth. It is time we began facing the future with an ever increasing store of knowledge.

If I have been reasonably successful as Speaker, it has been due in part, in large part, to the Majority Leader and the Minority Leader, to the Chairmen of Committees and to the membership of this House. Incidentally, I do not think the Members of this House realize the work, the long hours that your Floor Leaders put in.

I have deliberately not endeavored during my tenure as Speaker to increase the power of that office. I have delegated many of the functions commonly assumed by the Speaker to the Majority Floor Leader and I believe that is where those functions of leadership should lie. The perfect Speaker would not be in any sense a party man, following the fashion of the British House of Commons.

I have tried, and it has been pretty hard sometimes, but I have tried not to be a party man when I was on the rostrum. But if we have succeeded in any measure it has been due to the efforts of the Majority Leader, the Minority Leader, his assistants, and the one indispensable most valuable man in all our operations, the Parliamentarian. We would be lost in a sea of routine if it were not for him.

Then I have had a staff. I think it is the ablest staff on the Hill, I really do, and it is good to look at. All Members of the House are always welcome in the Speaker's Office, but we do ask our masculine visitors not to come around just for the sake of the scenery. I would ask Deedee, and Estelle, and Mildred and Roy to stand up. It is this group that has been the sustaining force that has enabled me to weather this historic session. They have covered my deficiencies from the public gaze and at times have actually made me look good even when I didn't feel that way.

If I had been left alone perhaps I would not have functioned with even moderate zest, but I have had a particular spur, a kindly spur, to goad me on, to assist and keep going, Mrs. Andrews.

I ask Mrs. Andrews to stand. What Mrs. Andrews does not tell me to do, her sister does.

I would ask Mrs. Dowling to stand.

I cannot at this time say what I would like to say. We have had our disagreements here in this House and I fancy there are some members of this House who, while they may be mellow tonight, will not think so much of me tomorrow. Some twenty years ago I made up my mind that over the years, insofar as it was humanly possible, I would work to place this House on an equality with the other branches of our government and to so establish it that a few willful men legislating in another place would find it desirable to treat Members of this body as equals.

I may not pass this way again, but when I leave I want to see this House respected and not reviled; I want to see the Members of this House adequately paid, and so I say to you, take your courage in your hands and do whatever is necessary to give this House its proper statute, to give it the implements with which it can achieve and work, and do this not for yourselves, not for me, but for the Commonwealth of Pennsylvania because that kind of a House will save the people of this Commonwealth many a tax dollar.

When I appeared upon the Harrisburg scene a budget of $175 million was a terrific budget and the Appropriations Committee within a month could visit every State institution in the Commonwealth. We are now the custodians of a budget of a $1,800 million, and it is bound to grow. So to you younger Members I say there is a broad field for achievement.

Let me close by saying I owe a great debt to the Majority Leader, I owe a great debt to the Minority Leader and I have learned to admire the Members of this House, who, while they may differ in their opinions, adhere to the same standard of personal integrity.

RESOLUTION

CONGRATULATING THE MAJORITY LEADER

Mr. LOVETT offered a resolution which was read considered and unanimously adopted as follows:

In the House of Representatives, March, 1956.

The Honorable Albert S. Readinger has served tirelessly, faithfully, and with outstanding ability and forthrightness as the Majority Leader of the House of Representatives during the present session of the General Assembly.

His personal integrity and sincere approach to the diverse problems which have faced this body have stamped him as a true leader who has done much towards solving the fiscal and other questions which have faced and frequently perplexed the membership of this body.

Mr. Readinger's willingness to discuss matters of import with persons of diverse opinions and to lend every effort towards reaching honest and mutually satisfactory solutions has stamped him as a person of keen perception and depth of understanding. These qualities have earned him the well merited admiration, friendship and appreciation of the entire membership of this House of Representatives.

The fine example of selfless devotion to his duties which the Honorable Albert S. Readinger has set as Majority Leader will long be remembered and cherished by his colleagues; therefore be it

Resolved, That the House of Representatives congratulates the Majority Leader for what he has been and what he has accomplished in the face of great odds, and that as this session of the General Assembly terminates and he returns to his private endeavors, we wish him continued success, happiness, prosperity and the attainment of the high rewards which he so richly deserves; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk to the Honorable Albert S. Readinger as a token of the friendly esteem in which he is held by the membership of this House of Representatives.

The CHAIRMAN. The Chair recognizes the gentleman from Philadelphia, Mr. Charles C. Smith.

Mr. CHARLES C. SMITH. Mr. Chairman, again I speak from experience, I have also served as Majority Leader. As the Speaker just said, the Majority Leader is the workhorse of the session. Certainly Al Readinger has lived up to those terms during this session. I might say he has not always worked under the most ideal conditions, through no fault of his own.

I have had the pleasure of working very closely with him every day for probably fifteen months. Everyone in this House knows the cooperation he has given the minority.

I do not believe the session would have run along for fifteen months as easily as it did if it had not been for his sincere honesty and his good nature. As we say, some of us go down in history. I think Al Readinger's biggest assets, if someone is going to record them for posterity, is the fact that he has been honest, he has been sincere, he has been willing and he has had the ability.

He has tried to solve all of the problems of this House and he has tried to solve them in a bipartisan manner. He has been fair.

While he and I have had debates, and sometimes they probably have been bitter, I can say and I know this, never has there ever been any real personal bitterness between the Majority Leader and myself.

I think the highest tribute I can pay him is to say that he has been a good friend, he has been a good fellow and I consider him one of my greatest personal friends.

The CHAIRMAN. The Chair now recognizes the gentleman from Armstrong, Mr. Helm.

Mr. HELM. Certainly many, many nice things could be said about Al Readinger in presenting him a gift, but I think the greatest tribute that has ever been given to a Member of this House was paid to Al Readinger just a few short weeks ago.

So, Al, I am not even going to attempt to tell you how the fellows feel about you. We did learn that you were doing some remodeling work in your home back in Berks County. If you will present yourself in the well of the House, we will unveil the gift.

The CHAIRMAN. The Chair recognizes the gentleman from Berks, Mr. Readinger.

Mr. READINGER. Mr. Chairman and friends, I am overwhelmed because I am such a good cook. On behalf of Mrs. Readinger and myself, we not only want to thank you for these wonderful gifts, but we would like to invite all of you to our home for dinner anytime you would like to come.

In case you cannot see the one, it is a dishwasher. We will not even make you wash the dises.

Mr. Chairman, it is a grand experience to be here tonight and hear these nice things which are said about the so-called leaders. I have been very happy at times in this session, and I have been very unhappy at times.

It is hard to tell you how I feel about the session, but it is certainly not had to tell the Members how I

feel about them, because without their help on both sides, minority and majority, this session would have been many many times more difficult for the Floor Leaders.

I know you probably have been exasperated with me at times, as you probably have been with the Minority Leader, because we send you memos asking you to come see us about something and then we were so busy you could not find us. I do not blame you for getting cross at times. You have made our work a great deal easier by your cooperation, by your willingness to be patient and to see us when we could see you to discuss the problems we have had.

I think tonight you have witnessed the difference between a Speaker and a Floor Leader. The Speaker, as he should, prepares his remarks for an occasion like this and he knows what he is talking about. The Floor Leader as usual does not have time to prepare notes, so he just gets up and does not know what he is talking about. I know after fifteen months you are used to that and you are not going to complain after this session is over tonight

It has been a grand experience. I have enjoyed every minute of it in the sense that you enjoy doing something you know you should be doing and are trying to do.

I wish all of you happiness and prosperity in the future. Thank you.

Mr. Chairman, may I just take one more moment to introduce my very lovely spouse, who is as helpful to me as Mrs. Andrews is to the Speaker. When I go home over the weekend she treats me like a guest and cannot wait until I get home and get back to normal again.

May I take just one more moment, Mr. Chairman, to introduce to the people here tonight my very excellent and lovely secretary and my administrative assistant, if he is here, Miss Louise Klink and Mr. Murphy. Without their help I would have been sunk a long time ago.

The CHAIRMAN. The Chair recognizes the gentleman from Armstrong, Mr. Helm.

Mr. HELM. Mr. Chairman, as you can see from the gifts we presented to the Majority Leader, they are things to be used around the home. There probably is not too much personal interest in those gifts because Al's wife will be the one who will use them, I am sure. So to make up for that lack, I am going to present a little personal gift to the Majority Leader at this time.

I will ask the page boy to take the package to the Majority Leader.

The CHAIRMAN. The Chair recognizes the Majority Leader.

Mr. READINGER. Mr. Chairman, I am more than overwhelmed now, I, of course, deeply appreciate the two presents I received a moment ago, and now this lovely bag.

But, Mr. Chairman, I am afraid a mistake might have been made here, because I notice that the initials on the bag are J.F.S. I cannot imagine that this was purchased for me because my initials are A.S.R.

The CHAIRMAN. The Chair recognizes the gentleman from Armstrong, Mr. Helm.

Mr. HELM. Mr. Chairman I certainly want to offer my apologies to the Majority Leader. I cannot understand how the error was made, except that one time during the operation of this Committee I was told we were going to give luggage to the Majority Leader with the initials J.F.S. Is there any Member of this House who has those initials?

I will ask the Secretary of this House if he knows of any Member in this House who has the initials "J.F.S.?"

The SECRETARY. I would inform the gentleman that that does not appear on this list.

Mr. HELM. For the information of the Secretary, I can tell him that the presiding officer of the evening's festivities, his name is John F. Stank. Perhaps that was the reason he suggested to the Committees to present luggage for Mr. Readinger with those initials.

However, I might tell you there is possibly another reason. On March 20, 1903, Johnnie Stank was born. So today is his birthday.

With the approval of the membership of this House, going into the Committee of the Whole, we will present this gift to the presiding officer tonight. Do I have your approval?

Let us all stand up and sing "Happy Birthday" to John.

Will the page boy please take the gift to the rostrum?

The CHAIRMAN. This seems to have been a nice mistake. I did not think you would take my suggestion seriously, that was all. So since you cannot return it after buying it with those initials, I will accept it with sincere thanks.

RESOLUTION

CONGRATULATING THE MINORITY LEADER

Mr. JOHNSON offered a resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, March 20, 1956.

Throughout the present session of the General Assembly, the important assignment of presenting the minority point of view in the House of Representatives has fallen to the capable hands of the Honorable Charles C. Smith.

As Minority Leader, Mr. Smith has for more than a year faced the task of maintaining a clear view of facts, the attitudes of the various groups within his party and possible effects of controversial legislation. This he has done in an admirable manner, and in doing so has won the respect and admiration of his colleagues.

Throughout this long session he has demonstrated a tolerant attitude towards his fellows, a congenial spirit which has made it possible to disagree on issues while maintaining strong personal ties of friendship and respect for differences of opinion and has shown a high quality of leadership which has done much towards bringing to a successful termination this long and arduous session of the General Assembly; therefore be it

Resolved, That the congratulations of the House of Representatives be tendered to the Honorable Charles C. Smith for the success with which he has accomplished the difficult tasks of Minority Leader in the House of Representatives and for the position of leadership and high esteem which he has attained; and be it further

Resolved, That as a symbol of the respect and friendship of the membership of this House of Representatives the chief clerk is hereby directed to transmit a copy of this resolution to the Honorable Charles C. Smith.

The CHAIRMAN. The Chair again recognizes the gentleman from Berks, Mr. Readinger.

Mr. READINGER. Mr. Chairman, in making this speech I would like to consume one hour. I will not, but I would like to do so.

To deal with a man of Charlie Smith's caliber, ever

though he is a so-called adversary, is a pleasure and it has been for the entire time I have known him.

I think one of the marks of a great man is one who can step down a notch in position and still be as great a fellow as he was before. Charlie, as all of us know, has been Majority Floor Leader, he has been Speaker, and finally he wound up as Minority Floor Leader. He probably will wind up as Auditor General one of these days.

At any rate, he has been sort of demoted by the fact that the Democrats won the last election. But did that make any difference to Charlie? It only made him work harder. I think he has been a great leader on his own side and in his own right.

I remember speaking on the floor of this House for a solid hour one day trying to wheedle just a few measly votes for a tax bill, and I think I wound up getting about ten. I felt at the time I was just wasting my words, because when Charlie gets his boys lined up he has them so well persuaded that no one can change their minds.

It has been a pleasure to work with Mr. Smith, the Minority Floor Leader, because he is so honest, so decent and so intelligent. I do not say that facetiously at all, because I mean every word of it.

He is a man with whom you can work easily and with conviction, because when he says he will do something, or he will try to do it and you know it is the truth. There is no fancy cutting of any corners with him. He tells you what he thinks. He tells you how many votes he thinks he can deliver, or not deliver, and you can bank on it.

I say it has been a distinct pleasure for me as Majority Leader to work with Charlie Smith during this session. I wish him well in all his future endeavors.

The CHAIRMAN. The Chair recognizes the gentleman from Armstrong, Mr. Helm.

Mr. HELM. Mr. Chairman, some of my assistants are having a little difficulty in the wing.

Charlie is going to be pretty busy this summer. He is going to be out campaigning all summer long. Charlie has an eight acre lawn down in Schwenksville, Pennsylvania, they call it Fieldcrest. It is quite a job to keep the grass mowed on that lawn, so we are going to try to make it just as easy as we possibly can for Mary to mow the lawn this summer.

If my assistants get the thing started, we will bring it it. I can assure you they are trying. I know the sounds to expect, you do not. Somebody is trying to tell me they put the wrong kind of gasoline in it. You know I work for Sun, it always starts.

So Charlie, on behalf of the Members of this House, here is your gift. We also have an instructor go along with it to teach you how to run it.

He got the thing started and he cannot get it stopped. Charlie here you are.

The CHAIRMAN. The Chair recognizes the gentleman from Philadelphia, Mr. Charles C. Smith.

Mr. CHARLES C. SMITH. Mr. Chairman, I do have quite a large lawn. I have said every man should have a large lawn and a mower he can sit on and ride. I honestly do my best thinking there and make my best speeches. If I could convert those speeches and take them around the state of Pennsylvania, I could be elected to anything, believe me.

I suppose, Mr. Chairman, I should introduce at this time the assistant lawn mower for the summer. This is my wife, Mr. Chairman.

Seriously this is my "swan song" in the House. Believe me, it is not easy to say.

I do not care what office any man goes to from this House, if it were the chair of the Governor, it will never be the House. I do not know what it is, but there are things such as comradeship, friendship and loyalty that you will never find when you leave here

Whatever work and effort I have ever put into this House, believe me, I have taken out a thousand-fold in friendships and associations.

I do not believe it is restricted to one side of the aisle. I know on the other side of the aisle I have wonderful and sincere friends. I know on this side of the aisle I have loyal friends and true friends who have had faith. You do not know what it means sometimes to have held certain positions.

I have had the privilege of holding and to lose a bill, a bill that you worked for, and to have one of your Members come up and just pat you on the back. You do not know what it means when you win, after you have worked hard, to have the Members come in and congratulate you. It is something in government that no one will ever have if they have not served in the House of Representatives.

I can say if we have been successful in our small way in any degree, first of all, it has been because of the courtesy, the kindness, the Members on the other side of the aisle have shown me in the past and present. I also say, on this side of the aisle the loyalty and faith is something that I will never forget.

I cannot even forget to say that we had a Rules Committee in the past which served ex officio during this session. And again, if any success comes to any of us, at least to me, I can only say that those men on the Rules Committee deserve it more than I do.

I have had a faithful staff, too, with Miss Allen and Miss Simons. They have worked hard. Sometimes they did not always speak to me, but nevertheless we always got together around payday, I am sure. They are up in the balcony now and I would like them to stand, with Mr. Costa, Mr. Eisenhower, if he is here, and Marty Brackbill. They have worked so hard for us this session.

Again, Mr. Chairman, I want to say "thank you" to you and to the Members for the greatest privilege, the greatest tribute, for giving me the positions you have and mainly for giving me the friendship you have. No matter what I do I will never forget, and I hope if we are successful in our next campaign that I may at least come back sometime and have the privilege of being a Member ex officio of the House. Thank you.

The CHAIRMAN. The Chair now recognizes the gentleman from Armstrong, Mr. Helm.

Mr. HELM. Mr. Chairman, if the Chair does not object, I would like to carry on the rest of the presentations from the microphone in the well of the House.

The CHAIRMAN. The gentleman has the Chair's permission.

Mr. HELM. Mr. Chairman, I will proceed without any fanfare and without making any brilliant speeches about these other men.

You all know them, you all know the type of work they have been doing, you all know how worthy they are to hold the positions they have held. I am going to

call them up here and present them with their gifts and do it just as quickly as I can. I want to assure you whatever the length of time might be will be because of their acceptance speeches, not because of my presentation speeches.

I would like to call the Majority Whip, Mr. Lovett, up at this time.

Jim, on behalf of your friends in the House and around the Capitol, I present to you your gift.

The CHAIRMAN. The Chair recognizes the gentleman from Westmoreland, Mr. Lovett, the Majority Whip.

Mr. LOVETT. Mr. Chairman, first of all, I want to say to the membership of this House and to the visitors and our guests here tonight I thank you, thank you, thank you, for this gift.

I will possibly spend many happy hours with my pipe and slippers, because as we go on we get older and older. I am sure at my age I am going to enjoy this gift you presented to me tonight.

This has been a long, tiresome session. I want to say to the membership of this House on both sides, "You have been fair." If there is one thing that I have fought for since I have been a Member of the House it is that we be fair with one another.

My friends, I want to say again, thank you from the bottom of my heart for this wonderful gift.

Mr. HELM. Will Al Johnson, the Minority Whip, present himself in the well of the House?

Al, on behalf of your colleagues, I present your gift and I assure you it has the right initials on it.

The CHAIRMAN. The Chair recognizes the gentleman from McKean, Mr. Johnson, the Minority Whip.

Mr. JOHNSON. Yes, ladies and gentlemen, my initials are on this lovely luggage.

I think, ladies and gentlemen, we have not properly congratulated the Committee tonight. I do not believe I have ever seen the House look any more beautiful than it does. I think the palms and the decorations on the rostrum are certainly something to behold. The decorations down here in front are something we have never seen before in the House. I think we all should congratulate the Committee for their fine work. Let's give them a hand.

In my brief remarks I just want to say I have had the pleasure of having been the Majority Whip of this House. I have had the pleasure of being the Majority Leader. Now by a slight shift in power I am the Minority Whip.

I will say this, I have known as Majority Whip having had ninety Members in their seats when we needed 105. I know Al Readinger and Jim Lovett have experienced that this session. As the Majority Leader of this House, I, of course, saw many dark days when we had a problem to solve, and it was solved by courage, confidence and loyalty among the Members, particularly on my side, that in 1953 we were able to solve the problem.

I thought as Minority Whip in this session, being in the minority, "Minority thy name is irresponsibility." We soon found out that was not true. With being in the minority goes, as they say in England, "being a part of his Majesty's Loyal Opposition." Being in the opposition carries with it a responsibility. It means we must carry on the debate, it means clash, it means differences, it means opposition, it means fighting for this and that, but out of it all comes compromise for the good of the people of Pennsylvania.

I join with the Speaker when I read in the papers that they speak of this dilatory session, this laggard session, this do-nothing session. I wonder if the people of Pennsylvania realize the job we have done this session on both sides. Had the people and our guests present today come here and seen the pile of bills which were on our desks and seen the job we have done for the people, for the good of this Commonwealth, I am sure they would not decry the fact that this has been a long session. We have had a sincere clash here, but, as I say, it has been for the good of the people.

Now as we close this illustrious session, shall I call it, as we leave these hallowed halls, I personally will carry with me the friendship of all of you and the memory of the good times we have had. I want to assure you I have appreciated the kindness not only of the Members on the minority side in making my job easier, but the confidence I have enjoyed from the Members on the majority side as well. I thank you.

Mr. HELM. Now you know why we call him "Fearless Johnson."

Will Ben Long, the Chief Clerk of the House, present himself in the well of the House?

Ben, on behalf of your friends in the Legislature, I present to you your gift.

The CHAIRMAN. The Chair recognizes the Chief Clerk of the House, Mr. Benjamin L. Long.

Mr. LONG. Mr. Chairman and Members of the House, there has been no burden of office connected with the Chief Clerk's operations. It has been a pleasure and a privilege to serve the elected Members of this House and the people whom they represent.

The pleasure has ben enhanced by the cooperation of the membership on both sides of this House with the Chief Clerk and his staff. Whatever service we have been able to render the membership of the House has been made possible by an excellent staff which has served you and the office of the Chief Clerk

Due to the diversified operations of the office I could not possibly give recognition here to all those who have been essential to this operation.

However, I can not let the moment pass without calling upon and asking to rise my very able assistant, the gentleman from Northumberland, Mr. Casper Burns, the Assistant Chief Clerk of this House.

Of course, as you know, it would be impossible for a Chief Clerk to operate without a secretary such as Mrs. Dorothy Ionni.

Ladies and gentlemen, part of the duties of the Chief Clerk is to iron out those little wrinkles which arise in the operation of the Legislature. So I suppose it is most appropriate for me now to identify the gift which has been given to me by the membership of this House. It is an ironer. Also, since I have the ironer here, I would just like to introduce the prospective operator, Mrs. Long.

Just another word. As an old Member of this House who was elected some twenty years ago, to me this is a matter of Harrisburg revisited. I did not know the visit was going to last so long. However, it has been as pleasureable as it has been long.

I want to thank the membership of this House and the

officers of this House for the privilege of having a chance to serve this illustrious body. Thank you very much.

Mr. HELM. Will the Secretary of the House, Paul Moomaw, present himself in the well of the House?

Paul, on this pedestal directly behind me is your gift from the Members of the House.

The CHAIRMAN. The Chair recognizes the gentleman from Franklin, Mr. Paul C. Moomaw, Secretary of the House of Representatives.

Mr. MOOMAW. Mr. Chairman, Members of the House and guests, it certainly is a beautiful gift and I thank you from the bottom of my heart. I know I will enjoy it and likewise my good wife, who is present here, will enjoy it. I would like to have her rise.

I have enjoyed every moment of this long session. My office as Secretary of the House has been an office in which we have tried to serve you to the best of our ability. If we have failed in any way, I am sure it has been a mistake of the head and not of the heart.

I have my very able staff, my secretary, Miss Ryan, the assistant, Mrs. Fox, and Mr. Mace. If they are present in the House, I would like to have them rise.

In seeing and enjoying these ceremonies, my memory goes back to 1935 when I was first a Member of this House and like my good friend, Ben Long, it has been a long time ago.

I had a distinct privilege at that time, which I have always kept sacred to my heart, in the years I have had the privilege of visiting the Legislature since I was a Member, and that was that as a freshman Member I had the privilege of being seated next to the only Independent Member of the House, our present Speaker, Mr. Andrews. It was through his experience that I believe I was guided down the right aisle at different times, when probably otherwise I would have erred and gone astray.

I want to express my thanks to Mr. Andrews as well as all the Members of the House for the opportunity of serving you here as Secretary. I want you to know the office will be open during the session and after the session for any service you may desire.

Thank you very much.

Mr. HELM. I have just been informed that one of the former speakers, a recipient of one of the gifts, failed to introduce his wife. So I am going to take the opportunity to present Mrs. Johnson.

Will the Parliamentarian of the House present himself in the well of the House? You know, this fellow coming down here one time told us he did his best work in the bedroom, so we presented him with an easy chair. Now he tells me he has a den all fixed up, so our gift to him is something to keep that den just as comfortable for him as we can possibly keep it.

Eddie, in behalf of the Members of the House, I present your gift.

The CHAIRMAN. The Chair recognizes the Parliamentarian, Mr. S. Edward Moore.

Mr. MOORE. Mr. Chairman and Mr. cochairman, at a time like this there are no words adequate to express one's feelings. Although I deeply appreciate this splendid gift, I value so very much more the friendships which it represents.

May I now present to your House, the speaker at our house, my dear wife. She too will receive enjoyment from this lovely gift.

We both thank you sincerely and from the bottom of our hearts. Thank you.

The CHAIRMAN. The Chair now recognizes the gentleman from Allegheny, Mr. Ewing.

Mr. EWING. Mr. Chairman, guests, ladies and gentlemen of the House, it gives me great pleasure to present the flag of the Commonwealth of Pennsylvania to the House of Representatives on behalf of my colleague, John R. Haudenshield, of Allegheny County.

The CHAIRMAN. The Chair recognizes the Speaker of the House.

The SPEAKER. On behalf of this Hous and its Members, we are glad to accept the gift of the gentleman from Allegheny, Mr. Haudenshield.

We all know that over the years he has been one of those who have kept constantly before this House its historical sites, its historical possessions, and it is with great pleasure that I recognize his continuing interest. On behalf of the Members of the House, we accept this splendid flag.

The CHAIRMAN. The Chair again recognizes the gentleman from Armstrong, Mr. Helm.

Mr. HELM. Mr. Chairman, we have one more gift to present, one that I think, because of recent experience is very, very badly needed. At this time I would like to make this little personal presentation to the Speaker of the House.

The CHAIRMAN. The Chair recognizes the Speaker of the House.

The SPEAKER. Mr. Chairman, it is characteristic of the leadership of the opposition party that it should function on a basis of "too little and too late."

The CHAIRMAN. As Chairman of the Committee on Final Adjournment Ceremonies, my sincere thanks to my coChairman, the gentleman from Armstrong, Mr. Helm, who deserves so much credit for the success of our party this evening.

The CHAIRMAN. The Chair recognizes the gentleman from Crawford, Mr. Kent

Mr. KENT. Mr. Chairman, I have sat here and enjoyed a great deal, as I am sure everyone has, the party we are having tonight. I certainly have enjoyed the remarks of the leaders who have led us through these many and arduous months of legislating.

I suppose in the past several months we have broken precedent; tonight I am sure we have also broken precedent. I am glad we have, Mr. Chairman. It seems to me at least one Member of the Arrangements Committee has not been recognized here tonight and received a gift.

Mr. Chairman, I am not so naive that I can be fooled into believing that it just is coincidence that the initials J.F.S. happened to be on that traveling bag you have ensconced away up behind the rostrum there. I am convinced that it was intended, that it was planned. I do not begrudge at all, Mr. Chairman, your gift, and I want to join you in the remarks you just made in paying tribute to the Committee On Arrangements, which incidentally is a two-man Committee comprised of yourself along with one other Member of this House.

So that precedent has been set, and I might say in words which have resounded many, many times during

this past session in the Hall of this Hause, especially from the place where I am standing, "who do you think you are kidding."

So, Mr. Chairman, by the same coincidence, I might say, I just happen to have here a gift which I would like to present on behalf of all of the Members of the House to the other co-Chairman, the other Member of the Arrangements Committee, for a job which has been very, very well done.

I know it was not easy to abstract that $10 from the membership of this House. They have done an admirable job in doing that, together with all the lavish and enjoyable preparations to which they went.

So, Stu, on behalf of the membership of this House, let me present to you this gift for your labors and a job well done.

The CHAIRMAN. The Chair recognizes the gentleman from Armstrong, Mr. Helm.

Mr. HELM. Mr. Chairman, this certainly is a surprise. I might also say the same thing that has been said from this position in the House many times during this session, "What are you up to?"

I want to tell you that any part I have had to play in the ceremonies has been a lot of work, but it also has been a lot of pleasure.

We have had the cooperation not only of all the Members, but many, many people around the Halls of this House. I think at this time I should express my thanks and my sincere appreciation to the other Members on this Committee and tell you he did a terrific amount of work.

We also have to express our sincere thanks to the Chief Clerk and the Secretary of the House for being our hosts following this affair on the floor tonight.

I have to express my appreciation to Pomeroy's, for setting up such a very, very beautiful display on the floor of this House and being so cooperative in helping to display the gifts.

To every Member of this House, and to my wife, whom I have with me, for being so patient with me, particularly during the last couple weeks when I could not devote any time to her. I would like to present Mrs. Helm to you now.

To all of you I say, thank you from the bottom of my heart.

I have the scissors handy. You see, I have them because I am responsible for them. I have to return them after the meeting is over.

A three dimensional stereo camero. Thank you, gentlemen, very, very much.

Also, since I had to introduce the wife of another Member, I would like to introduce and present to the House the wife of the presiding officer and chairman of this affair tonight, Mrs. Stank.

Mr. Chairman, I have one other function to perform and then I am going to quit. Following the closing of this session tonight, we will have a reception in the well of the House for the officers and their wives. They are going to form a reception line immediately upon adjournment in the well of the House.

I would like all who care to greet them and shake hands with them to come down the aisle on the other side of the House and come through this way. That will give us two exits here on this side of the House and I think we can handle it much quicker that way. Then we will go directly to the cafeteria for the buffet supper which is ready for you there I am sure. I told them to have it ready by 9:15, so I am sure it will be well-cooked.

Thank you very much.

The CHAIRMAN. The Chairman invites the Speaker to return to the rostrum.

The SPEAKER. (Hiram G. Andrews) in the Chair.

ADJOURNMENT

Mr. SNIDER. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 21, 1956 at 10:00 a.m.

The motion was agreed to, and (at 10:16 p.m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1955. 141st of the General Assembly.

Vol. 34. HARRISBURG, PA., WEDNESDAY, MARCH 21, 1956. No. 157.

SENATE

WEDNESDAY, MARCH 21, 1956.

The Senate met at 11:00 o'clock, a. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Roy E. Furman) in the Chair.

PRAYER

Honorable FRANK W. RUTH, a Member of the Senate from Berks County, offered the following prayer:

Almighty God, to whom all hearts are open, all desires known and from whom no secrets are hid, when we say that, O Father, we pray that Thou wilt help us to understand that we cannot walk out on Thee, we cannot close the door on Thee. Even as the psalmist said, "If I ascend up into Heaven, Thou art there. If I make my bed in hell, Thou art there. If I take the wings of the morning and fly to the uttermost part of the sea, even there shall Thy hand lead me."

We pray for Thy wisdom and guidance in our work today that it may be done to Thy honor and glory. In Thy holy name we ask it, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. PEACHAN and Mr. CHAPMAN, further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL No. 587

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 587, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire five tracts of land in the Borough of West Chester County for use of West Chester State Teacher's College and making an appropriation.

With the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 967

He also returned to the Senate, Senate Bill No. 967, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to acquire a tract of land in or near White Haven Foster Township Luzerne County for the use of the Department of Welfare in the treatment of mentally retarded children and making an appropriation.

With the information that the House has passed the same without amendments.

SENATE BILL No. 249 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 249, entitled:

An Act amending the "Public Assistance Law" of June 24 1937 (P. L. 2051) * * *" increasing monthly pension allowance and maximum income allowance crediting encumbrances in realty valuation and abolishing the sum of income and pension as a ceiling for pension receivable.

with the information that House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

AMENDMENT TO HOUSE BILL No. 1514 RECALLED FROM THE GOVERNOR

He also presented for concurrence, House Bill No. 1514, entitled:

An Act amending the act of September 26, 1951 (P. L. 1518) entitled "An act to provide for the registration and protection of trademarks and to secure the rights property and interests therein providing for the assignment cancellation and revocation thereof annd imposing penalties for violations conferring powers and imposing duties upon the Secretary of the Commonwealth in the administration thereof and to repeal all acts inconsistent therewith" further defining the right to registration.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will appear on tomorrow's Calendar.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 505, entitled:

An Act amending the "Public School Employes Retirement Law" * * * by defining "final salary."

Which was committed to the Committee on Appropriations.

House Bill No. 880, entitled:

A Supplement to the "State Employes' Retirement Law" * * * by permitting any State employe as a contributor under the provisions of the State employes' retirement system and who was an employe under the public school system of the Commonwealth and made contributions to the Public School Employes' Retirement Fund on account of such public school service to obtain credit for such service in the State employes' retirement system under certain conditions.

Which was committed to the Committee on Appropriations.

House Bill No. 881, entitled:

A Supplement to the "Public School Employes Retirement Law" * * * by permitting former contributors who have become State employes and members of the State Employes' Retirement Association to restore membership in the Public School Employes' Retirement Association and authorizing the transfer of monetary credits in the Public School Employes' Retirement Association to the State Employes' Retirement Association under certain conditions.

Which was committed to the Committee on Appropriations.

House Bill No. 882, entitled:

A supplement to the "Public School Employes Retirement Law * * * *" by permitting any school employe as a contributor under the provisions of the School Employes' Retirement System and who was an employe under the State Employes' Retirement System of the Commonwealth and made contributions to the State Employes' Retirement Fund on account of such State service to obtain credit for such service in the School Employes' Retirement System under certain conditions.

Which was committed to the Committee on Appropriations.

House Bill No. 883, entitled:

A supplement to the "State Employes' Retirement Law * * * *" by permitting former contributors who have become public school employes and members of the Public School Employes' Retirement System to restore membership in the State Employes' Retirement Association and authorizing the transfer of monetary credits in the State Employes' Retirement Association under certain conditions.

Which was committed to the Committee on Appropriations.

House Bill No. 1037, entitled:

An Act authorizing the Department of Property and Supplies to sell at public sale a plot of ground presently a part of acreage administered at the Polk State School Venango County Pennsylvania containing 1.25 acres more or less.

Which was committed to the Committee on State Government.

House Bill No. 1474, entitled:

An Act amending "The Borough Code" approved May 4 1927 (P. L. 519) further regulating the power of boroughs to levy and collect the annual tax for general borough purposes.

Which was committed to the Committee on Local Government.

House Bill No. 1504, entitled:

An Act reenacting and amending the act of April 11 1899 (P. L. 37) entitled "An act relating to the keepers of junk shops second hand dealers in cities of this Commonwealth" extending its provisions to municipalities and townships.

Which was committed to the Committee on Local Government.

House Bill No. 1842, entitled:

An Act amending the "County Institution District Law" approved June 24 1937 (P. L. 2017) changing the amount the institution district may pay for burial costs in each case.

Which was committed to the Committee on Local Government.

House Bill No. 1843, entitled:

An Act amending the act of June 13 1883 (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" regulating the burial costs for unclaimed bodies unfit for anatomical purposes and making provisions conform to existing law.

Which was committed to the Committee on Judiciary General.

House Bill No. 1845, entitled:

An Act amending the "Transfer Inheritance Tax Law" approved June 20 1919 (P. L. 521) changing the tax rate on property transferred to lineal descendants of adopted children.

Which was committed to the Committee on Judiciary General.

House Bill No. 1890, entitled:

An Act reenacting and amending the "Trademarks Registration Act" approved September 26 1951 (P. L. 1518) extending the act to service-marks used to identify certain services and distinguish them from others.

Which was committed to the Committee on Judiciary General.

House Bill No. 1905, entitled:

An Act amending "The Vehicle Code" approved May 1 1929 (P. L. 905) by changing registration fees for certain motor buses and motor omnibuses.

Which was committed to the Committee on Highways.

House Bill No. 1934, entitled:

An Act amending the "Vital Statistics Law of 1953" approved June 29 1953 making it unlawful for unauthorized persons to copy duplicate or issue certificates of birth death or fetal death.

Which was committed to the Committee on Judiciary General.

House Bill No. 1945, entitled:

An Act amending "The Administrative Code of 1929" approved April 9 1929 (P. L. 177) changing requirements

in promulgating rules and regulations by the Department of Health.

Which was committed to the Committee on Public Health and Welfare.

House Bill No. 1946, entitled:

An Act amending the act of May 5 1921 (P. L. 374) entitled "An act providing for the licensing and regulation of corporations co-partnerships associations and individuals engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment * * *" authorizing deposit of bonds of authorities created by the State or political subdivisions as security for licensure.

Which was committed to the Committee on Judiciary General.

House Bill No. 1970, entitled:

An Act amending the "Local Tax Enabling Law" approved June 25 1947 (P. L. 1145) authorizing the use of certified mail when tax ordinances and statements are filed.

Which was committed to the Committee on Local Government.

House Bill No. 1972, entitled:

An Act amending the act of September 26 1951 (P. L. 1505) entitled "An act to authorize the revival of judgments entered in favor of the Commonwealth of Pennsylvania by filing a suggestion of nonpayment" authorizing the giving of notice by certified mail return receipt requested.

Which was committed to the Committee on Judiciary General.

House Bill No. 2041, entitled:

An Act relating to the distribution sale or transportation of adulterated or misbranded insecticides fungicides rodenticides and other pesticides regulating traffic therein providing for registration and examination of such materials and imposing penalties.

Which was committed to the Committee on Agriculture.

House Bill No. 2072, entitled:

An Act regulating rights and duties of teachers in schools for the teaching and training of the mentally retarded functioning within the Department of Welfare.

Which was committed to the Committee on Education.

House Bill No. 2087, entitled:

An Act amending "The Vehicle Code" approved May 1 1929 (P. L. 905) further regulating applications for registration changing annual registration fees for certain commercial motor vehicles truck tractors trailers and semitrailers * * *.

Which was committed to the Committee on Highways.

BILLS SIGNED

The President (Lieutenant-Givernor Roy E. Furman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 333, entitled:

An Act amending the act of January 18, 1952 (P. L. 2111), entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges; providing for leaves of absence; imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction; and repealing inconsistent laws," increasing the minimum compensation and increments and changing conditions of payments.

Senate Bill No. 772, entitled:

An Act to amend the act approved the third day of June one thousand nine hundred forty-three (P. L. 818) entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith and for the demolition of the buildings and structures thereon . . ." by empowering and directing the Department of Property and Supplies to acquire by purchase or condemnation all lands buildings and property which will permit the construction by said Department of an extension of East Street (Commonwealth Avenue) northwardly from Forster Street to connect with Sixth Street and making an appropriation.

Senate Bill No. 802, entitled:

An Act to provide for an additional law judge of the orphans' court in the fifth judicial district.

Whereupon,

The President (Lieutenant-Governor Roy E. Furman) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE

Mr. CHAPMAN, from the Committee on Appropriations reported as committed, Senate Bill No. 1046 entitled:

An Act making an appropriation to the Department of Forests and Waters for redevelopment, improvement and construction of the Port of Philadelphia.

BILL INTRODUCED AND REFERRED

Messrs. STIEFEL, HALUSKA and CAMIEL read in place and presented to the Chair Senate Bill No. 1054, entitled:

An Act making it mandatory upon each one of Pennsylvania's State-aided universities to establish a chair or chairs for instruction in the Polish language and literature; and directing that students receiving such instruction shall receive appropriate college credits in accordance with standards governing instruction in other European languages at said universities.

Which was committed to the Committee on Education.

SENATE RESOLUTION

CONGRATULATIONS OF THE SENATE EXTENDED TO COACH CLIFF AULTMAN AND HIS GENEVA COLLEGE BASKETBALL TEAM

Mr. LANE, on behalf of Mr. MILLER offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 21, 1956.

This was the fourth consecutive year that the Geneve College basketball team competed as the Pennsylvania small college champion in the annual championship tournament of the National Association of Intercollegiate Athletics.

Although eliminated from the tournament, the Geneve team this year set an example of team play and sportsmanship which will always be remembered as one of the finest in scholastic athletic competition; therefore be it

Resolved, That the Senate of Pennsylvania congratulates Coach Cliff Aultman and his Geneva College basketball team on their fine season record and their fine play in tournament held by the National Association of Intercollegiate Athletics; and be it further

Resolved, That a copy of this resolution be sent to Coach Cliff Aultman at Geneva College.

CALENDAR

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 530

The Senate proceeded to the consideration of the report of Committee of Conference on Senate Bill No. 530, as follows:

To the Members of the Senate and House of Representatives

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 530, entitled: "An act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land property or material or any interest therein by political subdivisions by authorities created by political subdivisions or by corporations in the exercise of their power of eminent domain."

Respectfully submit the following bill as our report:

ROBERT D. FLEMING,
FRANK KOPRIVER, JR.
JOSEPH M. BARR,
(Committee on the part of the Senate.)

PHILIP LOPRESTI,
MARTIN C. MIHM,
(Committee on the part of the House of Representatives.)

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land property or material or any interest therein by political subdivisions by authorities created by political subdivisions or by corporations in the exercise of their power of eminent domain

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 As used in this act "Authority" means any body corporate and politic created by one or more political subdivisions pursuant to a law of the Commonwealth

Section 2 No person having an interest in any land property or material appropriated taken used occupied injured destroyed or otherwise adversely affected by any political subdivision or authority or by any corporation in the exercise of its power of eminent domain may petition for the appointment of viewers for the assessment of damages or bring an action for damages after the expiration of a period of six years from the date on which such political subdivision or authority or corporation became entitled to possession of the land property or material or any interest therein This act shall not apply to petitions for the appointment of viewers for the assessment of damages or to actions for damages as the result of the exercise of the power of eminent domain by any authority unless (1) a copy of the resolution by which such authority exercises its power of eminent domain is personally served on the owner of the affected property or (2) if the owner cannot be served personally service of a copy of the resolution is made on the owner by registered or other mail service as will result in the post office department making a record of delivery and the sender receiving a receipt signed by the addressee or his agent evidencing delivery or (3) if the owner cannot be served personally or by mail as herein provided unless the resolution is published at least one time in a newspaper of general circulation in the county in which the affected property is located and at least one time in the legal periodical if any of such county

Section 3 In any case where by the exercise of the power of eminent domain a political subdivision or authority or a corporation has become entitled to the possession of private land property or material or any interest therein prior to the effective date of this act a petition for the appointment of viewers for the assessment of damages may be filed or an action for damages may be brought within six years from such date and not thereafter All claims shall be forever barred after the expiration of the period of six years

On the question,

Will the Senate adopt the report of the Committee of Conference?

SENATE ADOPTS REPORTS OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 530

Mr. PECHAN. Mr. President, I move that the Senate adopt the report of the Committee of Conference on Senate Bill No. 530.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 841

The Senate proceeded to the consideration fo the report of Committee of Conference on Senate Bill No. 841, as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 841, entitled: An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and

authorizing the authorities to collect tolls fares rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

Respectfully submit the following bill as our report:

ROBERT D. FLEMING,
FRANK KOPRIVER, JR.,
B. B. McGINNIS,
(Committee on the part of the Senate)

MARTIN C. MIHM,
EDWIN C. EWING,
JOHN J. MURRAY,
(Committee on the part of the House of Representatives)

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is hereby determined and declared as a matter of legislative finding

(1) That a greater utilization of the rivers in the Commonwealth is necessary for the increased commerce and prosperity of the people of the Commonwealth

(2) The increased commerce and prosperity of the people of the Commonwealth require in counties of the second class more effective coordination of the combined facilities of water rail air and highway

(3) That the expanding industrial activities of the Commonwealth require the planning designing construction erection and operation of port facilities in counties of the second class

(4) That property values in counties of the second class are threatened with irreparable loss for the lack of port facilities available to industry

(5) The crisis in industrial transportation which threatens the welfare of the Commonwealth can be reduced by providing adequate port facilities

(6) That the establishment of a port authority will promote the public safety convenience and welfare

(7) That it is intended that the authority cooperate with all existing transportation facilities that private enterprise and government may mutually provide adequate port facilities for the convenience of the public

Therefore it is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote the safety and welfare of the inhabitants thereof by the creation of a body corporate and politic for each second class county to be known as The Port of (insert name county) Authority which shall exist and operate for the purposes contained in this act Such purposes are hereby declared to be public uses for which public money may be spent and private property may be acquired by the exercise of the power of eminent domain

Section 2 As used in this act

(1) The term "authority" shall mean any body politic and corporate created by this act

(2) The term "port district" shall mean all the territory within a second class county

(3) The term "member" shall mean a member of the governing body of an authority

(4) The term "board" shall mean the governing body of an authority

(5) The term "bonds" shall mean and include the notes bonds refunding bonds and other evidences of indebtedness or obligations which the authority is authorized to issue pursuant to section 5 of this act

(6) The term "construction" shall mean and include acquisition and construction and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable

(7) The term "municipality" shall mean any county city town borough or township of the Commonwealth of Pennsylvania or any authority organized under any law of the Commonwealth of Pennsylvania

(8) The term "Federal agency" shall mean and include the United States of America the president of the United States and any department or corporation agency or instrumentality heretofore or hereafter created designated or established by the United States of America

(9) The term "improvement" shall mean and include extension enlargement and improvement and the term "to improve" shall mean and include to extend to enlarge and to improve all in such manner as shall be deemed desirable

(10) The term "person" shall mean and include natural persons

(11) The term "terminal" shall include any marine motor truck railroad and air terminal also any coal grain bulk liquids and lumber terminal and any union freight and other terminals used or to be used in connection with the transportation or transfer of freight and equipment materials and supplies

(12) The term "port facility or facility" shall include all real and personal property used in the operation of a terminal including but without being limited to wharves piers slips ferries docks drydocks ship repair yards bulkheads dock walls basins carfloats float-bridges dredging equipment radio receiving and sending stations grain or other storage elevators warehouses cold storage tracks yards sheds switches connections ovedhead appliances bunker coal oil and fresh water stations railroads motor trucks floating elevators airports barges scows or harbor craft of any kind markets and every kind of terminal storage or supply facility now in use or hereafter designed for use to facilitate transportation and for the handling storage loading or unloading of freight at terminals and equipment materials and supplies therefor

Words importing the singular number include the plural number and vice versa

Section 3 (a) There are hereby created bodies corporate and politic in counties of the second class to be known as Port of (Name of county) Authority which shall constitute public bodies corporate and politic exercising the public powers of the Commonwealth as an agency thereof Each authority shall be for the purpose of planning acquiring holding constructing improving maintaining and operating owning leasing either as lessor or lessee port facilities within the port district

(b) Each authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights or powers

(1) To have perpetual existence

(2) To sue and be sued implead and be impleaded complain and defend in all courts to petition the Interstate Commerce Commission (or like body) or join in any proceeding before any such bodies or courts in any matter affecting the operation of any project of the authority

(3) To adopt and use and alter at will a corporate seal

(4) To establish a principal office and such other office or offices as may be necessary for the carrying on of its duties

(5) To acquire purchase hold lease as lessee and use any franchise property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time required by it

(6) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate facilities

(7) To make by-laws for the management and regulation of its affairs

(8) To appoint officers agents employes and servants

to prescribe their duties ad fix their compensation

(9) To fix alter change and collect rates rentals and other charges for its facilities at reasonable rates to be determined exclusively by it subject to appeal as hereinafter provided for the purpose of providing for the payment of the expenses of the authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal and interest on its obligations and to comply fully with the terms and provisions of any agreements made with the purchases or holders of any such obligation The authority shall determine by itself exclusively the facilities to be operated by it and the services to be available to the public Any person questioning the reasonableness of any rate fixed by an authority may bring suit against the authority in the court of common pleas of the county wherein the facilities are located The court of common pleas shall have exclusive jurisdiction to determine the reasonableness of rates and other charges fixed altered charged or collected by an authority Appeals may be taken to the Superior Court within thirty days after the court of common pleas has rendered a final decision

(10) To borrow money make and issue negotiable notes bonds refunding bonds and other evidences of indebtedness or obligations of the authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(11) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(12) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency Commonwealth of Pennsylvania municipality or corporation

(13) To have the power of eminent domain

(14) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the authority as security for all or any of the obligations of the authority

(15) To do all acts and things necessary for the promotion of its business and the general welfare of the authority to carry out the powers granted to it by this act or any other acts

(16) To enter into contracts with the Commonwealth of Pennsylvania municipalities or corporations on such terms as the authority shall deem proper for the use of any facility of the authority and fixing the amount to be paid therefor

(17) To enter into contracts of group insurance for the benefit of its employes and to set up a retirement or pension fund for such employes

(18) An authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth of Pennsylvania or any political subdivision nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal or interest on such obligations (19) private rights and property in the reds of existing public highways vacated in order to facilitate the purposes of the authority shall not be deemed destroyed or ousted by reason of such vacation but shall be acquired or relocated by the authority in the same manner as other property"

Section 4 The bonds of the authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board and shall be of such series bear such date or dates mature at such time or times bear interest at such rate or rates not exceeding six percent per annum payable semi-annually be in such denominations be in such form either coupons or fully registered without coupons carry such registration exchangeability and interchangeable privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption at such prices not exceeding one hundred five percent of the principal amount thereof and be entitled to such priorities in the revenues rentals or receipts of the authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the authority all as may be prescribed in such resolution or resolutions The bonds may be issued and delivered notwithstanding that one or more of the officers signing the bonds or the treasurer whose facsimile signature shall be upon the coupon or any officer thereof shall have ceased to be such officer at the time when the bonds shall actually be delivered

The bonds may be sold at public or private sale for such price or prices as the authority shall determine but the interest cost to maturity of any money received for any issue of said bonds shall not exceed six percent per annum Pending the preparation of the definitive bonds interim receipts or temporary bonds may be issued to the purchaser or purchasers of the bonds and may contain such terms and conditions as the authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (1) pledging the full faith and credit of the authority for such obligations or restricting the same to all or any of the revenues rentals or receipts of the authority from all or any facilities (2) the construction improvement operation extension enlargement maintenance and repair of the facilities and the duties of the authority with reference thereto (3) the terms and provisions of the bonds (4) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant of the United States may be applied (5) the rate of tolls rentals and other charges for use of the facilities of or for the services rendered by the authority including limitations upon the power of the authority to modify any lease or other agreement pursuant to which tolls rentals or other charges are payable (6) the setting aside of reserves or sinking funds and the regulations and disposition thereof (7) limitations of the issuance of additional bonds (8) the terms and provisions of any deed of trust or indenture securing the bonds or under which the same may be issued and (9) any other or additional agreements with holders of the bonds

The authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or any person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge any or all of the revenues rentals or receipts of the authority thereunder The deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the authority may authorize including but without limitation provision as to (1) the construction improvement operation maintenance and repair of facilities and the duties of the authority with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustees and the holders of the bonds (which may include restrictions upon the individual right of action upon such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

The bonds shall have all the qualities of negotiable instruments under the law of merchants and the uniform commercial code of the Commonwealth of Pennsylvania

Section 5 The rights and remedies hereinafter conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the authority shall default in the payment of principal or interest on any of the bonds after such principal or

interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in event the authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five percentum in the aggregate of the principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may (except as such may be limited under the provisions of any deed of trust indenture or other agreement as aforesaid) appoint a trustee to represent the bondholders for the purposes herein provided

The trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five percentum (or such other percentages as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name (1) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the authority to collect rates rentals or other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the authority and to require the authority to carry out any other agreements with or for the benefits of the bondholders and to perform its and their duties under this act (2) bring suit upon the bonds (3) by action or suit in equity require the authority to account as if it were the trustee of an express trust for the bondholders (4) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders and (5) by notice in writing to the authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five percentum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county wherein the authority is located shall have jurisdiction of any suit action or proceedings by the trustees on behalf of the bondholders Any trustee when appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may (to the same extent that the authority itself could so do) enter and take possession of the facilities of the authority or any part or parts thereof the revenues rentals or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the authority or board might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues rentals and receipts derived from the facilities of the authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

Nothing in this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the authority to sell assign mortgage or otherwise dispose of any of the assets of whatsoever kind and character belonging to the authority It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the authority as the court may direct and no holder of the bonds of the authority nor any trustee shall ever have the right in any suit action or proceedings in law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct a receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the authority

Section 6 The powers of the authority shall be exercised by a board composed of the number of members not more than eight as shall be fixed by the county commissioners of each county of the second class the county commissioners of each county of the second class shall appoint the members of the board whose terms of office shall commence on the date of appointment one member shall serve for one year one for two years one for three years and one for four years from the first day of January next succeeding the date of approval of this act and if there are more than four members of the board their terms shall be staggered in a similar manner thereafter whenever a vacancy has occurred or is about to occur by reason of the expiration of the term of any member the county commissioners shall appoint a member for a term of five years to succeed the member whose term has expired or is about to expire Members shall hold office until their successors have been appointed and may succeed themselves A member shall receive no compensation for his services but shall be entitled to the necessary expenses including traveling expenses incurred in the performance of his duties Within ninety days after the creation of the authority the board shall meet and organize by electing from their number a chairman a vice chairman and such other officers as the board may determine The board may employ a secretary an executive director its own counsel and legal staff and such technical experts and other agents and employes permanent or temporary as it may require and may determine the qualifications and fix the compensation of such persons Four members of the board shall constitute a quorum for its meetings Members of the board shall not be liable personally on the bonds or other obligations of the authority and the rights of creditors shall be solely against such authority The board may delegate to one or more of its agents or employes such of its powers as it shall deem necessary to carry out the purposes of this act subject always to the supervision and control of the board The board shall have full authority to manage and operate the business of the authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it may be evercised and embodied.

If a vacancy by reason of death resignation or removal of a member the Board of County Commissioners shall appoint a successor to fill his unexpired term.

Section 7 The authority shall have the power to acquire by purchase or eminent domain proceeding either the fee or such right title interest or easement in such lands as the authority may deem necessary whether for immediate or future use for any of the purposes mentioned in this act and the authority may find and determine that such property whether a fee simple absolute or lesse interest is required for public use and upon such determination the said property shall be deemed to be required for a public use until otherwise determined by the authority and the said determination shall not be affected by the fact that such property has heretofore been taken for or is then devoted to a public use but the public use in the hands or under the control of the authority shall be deemed superior to the public use in the hands or under the control of any other person association or corporation.

When the authority desires to acquire land to carry on its purposes and a price for such lands or the interest therein desired cannot be agreed upon with the owner or owners thereof or where the owner or owners cannot be found in all such cases the authority is authorized to acquire the land or the interest therein desired by eminent domain proceedings.

Thereupon the authority may apply to the Court of Common Pleas of the county wherein the lands are located for the appointment of viewers the application for the appointment of viewers shall recite (1) the failure of the

parties to agree to a price for the lands or interest therein desired or the owner or owners thereof cannot be found (2) a statement of the authority under which and the purpose for which the lands or interest therein are taken (3) a statement of the estate or interest in the lands taken (4) a description and plan of the lands taken and (5) a statement of the names and addresses if known of the owners of the land.

Upon the courts order appointing viewers being made and duly entered in the office of the prothonotary as well as recorded in the offices of the recorder of deeds in the county wherein the land is situated the title to the land in fee simple absolute or a less estate right title interest or easement therein as is specified in the applications shall vest in the authority and the lands shall thereupon be deemed to be condemned and taken for the use of the authority and the authority shall forthwith have the right to enter on and use same subject to the right to just compensation to the owners thereof as ascertained and awarded in the condemnation proceedings and established by judgment therein and the judgment shall include as part of the just compensation awarded interest at the rate of six per centum per annum on the amount finally awarded as the value of the land in fee simple absolute or less estate right title interest or easement therein as of the date of the filing of the order made for the appointment of viewers to the date of final judgment thereon

The court shall have power to make such orders in respect of encumbrances liens rents taxes assessments insurance and other charges if any as shall be just and equitable.

The court shall appoint three viewers and shall approve a time not less than twenty nor more than thirty days after the presentation of the petition for the appointment when the viewers shall meet upon the lands and view the same and all improvements in connection therewith.

The viewers shall give at least ten day's notice of their first meeting to the chairman of the authority and to the owners of such land if known if the owners of such lands are unknown notice shall be given in at least two newspapers of general circulation in such manner as the court may direct the viewers having been sworn or affirmed faithfully justly and impartially to decide and a true report to make concerning all matters to be submitted to them in relation to which they are authorized to inquire and having viewed the lands and premises shall hear the parties and their witnesses and shall estimate and determine the value of the property so taken where the owner of the lands and premises is unknown the viewers shall estimate and determine the value of the land and improvements upon the testimony of the witnesses for the authority and any witnesses called by the viewers.

When the report is filed notice thereof shall immediately be given to the chairman of the authority and to the owners of the land where known which notice shall state that unless exceptions be filed thereto within thirty days after the filing of the report the same will be confirmed absolutely.

Where any owners of such lands are unknown notice shall be given in at least two newspapers of general circulation in such manner as the court shall direct.

Within thirty days after the filing of any report the authority or the owners of the lands may file exceptions to the same and the court shall confirm modify or change the report or refer the same back to the same or new viewers

When the report is filed the prothonotary shall mark it "confirmed nisi" in case no exceptions are filed thereto within the time herein specified the court shall make a decree that the report is confirmed absolutely which decree shall be entered by the prothonotary.

Within thirty days after any report of viewers is filed under this act the authority or the owners of such land may appeal to the Court of Common Pleas and demand a trial by jury within six months after a confirmation absolute on exceptions or within six months after a verdict and final judgment on appeal for a jury trial the chairman of the authority or the owners of such land may appeal to the Supreme or to the Superior Court as in other cases.

When the amount payable to the owner of the land has been finally determined the same shall be paid by the authority from its funds all costs in connection with the proceedings shall be paid by the authority in like manner.

In all cases where the owners of land are unknown and the report of viewers has been finally confirmed the authority shall be liable for all damages awarded therein if at any time after the final confirmation of the report of viewers any person appears and proves title to said lands such persons shall be entitled to and receive from the authority the sum so awarded by the viewers any claimant of the land may petition the court of common pleas of the county wherein the land is located giving a brief outline of the facts upon which the claim is based thereupon the court shall direct an issue to be framed wherein the claimant shall appear as plaintiff and the authority as defendant the issue shall be tried according to the rules of procedure and evidence governing trials in ejectment with a right of appeal by either party to the proper appellate court of the final judgment on such issue is in favor of the plaintiff the sum awarded by the report as finally confirmed shall be paid by the authority to the claimant the party to the action against whom the judgment is entered shall be liable for the costs as provided by law in other civil actions.

Court proceedings necessary to acquire property or property rights for the purpose of this act shall take precedence over all causes not involving the public interest in all courts to the end that the development of port facilities be expedited.

Section 8 All moneys of the authority from whatever source derived shall be paid to the treasurer of the authority The moneys shall be deposited in the first instance by The Treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts to the extent the same is not insured shall be continuously secured by a pledge of direct obligations of the United States of America or of the Commonwealth of Pennsylvania having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account The securities shall either be deposited with the treasurer or held by a trustee or agent satisfactory to the authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the authority or of such other person or persons as the authority may authorize to execute such warrants or orders The authority shall have at least an annual examination of its books accounts and records by a certified public accountant A copy of the audit shall be delivered to the Board of County Commissioners of the Commonwealth of Pennsylvania A concise financial statement shall be published annually at least once in a newspaper of general circulation in the county where the principal office of the authority is located

Section 9 All construction reconstruction repairs or work of any nature made by the authority where the entire cost value or amount of such construction reconstruction repairs or work including labor and materials shall exceed seven hundred fifty dollars ($750) except reconstruction repairs or work done by employes of the authority or by labor supplied under agreement with any Federal or State agency with supplies or materials purchased as hereinafter provided shall be done only under contract or contracts with the lowest responsible bidder upon proper terms afte due public notice has been given asking for competitive bids as hereinafter provided No contract shall be entered into for construction improvement or repair of any facility or portion thereof unless the contractor shall give an undertaking with sufficient surety or sureties approved by the authority and in an amount fixed by the authority for the faithful performance of the contract All such contracts shall provide among other things that the person or corporation entering into such contract with the authority will pay for all

labor and materials furnished for the performance of the contract and that any person or corporation furnishing such labor and materials may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the authority to construct repair or improve any facility or portion thereof or any addition betterment or extension thereto directed by the officers agents and employes of the authority or otherwise than by contract

All supplies and materials costing seven hundred fifty dollars ($750) or more shall be purchased only after due advertisements as hereinafter provided The authority shall accept the lowest bid or bids kind quality and material being equal but the authority shall have the right to reject any or all bids or select a single item from any bid The provisions as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a non-competitive market or solely by a manufacturer's authorized dealer nor to the purchase of articles where there is only a single supplier or manufacturer of such article

The term "advertisement" or "due public notice" wherever used in this section shall mean a notice published at least ten days before the award of any contract in a newspaper of general circulation published in the municipality where the authority has its principal office and if no newspaper is published therein then by publication in a newspaper in the county where the authority has its principal office

No member of the authority or officer or employe thereof shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the authority for any matter cause or things whatsoever by reason whereof any liability or indebtedness shall in any way be created against the authority If any contract or agreement shall be made in violation of the provisions of this section the same shall be null and void and no action shall be maintained thereon against such authority

Subject to the aforesaid any authority may (but without intending by this provision to limit any powers of this authority) enter into and carry out such contracts or establish and comply with such rules and regulations concerning labor and materials and other related matters in connection with any facility or portion thereof as the authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of the facility or any part thereof The provisions of this section shall not apply to any case in which the authority has taken over by transfer or assignment of any contract authorized to be assigned to it under the provisions of section 14 of this act nor to any contract in connection with the construction of any project which the authority may have had transferred to it by any person or private corporation

Section 10 The use of the facilities of the authority and the operation of its business shall be subject to the rules and regulations adopted from time to time by the authority but the authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the authority or violate any agreements with them or for their benefit

Section 11 The Commonwealth does hereby pledge to and agree with any person firm or corporation or Federal agency subscribing to or acquiring the bonds to be issued by the authority for the construction extension improvement or enlargement of any facility or part thereof that the Comonwealth will not limit or alter the rights hereby vested in the authority until all bonds at any time issued together with the interest thereon are fully met and discharged The Commonwealth of Pennsylvania does further pledge to and agree with the United States and any other Federal agency that in the event any Federal agency shall construct or contribute any funds for the construction extension improvement or enlargement of any facility or portion thereof the Commonwealth will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the facility or the improvement thereof or which would be inconsistent with the due performance of any agreements between the authority and any such Federal agency and the authority shall continue to have and may exercise all powers herein granted so long as the same may be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of the facility or such portion thereof

Section 12 The effectuation of the authorized purposes of any authority created under this act shall and will be in all respects for the benefit of the people of the Commonwealth for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since the authority will be performing essential government functions in effectuating such purposes the authority shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes In lieu of taxes or special assessments the authority may agree to make payments to any municipality The bonds issued by the authority their transfer and the income therefrom including any profits made on the sale therefrom shall at all times be free from taxation other than inheritance and estate taxation within the Commonwealth of Pennsylvania

Section 13 Any municipality or owner is hereby authorized to sell lease lend grant or convey to the authority any facility or any part or parts thereof or any interest in real or personal property which may be used by the authority in the construction improvement maintenance or operation of any facility Any municipality is also authorized to transfer sell assign and set over to the authority any contracts which may have been awarded by such municipality for the construction of facilities not begun or if begun not completed

Section 14 The provisions of this act shall be severable and if any of the provisions thereof shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

On the question,

Will the Senate adopt the report of the Committee of Conference?

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 841

Mr. PECHAN. Mr. President, I move that the Senate adopt the report of the Committee of Conference on Senate Bill No. 841.

Mr. LANE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 1023 CALLED UP OUT OF ORDER

Mr. WADE. Mr. President, I would like to call up, out of order, from today's Second Reading Calendar, Senate Bill No. 1023, Printer's No. 585, for the purpose of offering amendments.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1023, entitled:

An Act amending the act of June 1 1933 (P. L. 1172) entitled "Borough Rural State Highway Law" changing or deleting certain routes and adding certain new routes

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Sec. 1, page 2, by inserting between lines 9 and 10:

"Bangor Borough

"[Traffic Route 132] Legislative Route 48035.—Extending Route 48035.—Beginning at a point on the Bangor Borough [Washington Township line] Roseto Borough line on the old Lehigh and New England Railroad right of way; thence in a southerly direction [on Main Street] over the old Lehigh and New England Railroad right of way and First Street to the intersection [of Legislative Route 165, at Market and Main Streets] with Route 48036 at First Street and Broadway in the Borough of Bangor, Northampton County, a distance of about [.82] 0.80 of a mile.

"Roseto Borough

"[Traffic Route 132] Legislative Route 48035. Extending Route 48035.—Beginning at a point at the Washington Township-Roseto Borough line, on Roseto Street; thence in a southerly direction over [an unnamed street] Roseto Street across Columbus Street; thence southeasterly over the old Lehigh and New England Railroad right of way to the Roseto Borough [Washington Township line] Bangor Borough line [tying in with Legislative Route 48035] in Roseto Borough, Northampton County, a distance of about [.11] 0.53 of a mile."

They were agreed to.

The section was agreed to as amended.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendment:

Amend Sec. 2, page 5, by inserting between lines 13 and 14 the following:

"Tyrone Borough

"Route . Beginning at a point on L.R. 55 approximately 0.5 mile south of the Borough of Tyrone in Snyder Township, thence in a northerly direction of Clay Avenue in Tyrone Borough, thence northeasterly to a point at the intersection of Adams Avenue and Oak Street, L.R. 07032 in the Borough of Tyrone, Blair County, a distance of approximately 2.2 miles."

It was agreed to.

The section was agreed to as amended.

The third section and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that Senate Bill No. 1023, Printer's No. 585, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? the Chair hears none.

SENATE BILL No. 1024 CALLED UP OUT OF ORDER

Mr. WADE. Mr. President, I call up, out of order, from today's Second Reading Calendar, Senate Bill No. 1024, Printer's No. 588.

BILL ON SECOND READING AMENDED

Agreably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1024, entitled:

An Act amending the act of June 22, 1931 (P. L. 720) entitled "City State Highway Law" adding certain new routes.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Sec. 1, page 3, by inserting between lines 13 and 14 the following:

"Route . Beginning at a point on the intersection of West Spring Street and West Ceneral Avenue thence eastearly on Spring Street to Franklin Street, thence continuing easterly on Diamond Street to an intersection with East Ceneral Avenue in the City of Titusville, Crawford County a distance of about 0.5 of a mile.

"Route . Beginning at a point on the intersection of West Central Avenue and Perry Street thence south on Perry Street to an intersection with St. Johns Street, thence over St. Johns Street easterly to an intersection with South Franklin Street in the City of Titusville, Crawford County a distance of about 0.34 of a mile.

"Route . Beginning at a point on the intersection of South Franklin Street and Water Street thence easterly to South Brown Street thence northly on South Brown Street to an intersection with East Central Avenue in the City of Titusville, Crawford County, a distance of about 0.55 of a mile."

They were agreed to.

The section was agreed to as amended.

The second section and title were read and agreed to.

And said bill having been read at length the second time, as amended,

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that Senate Bill No. 1024, Printer's No. 588, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL No. 1025 CALLED UP OUT OF ORDER

Mr. WADE. Mr. President, I now call up, out of order. from today's Second Reading Calendar, Senate Bill No. 1025, Printer's No. 589.

BILL ON SECOND READING AMENDED

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1025, entitled:

An Act amending the act of June 22 1931 (P. L. 594) entitled "Rural State Highway Law" changing or deleting certain routes and adding certain new routes

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Sec. 1, page 3, by inserting between lines 14 and 15:

"Route 48035. Beginning at a point on State Highway Route 166 at Belfast Junction in Plainfield Township; thence northeasterly through Plainfield Township, intersecting Route 58040; thence through Plainfield Township, intersecting Routes 48024 and 48038; thence northeasterly through Plainfield and Washington Townships, intersecting Route 48034 near Ackermansville; thence northerly through Washington Township to the southerly borough line of Bangor; thence from the northerly boundary line of Roseto Borough, on Roseto Street, in a northerly direction to an intersection with Rouse 48032 Spur E. Beginning at the intersection of Route 48032 Spur E and Route 48035; thence in a northerly direction through Washington and Upper Mt. Bethel Township to a point, where it intersects Route 48032 near Bangor Junction in Upper Mt. Bethel Township, in Northampton County, a distance of about 9.3 miles."

Amend Section 1, page 8, by inserting between lines 2 and 3 the following:

"Warren County

"Route Beginning at a point on Route 61037 about 1.4 miles northeast of Warren Borough thence north in Glade Township a distance of 5280 feet or 1 mile to a point about 1 mile south of the point of intersection of the road with Route 61036 at a point about .3 of a mile east of MacOlneys Corners in Glade Township Warren County a distance of about 1 mile."

They were agreed to.

The section was agreed to as amended.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE offered the following amendments:

Amend Sec. 2, page 4, by inserting between lines 15 and 16:

"Allegheny County

"Route . Beginning at a point on the northern line of Springdale Borough, thence northerly in Springdale and Frazer Townships to a point on Route 02171 in Allegheny County, a distance of about 2.6 miles."

Amend Sec. 2, page 5, by inserting between lines 4 and 5 the following:

"Route . Beginning at a point on Route 67 about 0.5 miles south of Elderton Borough thence in an easterly direction over Township Road 379 and 666 to the Indiana County Line in Plumcreek Township, Armstrong County, a distance of about 3.8 miles."

Amend Sec. 2, page 5, by inserting between lines 15 and 16 the following:

"Crawford County

"Route . Beginning at the intersection of Route 271 and Route 20084 known as Page's Corners, thence in an easterly direction through Bloomfield and Sparta Townships to a point on Route 20093 at Aldsdorf Corners in Crawford County a distance of about 2:10 miles."

Amend Sec. 2, page 5, by inserting between lines 15 and 16 the following:

"Crawford County

"Route . Beginning at a point on Route 43041 about 0.2 of a mile east of the intersection with Route 43007 thence in a northeasterly direction to an intersection with Route 74 about 1.5 miles west of Mercer Borough in East Lackawannock Township, Mercer County a distance of about 2.5 miles."

Amend Sec. 2, page 5, by inserting between lines 15 and 16 the following:

"Cumberland County

"Route . Beginning at a point on Route 123, near Mohlers Church, thence easterly in Upper Allen and Lower Allen Townships to Eichelbergers Corner in Cumberland County, a distance of about 2.75 miles."

Amend Sec. 2, page 5, by inserting between lines 15 and 16 the following:

"Erie County

"Route . Beginning at a point on Route 25027 about one-half mile south of Route 25026, thence easterly in Mill Creek Township to a point on Route 258, in Erie County, a distance of about 2.1 miles."

Amend Sec. 2, page 7, by inserting between lines 14 and 15 the following:

"Schuylkill County

"Route . Beginning at a point on the north line of Mahanoy City Borough; thence in a general northeasterly direction in Mahanoy and Delano Townships, via Park Place, to a point on Route 53041, in Schuylkill County, a distance of about 4.2 miles."

They were agreed to.

The section was agreed to as amended.

The third section and title were read and agreed to.

And said bill having been read at length the second time, as amended.

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. WADE. Mr. President, I as unanimous consent that Senate Bill No. 1025, Printer's No. 589, on second reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

FINAL PASSAGE CALENDAR

APPROPRIATION BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 656, as follows:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania to provide for a deficiency in the maintenance of wards of the Commonwealth at said institution

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred ten thousand dollars ($110,000) or as much thereof as may be necessary is appropriated to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania for deficiencies in the maintenance of wards of the Commonwealth at the Institution for the two fiscal years ending May 31 1955

Section 2 This act shall take effect immediately

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 1021, Printer's No. 587, on final passage, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL OVER IN ORDER TEMOPRARILY

Mr. Pechan. Mr. President, I ask unanimous consent that Senate Bill No. 1037, Printer's No. 603, on final passage, go over in its order, temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

THIRD READING CALENDAR

BILL ON THIRD READING AND FINAL PASSAGE, RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate bill No. 646, as follows:

An Act amending the act of June 21 1939 (P L 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen P L seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" entitling certain unemployed persons to benefits and fixing minimum compensation payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1 Act of June 21 1939 (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P L seven hundred thirty-six) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amended May 29 1951 (P L 439) May 29 1951 (P L 497) and September 29 1951 (P L 1617) is amended to read

Section 1 In addition to those persons included within the definition of the word "employe" as defined in section one hundred and four of the act approved the second day of June one thousand nine hundred and fifteen (P L seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as last reenacted and amended at the regular legislative session of one thousand nine hundred and thirty-nine there shall be included all members of volunteer fire companies or volunteer fire departments of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns townships for all the purposes of said act and shall be entitled to receive compensation in case of injuries received while actually engaged as firemen or while going to or returning from any fire which the fire companies or fire department of which they are members shall have attended or while participating in instruction fire drills in which the fire company of which they are members shall have participated or while repairing or doing other work about or on the fire aparatus or buildings and grounds of such fire company upon the authorization of the chief or other person in charge or while answering any emergency call for any purpose or while riding upon the fire apparatus owned or used by the fire companies of which they are members at any time or while performing any other duties of such companies or fire department authorized

by such cities boroughs incorporated towns and townships or while performing duties imposed by section fifteen of the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (P L 465) as amended and there shall be included all individuals who extinguish forest fires and are entitled to compensation therefor as determined by authorized officers of the Department of Forests and Waters and such individuals are hereby declared to be "forest fire fighters" and "employes" of the department for all the purposes of said act and shall be entitled to receive compensation in case of injuries received while actually engaged in extinguishing forest fires or while going to or returning from forest fires or while performing any other duties in connection with extinguishing forest fires authorized or ratified by the department's officers

The city borough incorporated town or township or the Department of Forests and Waters as employer shall in all cases be deemed to have knowledge of all other employment of all members of its volunteer fire companies or volunteer fire departments or of its forest fire fighters as the case may be including self employment and shall be liable for compensation on account of all wages and earnings resulting therefrom In all cases where an injury compensable under the provisions of this act is received by a member of a volunteer fire company or volunteer fire department or by a forest fire fighter of the department who is in whole or in part a salf employer and loss of earnings results therefrom such earnings shall for the purposes of this act be regarded as wages The average weekly wage as so regarded shall be that most favorable to the employe computed by dividing by thirteen the total earnings of the employe in the first second third or fourth period of thirteen consecutive calendar weeks in the fifty-two weeks imediately proceding the accident In all cases where an injury compensable under the provisions of this act is received by a member of a volunteer fire company or volunteer fire department or by a forest fire fighter of the department who is self employed employed or unemployed payments shall be made of not less than twenty-two dollars and fifty cents ($22.50) per week for total disability and not less than twelve dollars and fifty cents ($12.50) for partial disability.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senate having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

APPROPRIATION BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 973, as follows:

An Act to promote the welfare of the people of the Commonwealth by the reduction of unemployment in certain areas of the Commonwealth determined to be critical economic areas providing for the establishment of industrial development projects in such areas creating The Pennsylvania Industrial Development Authority as a body corporate and politic with power to allocate funds for and make secured loans to industrial development agencies for the payment of a part of the cost of industrial development projects in critical economic areas authorizing the Authority to enter into agreements with the Government of the United States or any Federal agency or industrial development agency empowering the Authority to take title to sell convey and lease industrial development projects where necessary to protect loans made by the Pennsylvania Industrial Development Authority on industrial development projects providing that no debt of the Commonwealth its municipalities or powers granted by this act and providing for the examination political subdivisions shall be incurred in the exercise of any of the accounts and affairs of the Authority and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Industrial Development Authority Act"

Section 2 Findings and Declaration of Policy It is hereby determined and declared as a matter of legislative finding

(a) That there currently exists in certain areas of the Commonwealth a critical condition of unemployment and that such condition may well exist from time to time in other areas of the Commonwealth

(b) That in some areas of the Commonwealth such conditions are chronic and of long standing and that without remedial measures they may become so in other areas of the Commonwealth

(c) That economic insecurity due to unemployment is a serious menace to the health safety morals and general welfare of not only the people of the affected areas but of the people of the entire Commonwealth

(d) That involuntary unemployment and its resulting burden of indigency falls with crushing force upon the unemployed worker and ultimately upon the Commonwealth in the form of public assistance and unemployment compensation

(e) That the absence of employment and business opportunities for the youth of such areas is a threat to the strength and permanence of their faith in our American political and economic institutions and the philosophy of freedom on which those institutions are based

(f) That unemployment and the absence of new economic opportunities in such areas has caused thousands of workers and their families to migrate elsewhere to find work and establish homes and that this exodus has tended to reduce the tax base of counties cities boroughs and other local governmental jurisdictions and impair their financial ability to support education and other local governmental services

(g) That security against unemployment and the resulting spread of indigency and economic stagnation in the areas affected can best be provided by the promotion attraction stimulation rehabilitation and revitalization of commerce industry and manufacturing in such areas

(h) That the present and prospective health safety morals right to gainful employment and general welfare of the people of the Commonwealth requires as a public purpose the promotion and development within areas of critical unemployment of new and expanded industrial and manufacturing enterprises

(i) That the device under which private community industrial development organizations in Pennsylvania acquire or build industrial buildings with funds raised through popular subscription mortgage borrowing or otherwise for lease and sale to expanding industries has

proven effective in creating new employment and business opportunities locally is in accord with the American tradition of community initiative and enterprise and requires and deserves encouragement and support from the Commonwealth as a means toward alleviation of unemployment and chronic economic distress

(j) That community industrial development corporations in Pennsylvania have themselves invested substantial funds in successful industrial development projects and experience difficulty in undertaking additional such projects by reason of the partial inadequacy of their own funds or funds potentially available from local subscription sources and by reason of limitations of local financial institutions in providing additional and sufficiently sizeable first mortgage loans

(k) That there is a need to stimulate a larger flow of private investment funds from banks investment houses insurance companies and other financial institutions into such community industrial building programs in areas of chronic economic distress

(l) That by increasing the number of community industrial building projects presenting attractive opportunities for private investment in such area a larger portion of the private capital available in Pennsylvania for investment can be put to use in the general economic development of the Commonwealth

Therefore it is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote the health safety morals right to gainful employment business opportunities and general welfare of the inhabitants thereof by the creation of a body corporate and politic to be known as "The Pennsylvania Industrial Development Authority" which shall exist and operate for the public purpose of alleviating unemployment with its resulting spread of indigency and economic stagnation by the promotion and development of industrial and manufacturing enterprises in those areas of the Commonwealth in which conditions of critical unemployment currently or may from time to time exist Such purposes are hereby declared to be public purposes for which public money may be spent

Section 3 Definitions The following terms whenever used or referred to in this act shall have the following meanings except in those instances where the context clearly indicates otherwise

(a) The term "Authority" shall mean the publicly body corporate and politic created by this act

(b) The term "board" shall mean the governing body of the Authority

(c) The term "county" shall mean any county of this Commonwealth other than a county of the first class

(d) The term "critical economic area" shall mean the area encompassing any municipality or group of municipalities county group of counties or region of the Commonwealth reasonably defined by the Authority wherein critical conditions of unemployment economic depression wide-spread reliance on public assistance and unemployment compensation are found to exist by the Authority Prior to determination and designation of any area of the Commonwealth as a critical economic area the Authority shall conduct such investigations of the area and of the records and statistical indices of the Department of Internal Affairs the Department of Labor and Industry the Department of Public Assistance and the Department of Commerce of the Commonwealth as well as the declarations and staitstics of any Federal Agencies as shall be necessary to establish the existence of the above conditions in such area and to establish that an average of not less than (6%) of the labor force of such area has been unemployed for a period of not less than three years or an average of not less than (9%) of the labor force of such area has been unemployed for a period of not less than eighteen months immediately prior to the date of such investigations and findings No area of the Commonwealth shall be designated a critical economic area without such investigations and findings having been first made and certified to in the permanent records of the Authority

(e) The term "Federal Agency" shall mean and include the United States of America The President of the United States of America and any department of or corporation agency or instrumentality heretofore or hereafter created designated or established by the United States of America

(f) The term "government" shall mean the State and Federal Governments or any political subdivision agency or instrumentality corporate or othewise or either of them

(g) The term "industrial development agency" shall mean any incorporated organization foundation association or agency regardless of the particular name and to whose members or shareholders no profit shall enure which shall have as its primary function the promotion encouragement and development of industrial and manufatcuring enterprises in a critical economic area

(h) The term "Industrial Development Fund" shall mean the account created by section 9 of this act

(i) The term "industrial development project" shall mean any site structure facility or undertaking comprising or being connected with or being a part of an industrial or manufacturing enterprise established or to be established by an industrial development agency in a critical economic area

(j) The term "municipality" shall mean any city borough town or township of the Commonwealth of Pennsylvania

(k) The term "responsible buyer" shall mean any person partnership firm company or corporation organized for profit deemed by the Authority after proper investigation to be financially responsible to assume all obligations prescribed by the Authority in the acquisition of an industrial development project from an industrial development agency and in the operation of an industrial or manufacturing enterprise therein or thereon

(l) The term "responsible tenant" shall mean any person partnership firm company or corporation organized for profit deemed by the Authority after proper investigation to be financially responsible to assume all rental and all other obligations prescribed by the Authority in the leasing of an industrial development project and in the operation of an industrial or manufacturing enterprise therein or thereon

(m) The words "cost of establishing an industrial development project" shall embrace any or all of the following The cost of construction the cost of all lands property rights easements and franchises acquired which are deemed necessary for such construction financing charges interest prior to and during construction cost of engineering and legal expense plans specifications surveys estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any industrial development project together with such other expenses as may be necessary or incident to the financing and the construction of the industrial development project and the placing of the same in operation the cost of all machinery and equipment and its installation and maintenance shall not be included in the "cost of establishing an industrial development project" but shall be provided by the responsible tenance or responsible buyer

Section 4 The Pennsylvania Industrial Development Authority There is hereby created a body corporate and politic constituting a public corporation and government instrumentality by the name of "The Pennsylvania Industrial Development Authority" the board of members of which shall be composed of the following The Secretary of Commerce who shall serve as Chairman the Secretary of Labor and Industry the Secretary of Internal Affairs and the Secretary of Banking and their respective successors in office and seven additional members who shall be appointed by the Governor with the advice and consent of the Senate who shall represent the general public and the public interest The members of the Authority initially appointed by the Governor shall continue in office for terms of one to seven years respectively from the date of their appointment and until their respective successors shall be duly appointed and qualified the term of each appointed member to be designted by the Governor at the time of his appointment but their successors shall each be appointed for a term of seven years except

that any person appointed to fill a vacancy shall serve only for the unexpired term and any appointed member of the Authority shall be eligible for re-appointment Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members

Section 5 Powers of the Authority General The Authority as a public corporation and governmental instrumentality exercising public powers of the Commonwealth is hereby granted and shall have and may exercise all powers necessary or appropriate to carry out and effectuate the purposes of this act including the following powers in addition to others herein granted

(a) To make determination and designation of critical economis areas

(b) To co-operate with industrial development agencies in their efforts to promote the expansion of industrial and manufacturing activity in crtical economic areas

(c) To determine upon proper application of industrial development agencies whether the declared public purpose of this act has been accompnished or will be accomplished by the establishment by such industrial development agencies of an industrial development project in a critical economic area

(d) To conducted examinations and investigations and to hear testimony and take proof under oath or affirmation at public or private hearings on any matter material for its information and necessary to the determination and designation of critical economic areas and the establishment of industrial development projects therein

(e) To issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before such Authority or before one or more members of the Authority appointed by it to conduct such hearing.

(f) To apply to any court having territorial jurisdiction of the offense to have punished for contempt any witness who refuses to obey a subpoena or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear

(g) To authorize any member or members of such Authority to conduct hearings and to administer oaths take affidavits and issue subpoenas

(h) To make upon proper application of industrial development agencies loans to such industrial development agencies of moneys held in the Industrial Development Fund for industrial development projects in critical economic areas and to provide for the repayment and redeposit of such allocations and loans in the manner hereinafter provided

(i) To have existence for a term of fifty years

(j) To sue and be sued implead and be impleaded complain and defend in all courts

(k) To adopt use and alter at will a corporate seal

(l) To make by-laws for the management and regulation of its affairs

(m) To appoint officers agents employes and servants and to prescribe their duties and to fix their compensation within the limitations provided by law

(n) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(o) Without limitation of the foregoing accept grants from and to enter into contracts or other transactions with any Federal agency.

(p) To take title by foreclosure to any industrial development project where such acquisition is necessary to protect any loan previously made therefor by the Authority and to sell transfer and convey any such industrial development project to any responsible buyer in the event such sale transfer and conveyance cannot be effected with reasonable promptness the Authority may in order to minimize financial losses and sustain employment lease such industrial development project to a reasonsible tenant or tenants the Authority shall not lease industrial development projects except under the conditions and for the purposes cited in this section

Provided however that the Authority shall have no power at any time to borrow money or in any manner to pledge the credit or taxing power of the Commonwealth or any of its municipalities or political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth or any of its political subdivisions

Section 6 Powers of the Authority Loans to Industrial Development Agencies When it has been determined by the Authority upon application of an industrial development agency and hearing thereon in the manner hereinafter provided that the establishment of a particular industrial development project of such industrial development agency in a critical economic area has accomplished or will accomplish the public purpose of this act the Authority may contract to loan such industrial development agency an amount not in excess of (30%) of the cost or estimated cost of such industrial development project as established or to be established subject however to the following conditions

(a) Industrial development projects to be established (i) the Authority shall have first determined that the industrial development agency holds funds in an amount equal to or property of a value equal to not less than (20%) of the estimated cost of establishing the industrial development project which funds or property are available for and shall be applied to the establishment of such project and (ii) the Authority shall have also determined that the industrial development agency has obtained from other independent and responsible sources such as banks and insurance companies or otherwise a firm commitment for all other funds over and above the loan of the Authority and such funds or property as the industrial development agency may hold necessary for payment of all the estimated cost of establishing the industrial development project and that the sum of all these funds together with the machinery and equipment to be provided by the responsible tenant or responsible buyer is adequate to insure completion and operation of the plant or facility

(b) Industrial development projects established without initial Authority loan participation (i) the Authority shall have first determined that the industrial development agency has expended funds in an amount equal to or has applied property of a value equal to not less than (20%) of the cost of establishing the industrial development project and (ii) the Authority shall have also determined that the industrial development agency obtained from other independent and responsible sources such as banks and insurance companies or otherwise other funds necessary for payment of all the cost of establishing the industrial development project and that the industrial development agency participation and these funds together with the machinery and equipment provided by the responsible tenant or responsible buyer has been adequate to insure completion and operation of the plant or facility

Provided however that the proceeds of any loan made by the Authority to the industrial development agency pursuant to this subsection (b) shall be used only for the establishment of additional industrial development projects in furtherance of the public purposes of this Act

Any such loan of the Authority shall be for such period of time and shall bear interest at such rate as shall be determined by the Authority and shall be secured by bond of the industrial development agency and by mortgage on the industrial development project for which such loan was made such mortgage to be second and subordinate only to the mortgage securing the first lien obligation issued to secure the commitment of funds from the aforesaid independent and responsible sources and used in the financing of the industrial development project

Moneys so loaned by the Authority to industrial development agencies shall be withdrawn from the Industrial Development Fund and paid over to the industrial development agency in such manner as shall be provided and prescribed by the rules and regulations of the Authority

All payments of interest on said loans and the principal thereof shall be deposited by the Authority in the Industrial development Fund

Loans by the Authority to an industrial development agency for an industrial development project shall be made only in the manner and to the extent as in this section 6 provided except however in those instances wherein an agency of the Federal government participates in the financing of an industrial development project by loan grant or otherwise of Federal funds When any Federal agency does so participate the Authority may adjust the required ratios of financial participation by the industrial development agency the source of independent funds and the Authority in such manner as to insure the maximum benefit available to the industrial development agency the Authority or both by the participation of the Federal agency provided however that no such adjustment of such ratios shall cause the Authority to grant a loan to the industrial development agency in excess of (30%) of the cost or estimated cost of the industrial development project

Where any Federal agency participating in the financing of an industrial development project is not permitted to take as security for such participation a mortgage the lien of which is junior to the mortgage of the Authority the Authority shall in such instances be authorized to take as security for its loan to the industrial development agency a mortgage junior in lien to that of the Federal agency

Section 7 Loan Application Requirements Prior to the loaning of any funds to an industrial development agency for an industrial development project in a critical economic area the Authority shall receive from such industrial development agency a loan application in form adopted by the Authority which shall contain without being limited to the following provisions

(a) A general description of the industrial development project and a general description of the industrial or manufacturing enterprise for which the industrial development project has been or is to be established

(b) A legal description of all real estate necessary for the industrial development project

(c) Such plans and other documents as may be required to show the type structure and general character of the industrial development project

(d) A general description of the type classes and number of employes employed or to be employed in the operation of the industrial development project

(e) Cost or estimates of cost of establishing the industrial development project

(f) A general description and statement of value of any property real or personal of the industrial development agency applied or to be applied to the establishment of the industrial project

(g) A statement of cash funds previously applied or then held by the industrial development agency which are available for and are to be applied to the establishment of the industrial development project

(h) Evidence of the arrangement made by the industrial development agency for the financing of all costs of the industrial development project over and above the participation of the industrial development agency

(i) A general description of the responsible tenant to which the industrial development agency has leased or will lease the industrial development project or of the responsible buyer to which the industrial development agency has sold or will sell the project

(j) A general description of the form of lease or sales agreement entered into or to be entered into by and between the industrial development agency and its responsible tenant or responsible buyer

(k) Evidence that the establishment of the industrial development project will not cause the removal of an industrial or manufacturing plant or facility from one area of the Commonwealth to another area of the Commonwealth

The board of the Authority shall hold such hearings and examinations as to each loan application received as shall be necessary to determine whether the public purposes of this act will be accomplished by the granting of loans within such applications requested

When the board shall have determined said facts favorable as to any application it is authorized and empowered having due regard to the promotion of the public purposes herein declared to grant a loan to an industrial development agency in the manner and to the extent as in this act provided

Section 8 Appropriation Industrial Development Fund The sum of five million dollars ($5,000,000) is hereby specifically appropriated to the Authority for the purposes set forth in this act

There is hereby created a special account in the Treasury of the Commonwealth to be known as the Industrial Development Fund to which shall be accredited the above provided appropriation and any subsequent appropriations made by the Legislature to the Authority as well as such other deposits as in this section provided

As often as may be necessary the Authority shall requisition from the Industrial Development Fund such amounts as may be necessary to provide adequate funds for the pyament of the administration of the purpose of this act

The Authority shall also requisition from time to time from the Industrial Development Fund such amounts as shall be allocated and appropriated by the Authority for loans to industrial development agencies for industrial development projects When and as the amounts so allocated and appropriated by the Authority as loans to industrial development agencies are repaid to the Authority pursuant to the terms of the mortgages and other agreements made and entered into by the Authority the Authority shall pay such amounts into the Industrial Development Fund it being the intent of this act that the Industrial Development Fund shall operate as a revolving fund whereby all appropriations and payments made thereto may be applied and reapplied to the purposes of this act

At any time that the Authority shall determine that funds held for the credit of the Industrial Development Fund are in excess of the amount needed by the Authority to carry out the purposes of this act the Authority shall take such action as shall be required to release such excess from the Industrial Development Fund and transfer the same to the General Fund of the State Treasury

Section 9 Governing Body The powers of the Authority shall be exercised by a governing body consisting of the members of the Authority acting as a board Within ninety (90) days after this act shall become effective the board shall meet and organize The Secretary of Commerce and his successor in office shall be the chairman and chief executive officer and the Board shall elect a secretary and treasurer from their number At the first meeting in each year thereafter they shall elect from their number a secretary and treasurer

A majority of the members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and except in the instance of loan application all action may be taken by a vote of a majority of the members present unless in any case the by-laws shall require a larger number approval or rejection of loan applications shall be by a majority vote of the full membership of the board

The board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied

The Department of Commerce shall provide staff services to the Authority for its administration of the act including liaison between the Authority and industrial development agencies and related organizations and between the Authority and other agencies of the Commonwealth whose facilities and services may be useful to the Authority in its work

The Authority is authorized to make reimbursement to any agency of the Commonwealth for such special expenses as may be incurred in the provision of any services or the use of any facilities required by the Authority

In addition the Authority may employ an executive

director appoint subject to the Administrative Code its own counsel and legal staff and as required for special studies and surveys retain such temporary engineering finance and other consultants and technicians as it may require

Section 10 Moneys of the Authority All moneys of the Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts shall be continuously secured by a pledge of direct obligations of the United States of America or of the Commonwealth having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said account shall be paid out on the warrant or other order of the treasurer of the Authority or of such other person or persons as the Authority may authorize to execute such warrants or orders

Section 11 No member of the Authority or officer or employe thereof shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the Authority for any matter cause or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such Authority If any contract or agreement shall be made in violation of the provisions of this section the same shall be null and void and no action shall be maintained thereon against such Authority

Section 12 Limitation of Powers The Commonwealth does hereby pledge to and agree with the United States and any other Federal agency that in the event that any Federal agency shall construct or loan or contribute any funds for the construction extension improvement or enlargement of any industrial development project or any portion thereof the Commonwealth will not alter or limit the rights and powers of the Authority in any manner which would be inconsistent with the due performance of any agreements between the Authority and any such Federal agency and the Authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this act

Section 13 Examination and Audit of Authority Affairs The accounts and books of the Authority including its receipts disbursements contracts mortgages investments and other matters relating to its finances operation and affairs shall be examined and audited from time to time by the Auditor General as provided in the Administrative Code

Section 14 Constitutional Construction The provisions of this act shall be severable and if any of the provisions thereof shall be held unconstitutional such decisions shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 15 The provisions of this act shall become effective immediately upon enactment

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Haluska,	McPherson, Jr.	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kopriver, Jr.	Pechan,	Wade,
Chapman,	Lane,	Peelor,	Wagner,
Dent,	Madigan,	Ruth,	Watkins,
Derk,	Mahany,	Schmidt,	Watson,
Diehm,	Mallery,	Scott,	Weiner,
DiSilvestro,	McCreesh,	Seyler,	Whalley,
Donolow,	McGinnis,	Silvert,	Wolfe,
Flack,	McMenamin,	Stevenson,	Yosko,
Fleming,			

NAYS—2

Kessler,	Propert,

A Constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

APPROPRIATION BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

House Bill No. 1650, Printer's No. 1594; and

House Bill No. 1694, Printer's No. 1510.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 223, entitled:

An Act making an appropriation to the Department of Public Instruction to reimburse school districts for interest paid on loans necessitated by deferment of Commonwealth appropriations.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WAGNER. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend Bill, page 2, by inserting between lines 2 and 3:

"Section 2. Applications for payments authorized by this act shall be made on forms prescribed by the Superintendent of Public Instruction. The applications shall be sworn to by the proper officers of the school districts and shall show in detail every loan contracted by each school district as a result of deferred payments, the date each loan was contracted, the date set for repayment, the rate of interest and amount charged, the amount of money borrowed and the name and address of the lender."

Amend Sec. 2, page 2, line 3, by striking out "2" and inserting in lieu thereof: "3".

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILLS OVER IN ORDER

Mr. WAGNER. Mr. President, I ask unanimous consent that Senate Bill No. 223, Printer's No. 64, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that the following bills, on third reading, go over in their order:

Senate Bill No. 232, Printer's No. 572; and
House Bill No. 675, Printer's No. 417.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SCHMIDT. Mr. President, I ask unanimous consent that House Bill No. 873, Printer's No. 1621, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate preceeded to the third reading and consideration of House Bill No. 904, as follows:

An Act amending the act of April 11, 1899 (P. L. 37) entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth" making compliance with certain provisions evidence of innocence in prosecutions for receiving stolen goods

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 2 act of April 11, 1899 (P. L. 37) entitled "An act relating to the keepers of junk shops and second hand dealers in cities of this Commonwealth" is amended to read

Section 2 Every owner of such junk shops and second had stores shall provide and constantly keep a book in which shall be fairly written down in the English language at the time of every purchase of any such material a description of all articles so purchased the name and residence of the person from whom such purchase was made and the day and hour of such purchase and such books shall at all times be open to the inspection of any and every member of the police and detective forces of such city Compliance with the provisions of this section shall be evidence of the innocence of a junk shop keeper or second hand dealer of any crime of receiving stolen goods notwithstanding the fact that the articles may in fact be stolen Nothing contained in this section shall be interpreted as limiting or interfering with the title to or right of possession of the lawful owners of the articles

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1022, as follows:

An Act relating to condemnation proceedings requiring the filing of plans and imposing duties on the recorder of deeds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 When the Commonwealth or any of its agencies political subdivisions or authorities created under any law appropriate or take any land or interest therein in the exercise of eminent domain powers or in condemnation proceedings the title of the owner of the land or interest therein and his successors heirs administrators executors or assigns shall not be affected thereby unless a plan showing the property taken is filed in the office of the recorder of deeds wherein the land is situate

Section 2 The recorder of deeds shall cause the plans to be indexed in the indexes for deeds in and for his office indexing the name of the owner of the land as a grantor's name is indexed and the name of condemnor as a grantee is indexed

Section 3 All acts and parts of acts are repealed in so far as they are inconsistent herewith

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1083, Printer's No. 1625, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 1619, Printer's No. 1354, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AMENDED

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 1793, entitled:

An Act amending the act of June 12 1931 (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals . . ." extending the act to private convelescent homes

conducted for profit requiring licensing under the act for treatment care or nursing by reason of pregnancy changing license fees requiring certain records to be kept by hospitals regulating the refusal to grant refuse or renew licenses and changing penalties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. WOLFE. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendments as follows:

Amend page 5, Section 4, line 12, by striking out "twenty-five beds twenty-five dollars ($25)" and substituting therefor thirty beds fifteen dollars ($15);

Amend page 5, Section 4, line 13, by striking out "twenty-five beds to and including forty-nine beds thirty-five dollars ($35)" and substituting therefor thirty beds to and including forty-nine beds twenty-five dollars ($25).

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILLS OVER IN ORDER

Mr. WOLFE. Mr. President, I ask unanimous consent that House Bill No. 1793, Printer's No. 1181, on third reading, go over in its order, as amended.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 1849, Printer's No. 1604, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of House Bill No. 2075, as follows:

An Act amending the act of May 22 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act" further regulating the withdrawal of service increment contributions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (4) of section 14.4 act of May 22 1935 (P. L. 233) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the Bureau of Police in cities of the second class providing a pension fund for said employees and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act" added June 28 1955 (P. L. 210) is amended to read

Section 14.4 In every city of the second class in addition to the pension which is authorized by law and notwithstanding the limitations therein placed upon pensions and upon contributions every contributor who shall have otherwise become entitled to the pension and who has reached the age of fifty years shall also be entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth

* * *

(4) Service increment contributions shall be paid at the same time and in the same manner as pension contributions and may be withdrawn in full without interest by persons who leave the employment of the Bureau of Police subject to the same conditions by which pension contributions may be withdrawn or by persons who retire before becoming entitled to any service increment When any person is re-employed by the Bureau of Police after withdrawal of pension contributions his or her prior service shall not be used in the computation of service increment unless the amount of such contributions be repaid into the pension fund subject to the same conditions by which pension fund withdrawals are permitted to be repaid.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis.	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SECOND READING CALENDAR

APPROPRIATION BILL RECOMMITTED

Mr. PECHAN. Mr. President, I move that House Bill No. 900, on second reading, entitled:

An Act making an appropriation to the Trustee of the University of Pennsylvania for the University Museum

be recommitted to the Committee on Appropriations.

Mr. MAHANY. Mr. President, I second the motion.

The motion was agreed to.

APPROPRIATION BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1306, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathy Philadelphia Pennsylvania for maintenance and support

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

APPROPRIATION BILL RECOMMITTED

Mr. PECHAN. Mr. President, I move that House Bill No. 1324, on second reading, entitled:

A Supplement to the act of April 1 1863 (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowmen of Agricultural Colleges" making an appropriation for carrying the same into effect

be recommitted to the Committee on Appropriations.

Mr. MAHANY. Mr. President, I second the motion.

The motion was agreed to.

APPROPRIATION BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1703, entitled:

An Act making an appropriation to the Water and Power Resources Board of the Department of Forests and Waters for payment into the Flood Control Fund for flood control purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 12, entitled:

An Act relating to and regulating the solicitation of moneys and property

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 110, entitled:

An Act amending the act of April 9 1929 (P. L. 177) entitled "The Administrative Code of 1929" designating the days on which State employes shall be paid and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 324, Printer's No. 546, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 672, entitled:

An Act authorizing cities boroughs incorporated towns townships and counties to create historic areas within their geographical limits providing for the appointment of historical boards empowered to preserve historic buildings and to regulate the erection reconstruction alteration restoration demolition or razing of buildings within the historic areas

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 673, entitled:

An Act relating to historic sites and structures declaring the same to be affected with a public interest prohibiting the destruction defacing or altering thereof without approval of the Pennsylvania Historical and Museum Commission constituting the commission a legislative agency for the purpose of this act authorizing it subject to appeal to determine the educational value of such sites and structures providing for injunctions authorizing the commission to provide for the maintenance and preservation of such sites and structures and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 768, entitled:

An Act amending the act of June 1 1937 (P. L. 1168) entitled "Pennsylvania Labor Relations Act" changing the salaries of the chairman and members of the Pennsylvania Labor Relations Board

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 798, entitled:

An Act amending the act of May 23 1949 (P. L. 1669) entitled as amended "An act to provide revenue for school districts of the first class by imposing a tax on persons engaging in certain businesses professions occupations trades vocations and commercial activities therein . . ." further defining taxable receipts and making such definition applicable to all tax returns and tax payments made after the effective date hereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LANE. Mr. President, I ask unanimous consent that Senate Bill No. 816, Printer's No. 369, on second reading, go over in its order.

The PRESIDENT. Is there objections? The Chair hears none

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 897, entitled:

An Act prohibiting the serving and regulating the selling of imported wild rabbit and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered to be transcribed for a third reading.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 984, Printer's No. 1518, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 996, entitled:

An Act amending the act of March 10 1949 (P. L. 30) entitled "Public School Code of 1949" permitting the imposition of a tax for school purposes on certain residents of school districts of the first class A prescribing the duties of public officials requiring the filing of returns and the giving of information by employers and those subject to the tax imposing on employers the duty of collecting the tax at source providing for the lien and collection of tax and imposing penalties

And said bill having been read at length the second time and agreed to,

Ordered to be transcribed for a third reading.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that Senate Bill No. 1010, Printer's No. 618, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1014, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Pennsylvania Historical and Museum Commission to acquire lands comprising the Captain William Phillips' Rangers Memorial in Liberty Township Bedford County providing for the control management supervision improvement restoration and maintenance thereof by the Pennsylvania Historical and Museum Commission and making appropriations

And said bill having been read at length the second time and agreed to,

Ordered to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1060, entitled:

An Act defining and providing for the licensing of water well drillers prevention of pollution of underground waters conferring powers and imposing duties on the Water and Power Resources Board of the Department of Forests and Waters and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered to be transcribed for a third reading.

BILL OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 1073, Printer's No. 1624, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1295, entitled:

An Act making an appropriation to the Department of Agriculture to assist the Commonwealth's 4-H Club and Future Farmers of America dairy show program by paying the expenses of holding the six existing 4-H Dairy Club and F.F.A. district dairy shows and in addition a State-wide show to be held in the Fall of the year as a preliminary to the State Farm show.

And said bill having been read at length the second time and agreed to,

Ordered to be transcribed for a third reading.

BILL RE-REFERRED

Mr. PECHAN. Mr. President, I move that House Bill No. 1295, the bill just read, be re-referred to the Committe on Appropriations.

Mr. MAHANY. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent

that House Bill No. 1277, Printer's No. 427, on second reading, go over in its order.

The PRESIDENT. Is there objection? The chair hears none.

Mr. LANE. Mr. President, I ask unanimous consent that House Bill No. 1507, Printer's No. 1020, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair heras none.

Mr. PECHAN. Mr. President, I ask unanimous consent that House Bill No. 1560, Printer's No. 1628, on second reading, go over in its order.

The PRESIDENT. It there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1769, entitled:

An Act amending the act of May 1 1929 (P. L. 905) entitled "The Vehicle Code" requiring information charging violations of summary provisions of the act in cities of the first class to be brought before centrally located traffic courts designated by the chief magistrate

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of House Bill No. 1928, entitled:

An Act amending the act of May 20 1949 (P. L. 1594) entitled "Ice Cream Law" extending its provisions to ice milk and ice milk confections and conferring additional powers and duties on the Department of Agriculture and regulating sales of packaged ice milk

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. PECHAN. Mr. President, I ask unanimous consent that the following bills, on second reading, go over in their order.

House Bill No. 1977, Printer's No. 1631; and

House Bill No. 2045, Printer's No. 1483.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FIRST READING

Mr. PECHAN. Mr. President, I move that the Senate do now proceed to the first reading of the bill reported from committee for the first time at today's session.

Mr. LANE. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1046, entitled:

An Act making an appropriation to the Department of Forests and Waters for redevelopment, improvement and construction of the Port of Philadelphia.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS SENATE

Mr. SCHMIDT asked and obtained unanimous consent to address the Senate.

Mr. SCHMIDT. Mr. President, I am not aware of what the contemplated schedule will be for next week. I have heard there will be a Session for part of the week. There are five Members of this Senate of the Jewish faith who will find it impossible to be present Monday, Tuesday or Wednesday of the coming week. I believe that the remaining Members of this Senate will be observing their Holy days the balance of the week and in respect to their religious beliefs, there will not be a Sesesion toward the end of next week.

Ordinarily, Mr. President, I feel that a Member of this Senate should not object to whatever appears on the Calendar in his absence. However, in my situation and those of my faith who will not be here because of their faith, there are several bills on the Calendar that I am personally interested in and would like to have an opportunity to be present when the vote is being taken. As you all know, I am interested in one bill in particular, and I would like to be present to see to it that the vote is that of only those present.

For that reason, I am asking the leaders of this Senate to do what I understand is going to be done in the House this coming week in deference to the Members of the Jewish faith of the House who will not be present. I understand that the Calendar of the House next week will be purely a consent Calendar, and that there will be no bills considered during the Session next week which are controversial.

Therefore, Mr. President, I would request the leaders on both sides of this Senate, in following the Calendar next week, to agree that any bill which is known to be controversial be passed over, so that those who are absent because of their religious beliefs will not be prevented from expressing themselves here on the floor.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, it is our intention to have the Democratic Leader and myself meet with the leadership of the House later this afternoon to see what we can work out in the way of plans for the coming week. If we cannot have a full scale Session here next week in which we can dispose of bills, it might be better not to have a Session. We certainly do not want to come down here just to run through bills which are of a noncontroversial type. If there is no work to be done, I hesitate to call on my colleagues who have to come from long distances to come down here next week just to pass bills which are not controversial.

Therefore, Mr. President, I think we should meet with the leadership of the House to find out what we should do next week in the way of business of this Session. If we intend to adjourn sine die here in a couple of weeks, I do not know how we are going to do it if we are going to knock off all of next week. That may change our plans relative to the sine die adjournment date.

Later today I think we will be in better shape to advise the Members of the Senate what we intend to do about next week's business.

PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President, yesterday there was considerable debate as to what happened in the Finance Committee Meeting sometime in February with regard to the capital stock tax legislation. I believe the newspapers carried the story that Senator Barr and I both voted against releasing the bill from committee. That is absolutely correct, but I want to make the record clear that as far as I can remember, there was no discussion of the elective feature in this capital stock tax legislation in regard to Pennsylvania corporations electing to take advantage of the out-of-State corporation feature of exemptions.

Senator Barr and I voted against the release of the bills purely on the basis of the amount of revenue which was claimed would be derived from the passage of the same. It was not because we were aware of this amendment being in this bill. I do not recall this particular amendment even being discussed in committee because there were quite a number of bills before us. I beilieve Senator Silvert was there and took down on a pad the amount of revenue anticipated from each and every piece of tax legislation which was released from committee. I think Senator Silvert did not vote at all and Senator Barr and I voted "no," purely on the basis of the amount of revenue which was claimed would be derived from the passage of same.

PERMISSION TO ADDRESS SENATE

Mr. YOSKO asked and obtained unanimous consent to address the Senate.

Mr. YOSKO. Mr. President, I just heard Senator Mahany say that he is going to discuss with the leaders of the House the question of our legislative program for next week. I have no objection to it, but let us assume that they decide to act on controversial bills and the attendance just is not here. What are we going to do about it? It seems to me that in addition to talking to the leadership of the House, there ought to be a poll taken on both sides here to determine who is going to be here next week and who is not going to be here.

After all, next week is Holy Week and there are some Members here who feel they ought to be home with their families during that week. If the attendance is going to be slim, so that bills cannot be acted upon with at least a sizeable group here, then I think we ought to recess for the week. If we can have a good attendance, then I think we ought to go through with the Calendar on controversial bills and any other bills which might come before the Legislature.

Mr. President, I do not believe that the leadership of the House and Senate, without consulting the Membership, should determine the policy for next week and the type of bills we will act upon and the type of bills we will not act upon.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I want to say to Senator Yosko that if he wants to go along with us on this excursion over to the House to meet with the House Leaders, he is perfectly welcome and he is now invited. I do not know how I can possibly confer with each Member over here to find out what they want, and I do not see how the House Leadership can confer with all the Members of the House because I understand that many of them have now gone home.

After all, Mr. President, when you elect leaders, you have to at least be guided by their suggestions. I read here the other day a little treatise on the subject, "The boss must be boss." If you do not have somebody here who can represent the Members on each side as to the type of work we are going to consider and what will be on the agenda, you might as well give up. That is the only way in which we have any semblance of organization of any kind whatsoever. You certainly have to lodge a certain amount of authority with the leadership.

PERMISSION TO ADDRESS SENATE

Mr. YOSKO asked and obtained unanimous consent to address the Senate.

Mr. YOSKO. Mr. President, there are exceptions to every rule. I will say that Holy Week is one of those exceptions.

From the sentiment which I can get around here from the Members, regardless of what the leadership decides, I just think we are not going to have a good attendance. I do not think it proper that we act on controversial bills unless we have a good attendance in this Senate. What the House does is their business. What the Senate does is the Senate's business, too. As far as I am concerned, I am talking merely for the Senate membership. I do not think it is too much of a job to take a poll in order to determine how many Members will be here next week. That can be done in the course of a few minutes, either in Caucus or otherwise.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, if the Senator will look around him, he will see that even though we are supposed to have a full scale Session today, there are very few of his colleagues who are here and he probably would have very little trouble in conducting a poll over there on that side of the aisle.

Mr. President, the reason, of course, that we have to work with the House is because if they are going to send bills over to use next week they are going to conduct a full scale Session, then there is no question but what we should be here with a full attendance in order to have committee meetings and decide which bills that the House sends over will be reported out. If the House is not going to send us any bills next week, then that will determine, perhaps, our decision on what we are going to do.

That was the reason I suggested we meet with the House.

PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President, that remark by the Majority Leader inferring there are quite a number of vacant seats on the Democratic side is true, but a number of them are down at the Highways Meeting. I think if the Gentleman will look around on his side, he will find quite a few seats vacant over there, too.

BILLS INTRODUCED AND REFERRED

Mr. BARR. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is these objection? The Chair hears none.

Mr. BARR read in place and presented to the Chair Senate Bill No. 1055, entitled:

An Act amending the act of June 7, 1901 (P. L. 491) entitled "An act authorizing municipalities to define and fix the terms for the use of public parks, or grounds of any kind, for railroad purposes," extending such authority.

Which was committed to the Committee on Local Government.

Mr. SEYLER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SEYLER read in place and presented to the Chair Senate Bill No. 1056, entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905) entitled "The Vehicle Code," by providing for the right of appeal of a nonresident from a suspension of motor vehicle operating privilege within this Commonwealth.

Which was committed to the Committee on Highways.

RECESS

Mr. PECHAN. Mr. President, I move that the Senate do now take a recess until 5:00 o'clock, p. m., Eastern Standard Time, for the purpose of permitting the Members to attend the Public Hearing which is being held by the Committee on Highways.

Mr. MAHANY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

SENATE BILL No. 1037 CALLED UP

Mr. MAHANY. Mr. President, may we now revert to page 2 of today's Final Passage Calendar?

Mr. President, I call up Senate Bill No. 1037, Printer's No. 603, which went over in its order temporarily, and ask that it be acted upon.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1037, as follows:

An Act providing for the reassessment of properties for tax purposes where new improvements have been made and the addition thereof to existing tax duplicates of political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Reassessments and Additions and Revisions to Duplicates Whenever there is any construction of a building or buildings in any political subdivision during any year and such building as finally completed is not included in the tax duplicate of the political subdivision the authorities for assessment of properties for tax purposes shall upon the request of the taxing authority of the political subdivision direct the assessor in the district to inspect the property or properties and shall cause all taxable property in the political subdivision to which major improvements have been made during the year to be reassessed Notice of such reassessment shall be given within ten days to each taxing district having an interest therein and to the property owner The reassessment shall be subject to the right of appeal and adjustment within fifteen days after notice received in the manner provided by law for other appeals from assessments but without the necessity of filing an intention to appeal Such property shall then be added to the duplicate of each such taxing district and shall be taxable at the reassessed valuation for that proportionate part of the fiscal year of the taxing district remaining after the property was improved Any improvement made during the month shall be computed as having been made on the first of the month A certified copy of the additions or revisions to the duplicate shall be furnished by the taxing authorities to the tax collector for the taxing district and within ten days thereafter the tax collector shall notify the owner of the property of the taxes due the taxing district

Section 2 General Repeal All acts and parts of acts are repealed in so far as they are inconsistent herewith

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Haluska,	McPherson, Jr.	Stiefel,
Berger,	Harney,	Miller,	Taylor,
Blass,	Hays,	Mullin,	Van Sant,
Camiel,	Kessler,	Pechan,	Wade,
Chapman,	Kopriver, Jr.	Peelor,	Wagner,
Dent,	Lane,	Propert,	Watkins,
Derk,	Madigan,	Ruth,	Watson,
Diehm,	Mahany,	Schmidt,	Weiner,
DiSilvestro,	Mallery,	Scott,	Whalley,
Donolow,	McCreesh,	Seyler,	Wolfe,
Flack,	McGinnis,	Silvert,	Yosko,
Fleming,	McMenamin,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, all of us received a letter from the Speaker of the House, Hiram G. Andrews, which in his regular weekly letter. In it were some errors relative to his comparison of the 1953 so-called Fine Budget and the 1955 Governor Leader Budget. Mr. Andrews tried to show that Governor Fine's budget, as submitted at the beginning of the 1953 Session, was more than the budget submitted by Governor Leader at the opening of the 1955 Session. I called the error to the attention of Mr. Andrews, and he wrote me the following letter:

"My dear Senator:

"I want to thank you for calling my attention to the error in the budget figures carried in the open letter sent to Members of the General Assembly.

"While the error is explainable, it is nevertheless inexcusable.

"You would do me a favor if you announce to all and sundry that I am taking steps to correct the error, and again I thank you for calling my attention to it.

"Sincerely,

"H. G. ANDREWS."

Mr. President, due to the fact that Mr. Andrews has acknowledged the error, I am not going to go into any detail relative to his open letter. However, I do expect that next week he will verify these figures and will correct the error which he admits was contained in his letter.

I also want to answer Senator Yosko and any other Senators who brought up the question as to what we intend to do next week. Senator Barr and I went over to the House of Representatives after we recessed today and spoke with Mr. Readinger, the Majority Floor Leader; Mr. Smith, the Minority Floor Leader; and Mr. Andrews, the Speaker of the House. They stated that they intend to have a token Session next week, at which time they will try to clear the desk. They said they would nonconcur in the amendments made by the Senate to some bills, and that they would also put across the desk the bills in which we have made amendments and in which they are going to concur. They said, further, that they would take care of such routine business as that, and they would also appoint the necessary conference committees on certain bills.

Under the circumstances, Mr. President, I feel that it would not be useful for us to have a full-dress Session of the Senate next week. Therefore, I have suggested that we also have a token Session here, at which time we will only put across the desk the messages which come over from the House and do such routine business as is required.

Therefore, it will not be necessary for the gentlemen of the Jewish faith to be here at the beginning of next week and others, who have to travel great distances, need not be in attendance.

If there are any questions, I will be glad to answer any that any Senator may have relative to next week's schedule.

INTERROGATION

Mr. LANE. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will Mr. President.

Mr. LANE. Senator Mahany, did I understand you to state that in the token Sessions, you are just going to put across the desk messages from the House, messages from the Governor and the appointment of conference committees? Are you not going to consider any Calendars?

Mr. MAHANY. If there are some noncontroversial bills on the Calendar that we can move up and act on, that can be done. However, from looking at the Calendar, it would not appear right now as though there would be very many of these. I think we are going to clean up the Calendar pretty well tomorrow, as far as noncontroversial bills are concerned. If there are any bills on the Calendar which you and the Republican leadership can agree to as being noncontroversial, we can decide to move those bills. There will not be any controversial bills acted upon next week.

Mr. LANE. I see; I wonder if that satisfies the Members of the Senate entirely. That has been the question in our Caucus, as to what bills will be moved up. Of course, on the Calendar, there are very few that are not controversial. It appears to be all right, however.

PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President, I was indeed gratified to hear the Majority Leader make a statement here whereby the Speaker of the House acknowledged that he was in error in part of a circular letter that he sent out.

Mr. President, I would like to say to the Membership that Speaker Andrews is a very able individual. He happens to be a big man, mentally. I know that he would acknowledge publicly if he were wrong and he has done so. It is gratifying for me to hear a Republican make that statement, but, in all my experience, Mr. President, I have not heard any Republican on the other side of this Senate ever admit that he was wrong.

PERMISSION TO ADDRESS SENATE

Mr. MAHANY asked and obtained unanimous consent to address the Senate.

Mr. MAHANY. Mr. President, I want to say to the Senator that I have heard a great many Republicans say they were wrong. Most of them have confessed guilt in voting for President Roosevelt years and years ago when he first ran for President.

PERMISSION TO ADDRESS SENATE

Mr. LANE asked and obtained unanimous consent to address the Senate.

Mr. LANE. Mr. President, if any Republican ever admitted that he was wrong, he probably admitted it in Caucus. I never heard one admit it publicly.

INTERROGATION

Mr. YOSKO. Mr. President, I desire to interrogate the gentleman from Crawford, Senator Mahany.

The PRESIDENT. Will the gentleman from Crawford, Mr. Mahany, permit himself to be interrogated?

Mr. MAHANY. I will, Mr. President.

Mr. YOSKO. Senator Mahany, the controversy a little while ago was whether or not we would consider both noncontroversial and controversial bills next week. I understand from you now that we will have a token Session, but we will not consider controversial bills. Is that correct?

Mr. MAHANY. That is correct.

Mr. YOSKO. Thank you very much.

SENATE CONCURRENT RESOLUTION

RECALLING SENATE BILL No. 865 FROM THE GOVERNOR

Mr. MAHANY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MAHANY, on behalf of Mr. BARR, offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 21, 1956.

Resolved (if the House of Representatives concur), that Senate Bill No. 865, Printer's No. 527, entitled "An act to amend the act approved the twenty-ninth day of July, one thousand nine hundred fifty-three (P. L. 1050) entitled 'An act providing for the acquisition construction improvement operation and maintenance of tunnels for certain highway purposes within the Commonwealth authorizing the issuance of tunnel revenue bonds free from taxation and payable solely from tunnel earnings to pay the cost of such tunnels and improvements thereof providing for the collection of tunnel tolls for the payment of such bonds and for the cost of maintenance operation and repair of the tunnels constituting such bonds legal investments in certain instances prescribing conditions upon which such tunnels shall become free tunnels conferring powers and imposing duties on the Pennsylvania Tunnel Commission created hereby providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation' by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenues of the commission including tolls or from such funds as may be available to the commission for such purpose providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RECESS

Mr. MAHANY. Mr. President, I move that the Senate do now take a recess for five minutes, for the purpose of holding a meeting of the Committee on Highways.

Mr. PECHAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE

Mr. WADE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE, from the Committee on Highways, reported as committed, Senate Bill No. 1038, entitled:

An Act amending the act of September 3, 1955 (Act No. 18-A), entitled "An act providing for reconstruction and repair of roads, streets, highways and bridges damaged or destroyed by the hurricane flood or high water of August, 1955; . . .," extending the provisions of the act to political subdivisions for damages caused by later disasters, and making them eligible for moneys out of said appropriations.

BILL ON FIRST READING

Mr. MAHANY. Mr. President, I move that the Senate do now proceed to the first reading of the bill just reported from committee for the first time at today's session.

Mr. HARNEY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1038, entitled:

An Act amending the act of September 3, 1955 (Act No. 18-A), entitled "An act providing for reconstruction and repair of roads, streets, highways and bridges damaged or destroyed by the hurricane flood or high water of August, 1955; . . .," extending the provisions of the act to political subdivisions for damages caused by later disasters, and making them eligible for moneys out of said appropriations.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. MAHANY. Mr. President, I move that the Senate do now adjourn until Thursday, March 22, 1956, at 10:00 o'clock, a. m., Eastern Standard Time.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:28 o'clock, p. m., Eastern Standard Time, until Thursday, March 22, 1956, at 10:00 o'clock, a. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 21, 1956

The House met at 10:00 a. m.

The SPEAKER (Hiram G. Andrews) in the Chair.

PRAYER

The Chaplain, Reverend Harold J. Crouse, Pastor of Trinity Lutheran Church, York, offered the following prayer:

We beseech Thee, Almighty God, mercifully to look upon Thy people, that by Thy great goodness they may be governed and preserved evermore, both in body and soul.

Grant us, O Lord, to pass this day in gladness and peace, without stumbling and without stain, that reaching the eventide victorious over all temptation through Thy ever present aid, we may praise Thee, the Eternal God, who dost govern all things and art blessed forevermore; through Jesus Christ, Thy Son, our Lord. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. If there is no objection, the approval of the Journal for Tuesday, March 20, 1956 will be postponed until printed. The Chair hears none.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. READINGER and SMITH.

(Concurrent) RESOLUTION No. 164.

In the House of Representatives, March 20, 1956.

Whereas, bills have been introduced in the current and earlier sessions of the General Assembly for the purpose of authorizing and regulating the sale by mutual savings banks of life insurance in limited amounts without the employment of agents or solicitors and for the establishment and operation of life insurance departments by mutual savings banks and the information of a savings bank life insurance company; and

Whereas, it is represented that such savings bank life insurance would be advantageous to the people of this Commonwealth because of certain advantages, including lower cost, therefore be it

Resolved (the Senate Concurring) that the Joint State Government Commission is hereby directed to study and investigate the subject of savings bank life insurance and report to the next session of the General Assembly, its findings and recommendations, with drafts of legislation necessary to carry the recommendations into effect.

Referred to the Committee on Rules.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 929.

An Act amending the act of April 12 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 17, by striking out after the word "that" the words "the property" and inserting in lieu thereof the words: "said liquor alcohol or malt or brewed beverage or still equipment material or utensil"; page 4, line 1, by striking out the brackets before and after the word "shall" and striking out after the word "shall" the words "may in its own discretion"" and striking out after the word "order" the word "it" and inserting in lieu thereof the words "the same"; page 4, line 2, by inserting after the word "provided" the words "or if it appears that said vehicle boat vessel container animal or aircraft was unlawfully possessed or used the court may in its discretion adjudge same forfeited and condemned as hereinafter provided"; page 4, line 10, by inserting after the word "beverage" the following: "or still equipment material or utensil"; page 4, line 12, by striking out after the word "or" the word "property" and inserting in lieu thereof the following: "used such liquor alcohol or malt or brewed beverage or still equipment material or utensil shall be adjudged forfeited and condemned or if it appears that any vehicle boat vessel container animal or aircraft was"; by striking out after the word "such" in line 18, the words "liquor alcohol malt or brewed beverage or."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 333.

An Act amending the act of January 18 1952 (P. L. 2111) entitled "An act to provide for minimum compensation and increments for administrators and members of the faculty of State Teachers Colleges providing for leaves of absence imposing certain duties upon the Boards of Trustees and Presidents of State Teachers Colleges and the Superintendent of Public Instruction and repealing insistent laws" increasing the minimum compensation and increments and changing conditions of payment and making an appropriation.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 861.

An Act amending the act of August 9, 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consolidating and changing the laws relating thereto," increasing the maximum appropriation which may be made for agricultural extension work.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the Title, page 1, line 1, by striking out after the word "of" the following: "May 2 1929 (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" and inserting in lieu thereof the following: "August 9 1955 (P. L. 323) entitled "An act relating to counties of the third fourth fifth sixth seventh and eighth classes amending revising consodilating and changing the laws relating thereto"; line 9, by striking out at the beginning of the line the words "removing the limitation on appropriations" and inserting in lieu thereof the following: "increasing the"; page 2, line 1, of the title by inserting the following: "maximum appropriation";

Amend Section 1, page 2, line 1, by striking out after the second word "Section" the following: "444 act of May 2 1929 (P. L. 1278) known as "The General County Law" amended January 14 1952 (P. L. 2034)" and by inserting in lieu there of the following: "1936 act of August 9 1955 (P. L. 323) known as "The County Code"; line 5, by striking out after the word "Section" the numbers "444" and inserting in lieu thereof the numbers "1936"; line 7, by striking out after the figures "($12,000)" the words "make appropriations" and inserting in lieu thereof the words "fifteen thousand dollars ($15,000); line 9. by inserting after the brackets and word "college" the word "university."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 944.

An Act amending the act of August twenty-fourth one thousand nine hundred fifty-one (Pamphlet Laws 1417) entitled as amended "An act to provide revenue for State purposes by imposing a property tax for a limited period of time on the net incomes derived from sources within the Commonwwealth of certain corporations joint-stock associations and limited partnerships excluding certain income providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" extending its provisions for an unlimited period of time changing the deduction of dividends received or paid the gross receipts fraction penalties and the definition of corporation and of net income retroactively modifying the manner of imposing tax on certain corporations engaged in business or owning property outside of the Commonwealth and clarifying provisions as to settlements imposing the tax on certain corporations companies and associations not heretofore taxed under this act eliminating certain deductions of reserves for bad debts and increasing the rate of tax and redefining certain allocation factors changing formula for determining gross receipts of corporations owning property or carrying on activities within and without the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period to time

Amend the Title, page 1, line 1, by striking out after the word "Act" the following: "Reenacting and amending the title and" and inserting in lieu thereof the word "amending"; page 2, line 4 by striking out the following: "extending its provisions for an unlimited period of time changing the deduction of dividends received or paid the gross receipts fraction penalties and the definition of corporation and of net income retroactively modifying the manner of imposing tax on certain corporations engaged in business or owning property outside of the Commonwealth and clarifying provisions as to settlements imposing the tax on certain corporations companies and associations not heretofore taxed under this act eliminating certain deductions of reserves for bad debts and increasing the rate of tax and redefining certain allocation factors"

and inserting in lieu thereof the following:

"changing formula for determining gross receipts of corporations owning property or carrying on activities within and without the Commonwealth and the penalty for failure to make report or for making false report and increasing the rate of tax for a limited period of time"

Amend Section 1, page 3, line 1, by striking out after the figure "1" the following: "The title and all the sections of the" and inserting in lieu thereof the following: "subdivision 2 of the definition of "net income" of section 2 and sections 3 and 4"; line 5, by striking out after the word "amended" the following: "July seventeenth one thousand nine hundred fifty-three (P. L. 482) are reenacted and" and inserting in lieu thereof the following: "September twenty-seventh one thousand nine hundred fifty-five (P. L. 626) are"; line 8 by striking out after the word "read" the following: "An Act to provide revenue for State purposes by imposing a property tax [for a limited period of time] on the net incomes derived from sources within the Commonwealth of certain corporations joint stock associations and limited partnerships excluding certain income providing for the assessment collection settlement and resettlement of taxes and reviews and appeals therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties

Section 1 Short Title That this act shall be known and may be cited as the "Corporation Income Tax Law"

Amend Section 2, page 4, line 7 by striking out after the word "meaning" the following: "Corporation" A corporation [having capital stock] joint-stock association or limited partnership either organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency and carrying

on activities in this Commonwealth or owning property in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation The word "corporation" shall [not] include non profit corporations building and loan associations Federal savings and loan associations banks bank and trust companies national banks savings institutions savings banks mutual savings funds cooperative banking associations trust companies title insurance companies but shall not include beneficial life and limited life insurance companies mutual fire mutual casualty and mutual life insurance companies foreign stock companies registered in this Commonwealth and therein engaged in doing business as life fire and casualty insurance companies and foreign surety companies

"Department" The Department of Revenue of this Commonwealth Page 5, line 6, by striking out the word "Income" the following: "Net 1 [Net] (a) For any taxable year which begins before the first day of January one thousand nine hundred fifty-four or ends before the sixteenth day of August one thousand nine hundred fifty-four net income for the calendar year or fiscal year as returned to and ascertained by the Federal Government or in the case of a corporation participating in the filing of consolidated returns to the Federal Government the net income which would have been returned to and ascertained by the Federal Government if separate returns had been made to the Federal Government for the current and prior taxable years subject however to any correction thereof for fraud evasion or error as finally ascertained by the Federal Government Provided That additional deductions shall be allowed from net income on account of any dividends received from any other corporation And provided further That no deduction shall be allowed for any Federal income or excess profits taxes whatsoever except the declared value excess profits tax And provided further That no deduction shall be allowed for net operating losses sustained by the corporation during any other fiscal or calendar year And provided further That in the case of stock life fire casualty and indemnity insurance companies operating on the mutual or participating plan the term "net income" shall not include the dividends paid to policyholders out of net income

(b) For any taxable year beginning after the thirty-first day of December one thousand nine hundred fifty-three and ending after the fifteenth day of August one thousand nine hundred fifty-four taxable income for the calendar year or fiscal year as returned to and ascertained by the Federal Government or in the case of a corporation participating in the filing of consolidated returns to the Federal Government the taxable income which would have been returned to and ascertained by the Federal Government if separate returns had been made to the Federal Government for the current and prior taxable years subject however to any corrections thereof for fraud evasion or error as finally ascertained by the Federal Government Provided That an additional deduction shall be allowed in an amount equal to the difference between eighty-five percent of the aggregate amount of all dividends received from all other corporations and the amount of the deduction allowed by the federal government for dividends received and provided further that no deduction shall be allowed to a public utility for dividends paid by it on its preferred stock and provided further that in the case of building and loan associations federal savings and loan associations banks bank and trust companies national banks savings institutions savings banks mutual savings fund cooperative banking associations trust companies and title insurance companies no deductions shall be allowed for any addition to a reserve for bad debts but a deduction may be allowed for any debt which becomes worthless within the taxable year and provided further that no deduction shall be allowed for net operating losses sustained by the corporation during any other fiscal or calendar year And provided further That in the case of stock life fire casualty and idemnity insurance companies doing business on the mutual or participating plan the term "net income" shall not include the dividends paid to policyholders out of net income

Page 9, line 14, by inserting after the second word "receipts" the following: "heretofore or hereafter received" page 10, line 10 by striking out the before the word "and" the bracket and line 12 by striking out after the word "commonwealth" the bracket; line 17 by striking out the bracket before the word "and" and after the part word busi" line 19, line 20 by striking out the bracket before the part word "ness"; page 11, line 1 by striking out the bracket after the word "dividends," line 5, by striking out the brackets before the word "if" and line 12 by striking out the bracket after the word "state"; page 12, line 14 by striking out the following: "3 In the case of corporations carrying on activities as insurance or surety companies within and without this Commonwealth the net income of such corporations derived from sources within this Commonwealth for the fiscal or calendar year shall be determined by multiplying net income as defined in clause one hereof by a fraction of which the numerator is the gross premiums received from activities carried on within the Commonwealth as hereinafter defined and of which the denominator is the amount of the gross premiums received from all its activities everywhere

"Gross Premiums" shall mean the amount of dues fees and premiums stated in the policy contracts and shall include gross premiums of every character and description received during the taxable year from all underwriting activities whether said premiums were received in money or in the form of notes credits or any other substitute for money less the following deductions

"(a) All premiums returned on policies cancelled or not taken

"(b) In the case of stock companies with participating features an additional deduction for that portion of the premium returned to the policyholders

"(c) In the case of life insurance companies an additional deduction for dividends declared and actually used by policyholders in payment of renewal premiums

"Gross premiums received from activities carried on in the Commonwealth" shall mean gross premiums received from policies and annuities written on property or risks located or resident in this Commonwealth whether such premiums were collected in this Commonwealth or elsewhere

"Sources within this Commonwealth" includes tangible or intangible property located or having a situs in this Commonwealth and any activities carried on in this Commonwealth regardless of whether carried on in intrastate interstate or foreign commerce

"Carrying on activities" shall include every act power or privilege exercised or enjoyed in this Commonwealth as an incident to or by virtue of the powers and privileges acquired by the nature of the corporate organization

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"The singular shall include the plural and the masculine shall include the feminine and neuter

Amend Section 3, page 15, line 8, by striking out after the word "three" the word "and" by inserting after the word "four" the following: "and one thousand nine hundred fifty-five"; line 17 by striking out after the word "three" the following: "and one thousand nine hundred fifty-four"; page 16 line 1 by striking out after the word "four" the bracket and inserting in lieu thereof the following: "and one thousand nine hundred fifty-five" line 5 by striking out after the word "four" the word "and"; line 6, by striking out after the word "five" the following: "and during every calendar year thereafter" and inserting in lieu thereof the following: "one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; line 15 by striking out the bracket after the word "four", by striking out after the word "five" the following: "and in each calendar year thereafter" and inserting in lieu thereof the following: "one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; line 19 by striking out after the word "five" the word "and"

by striking out the bracket after the word "six" and striking out after the word "six" the following: "and in each calendar year thereafter" and inserting in lieu thereof the following: "one thousand nine hundred fifty") (seven and one thousand nine hundred fifty-eight)".

Amend Section 4, page 17, line 16 by striking out after the word "five" the following: "(and"; line 17 by striking out after the word "six" the following:") and each year thereafter" and inserting in lieu thereof the following: "one thousand nine hundred fifty-seven and one thousand nine hundred fifty-eight"; page 18, line 16 by striking out after the word "four" the following: "(and)", line 17 by striking out after the word "five" the following: "one thousand nine hundred fifty-six and each year thereafter" and inserting in lieu thereof the following: "one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; page 19, line 2, by striking out after the word "four" the following: "(and)", line 3, by striking out after the word "five" the following: "one thousand nine hundred fifty-six and each year thereafter" and inserting in lieu thereof the following: "one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; page 20, line 8, by inserting after the word "four" the word "and" and by striking out after the word "and" the word "and", line 9 by striking out after the word "five" the following: "one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven"; page 21 by inserting after the word "applicable" on line 1 the following: for the taxable years one thousand nine hundred fifty-six and one thousand nine hundred fifty-seven every corporation upon the date its tentative report is required herein to be made shall pay on account of the tax due for the current year at its election (1) not less than three per centum upon each dollar of net income of such corporation last reported as received or accrued during an entire preceding year or of such multiple of the net income last reported for a portion of such year as the entire year bears to the portion of the year for which the net income had been reported or (2) not less than twelve per centum upon each dollar of net income of such corporation received or accrued during the first three months of the current calendar or fiscal year whichever is applicable

Line 17, by striking out after the word "applicable" the following: For the taxable years one thousand nine hundred fifty-six and each taxable year thereafter every corporation upon the date its tentative report is required herein to be made shall pay on account of the tax due for the current year at its election (1) not less than three per centum upon each dollar of net income of such corporation last reported as received or accrued during an entire preceding year or of such multiple of the net income reported for a portion of such year as the entire year bears to the portion of the year for which the net income had been reported or (2) not less than twelve per centum upon each dollar of net income of such corporation received or accrued during the first three months of the current calendar or fiscal year whichever is applicable

Page 24, line 9, by striking out after the word "specified" the following:

Section 5 Consolidated Reports The department shall not permit any corporation owning or controlling directly or indirectly any of the voting capital stock of another corporation or of other corporations subject to the provisions of this act to make a consolidated report showing the combined net income

Section 6 Extension of Time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any annual report and upon proper cause shown grant to the corporation required to file such report an extension of not more than sixty (60) days within which such report may be filed and in case the Federal income tax authorities at any time grant a longer extension of time for filing such reports with the Federal Government the department may grant an additional extension of time for filing the annual report under this act of not more than thirty (30) days after the termination of the Federal extension but the amount of tax due shall in such cases nevertheless be subject to interest from the due dates and at the rates fixed by this act

Section 7 Changes Made by Federal Government (a) If the amount of the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commission of Internal Revenue or by any other agency or court of the United States such corporation within thirty (30) days after the receipt of such final change or correction shall make a corrected report under oath or affirmation to the department showing such finally changed or corrected net income up which the tax is required to be paid to the United States In case a corporation fails to file a report of such correction which results in an increase in net income within the time prescribed there shall be added to the tax a penalty of five dollars ($5.00) for every day during which such corporation is in default but the department may abate any such penalty in whole or in part

(b) If as a result of such final change or correction there should be any change made in the amount of the net income of any corporation upon which tax is imposed by this act the department shall have the power and its duty shall be to resettle such taxes Whenever a resettlement shall have been made hereunder the department shall resettle the account according to law and shall credit or charge as the case may be the amount resulting from such resettlement upon the current accounts of the corporation with which it is made The resettlement shall be subject to audit and approval by the Department of the Auditor General as in the case of original settlements and in case of the failure of the two departments to agree the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

(c) Where a report of change correction or redetermination of Federal income or Federal tax has been filed after a petition for review or an appeal has been taken such report shall be deemed a part of the original annual report upon petitions of the taxpayer at any subsequent proceedings as though it had been filed with such original report and no separate petition for review or appeal from the resettlement resulting from such report of change correction or redetermination shall be necessary

Section 8 Settlement and Resettlement (a) All taxes due under this act shall be settled by the department and such settlement shall be subject to audit and approval by the Department of the Auditor General and shall so far as possible be made so that notice thereof may reach the taxpayer before the end of the year after the tax report was required to be made where notice of the settlement has not reached or does not reach the taxpayer before the end of a year after the tax report was required to be made the settlement shall nevertheless be valid and binding upon the taxpayer

(b) Promptly after the date of any such settlement the department shall send by mail or otherwise a copy thereof to such corporation The tax imposed by this act shall be settled resettled and otherwise imposed and adjusted in the same manner within the same periods of time and right or resettlement review appeal and refund as provided by law in the case of capital stock and franchise taxes imposed upon corporations

(c) If within a period of two years after the date of any settlement the department is not satisfied with such settlement or if at any time the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States with the result that tax in addition to the amount paid is due under this act the department is hereby authorized and empowered to make a resettlement of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

Whenever a resettlement shall have been made hereunder the department shall resettle the account according to law and shall credit or change as the case may be the amount resulting from such resettlement upon the current accounts of the corporation with which it is made

The resettlement shall be subject to audit and approval by the Department of the Auditor General as in the case of original settlement and in case of the failure of the two departments to agree the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

(d) If any corporation shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such corporation and subject to audit and approval by the Department of the Auditor General settle the amount due by it for taxes penalties and interest thereon as prescribed herein from which settlement there shall be no right of review or appeal but the department with the approval of the Department of the Auditor General may require a report to be filed and thereupon make a settlement based upon such report and cancel the estimated settlement

Sction 9 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this act relating to any matter or thing pertaining to the administraion and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act The department is hereby required to have such rules and regulations promulgated and adopted printed and shall distribute the same to any person upon request

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records and to investigate the character of the business of any corporation in order to verify the accuracy of any report made or if no report was made by such corporation to ascertain and settle the tax imposed by this act Every such corporation is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

(c) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department of law

Section 10 Retention of Records by Corporations Penalty Each corporation shall maintain and keep for a period of three (3) years after any report is filed under this act such record or records of its business within this Commonwealth for the period covered by such report and other pertinent papers as may be required by the department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 11 Penalties (a) Any person who shall wilfully make a false and fraudulent return of net income made taxable by this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalty shall be in addition to any other penalties imposed by this act

(b) Any person who wilfully fails neglects or refuses to make a report or to pay the tax as herein prescribed or who shall refuse to permit the department to examine the books papers and records of any corporation liable to pay tax under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1000.00) and costs of prosecution or undergo imprisonment not exceeding six (6) months or both in the discretion of the court Such penalty shall be in addition to any other penalties imposed by this act

Section 12 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not effect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 13 Effective Date This act shall become effective immediately upon its final enactment and shall remain in force only for the imposition and collection of taxes on net income of corporations derived from sources within the Commonwealth for the calendar years one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four and [one thousand nine hundred fifty-five] for every calendar year thereafter or for the fiscal years ending in the calendar years on thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five [and one thousand nine hundred fifty-six] and every calendar year thereafter

Page 33, line 10, by striking out after the word "This" the words: "reenacting and"; line 11 by striking out after the word "hundred" the words: "fifty-five" and inserting in lieu thereof the words: "fifty-six"; line 14 by striking out after the word "hundred" the words "fifty-five" and inserting in lieu thereof the words "fifty-six" line 15 by striking out after the word "basis" the following:

Section 3 The foregoing amendment to section 8 (a) being intended as a clarification of existing law and as an expression of legislative intent shall apply to all tax settlements heretofore made as well as to those hereafter made

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1289.

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and conslidating the law relating to boroughs" authorizing the issuance of non-debt revenue bonds for capital improvements to certain public service facilities

With the information that the Senate has passed the

same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 20, by inserting after the word "borough" the following:

(b) Any borough issuing non-debt revenue bonds under the authority of this section shall adjust and where necessary increase the rates of rentals or charges pledged as security for the bonds in order to provide sufficient revenue which shall be set aside as reserve funds to cover depreciation of the properties involved and for future improvements to the plant or facility involved as well as for the payment of the interest on the bonds and the principal at the times of maturity

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1593.

An Act regulating waste disposal areas in certain parts of the Commonwealth providing for permits placing duties upon the Department of Mines and imposing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 3, line 12, by inserting after the word "material" the following: "but shall not inlcude any gob or other refuse from coal mining operations".

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1725.

An Act relating to the use of conveyor belts in coal mines providing for the safety of persons employed therein and the protection of property connected therewith conferring powers and imposing duties upon the Department of Mines and prescribing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 5, page 2, line 18, by striking out after the word "hundred" the part word "six" and inserting in lieu thereof the word "seven"; line 19, by striking out after the word "the" the word "passage"; page 3, by inserting at the beginning of line 1, the words "effective date"; and by inserting after the word "use" the words "or on hand"; line 3, by striking out after the word "may" the words "continue to"; line 4, by striking out after the word "necessary" the following: "or until the Department of Mines shall order a conveyor belt replaced in either such" and inserting in lieu thereof the words "in which"; line 6, by inserting after the word "belt" the following: "purchased after the effective date of this act"; line 9, by striking out after the word "herein" the following: "In no event shall any conveyor belt in any mine covered by this act be used at a date later than the first day of January one thousand nine hundred fifty-eight unless such conveyor belt conforms to the standards prescribed as provided for in this act"

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1752.

An Act amending the act of June 9 1911 (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" changing applicability of act and the requirement of a mine foreman in small mines

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 3, line 19, by inserting after the word "effect" the following: "six months after final enactment" and striking out after the word "enactment" the word "immediately."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the com-

munication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1755.

An Act amending the act of June 27, 1947 (P. L. 1095), entitled as amended "An act providing for the regulation of mining of anthracite coal of the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining; requiring operators to register, pay a license fee and secure a permit to engage in strip mining and file a bond conditioned for compliance with this act; requiring backfilling of stripping pits and leveling and planting lands affected to prevent erosion and the pollution of waters and to protect public health, safety and welfare; conferring powers and imposing duties upon the Department of Mines; providing for appeals, and imposing penalties, and making appropriations," further regulating strip mining operations; making changes with respect to backfilling, and permits and providing for filing of maps.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 2, line 5, by striking out after the word "backfilling" the following: "restoration accumulation of water permits bonds penalties and fees" and inserting in lieu thereof the following: "and permits".

Amend Section 1, page 4, line 4, by striking out after the word "removed" the following: "and that occupied by spoil banks"; line 15, by striking out the bracket before the word "twenty" and striking out the bracket after the figures "$25.00" and striking out the following: "fifty dollars ($50)"; line 17, by striking out the bracket before the word "one" and by striking out the bracket after the figures "$100.00" and striking out the following: "two hundred dollars ($200)"; Page 5, line 12, by striking out after the word "inspector" the following: "Any person firm or corporation violating the provisions of this subsection shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25) and costs of prosecution nor more than one hundred dollars ($100) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for ten days."

Page 6, line 1, by striking out the bracket before the word "and"; line 2, by inserting after the word "operations" the following: "in each mine inspection district"; line 4, by striking out the bracket after the word "year"; line 7, by striking out after the word "permit" the following:

"Section 2 Section 6 of the act amended May 18, 1949 (P. L. 1471) is amended to read

"Section 6 The operator shall file with the Department of Mines a bond on a form to be prescribed and furnished by the department payable to the Commonwealth and conditioned that the operator shall faithfully perform all the requirements of this act The bond shall be in the amount of [three hundred dollars ($300)] six hundred dollars ($600) per acre based upon the number of acres of land which the operator estimates will be the area of land affected by strip mining during one (1) year immediately following the date of the permit issued by the department Provided That no bond shall be for an amount less than [three thousand dollars ($3000)] six thousand dollars ($6000) Liability under the bond shall be for the duration of strip mining at each operation and for a period of five years thereafter unless released prior thereto in the manner hereinafter provided by this act

"Such bond shall be signed by the operator and a corporate surety licensed to do business in the Commonwealth Provided however That in lieu of a surety bond the operator may file a collateral bond secured by cash in the form of a certified or cashier's check or United States Government securities The cash deposited or the par value of such United States Government securities shall be equal to the amount of the required bond and shall be held upon the same terms and conditions

"The Secretary of Mines shall upon receipt of any such deposit of cash or securities immediately deposit the same with the State Treasurer whose duty it shall be to receive and hold the same in the name of the Commonwealth for the purpose for which such deposit is made The State Treasurer shall at all times be responsible for the safe keeping of such deposits

"Any operator making such deposit shall be entitled to receive from the State Treasurer on written order of the Secretary of Mines the whole or any portion of any securities so deposited upon depositing with the department in lieu thereof a surety bond or other United States Government securities of a par value at least equal to the sum required for a bond as aforesaid

"The operator shall also be entitled upon request to receive from the State Treasurer the interest or income from said securities deposited as aforesaid as the same become due and payable Provided however That where securities deposited as aforesaid mature or are called the State Treasurer at the request of the operator shall convert such securities into other acceptable securities designated by the operator

"Section 3 Section 7 of the act is amended to read

"Section 7 [Upon application by the operator the permit may be renewed from year to year so as to cover the number of acres embraced in the original permit which have not been stripped and additional permit may be issued at any time to the operator to cover acres which are not included in a previous permit and which the operator estimates will be the area of land affected during the following year No license fee shall be charged for a renewal permit and the] The fee for [an additional] a renewal permit shall be calculated at the rate of [twenty-five dollars ($25)] fifty dollars ($50) per acre for the number of new acres which the operator estimates will be the area of land affected during the following year All such moneys received by the department shall be deposited in a special fund with the State Treasurer and shall be expended by the Department of Mines in payment of the cost of administering the provisions of this act Each application for a permit shall be accompanied by a bond as herein provided

"Section 4 Sections 8 and 9 of the act amended May 18, 1949 (P. L. 1471) are amended to read

"Section 8 Within thirty (30) days after the close of the year for which the permit was issued and likewise after the close of each subsequent year the operator if he continues to engage in strip mining [shall file with the Department of Mines a new bond covering such new acres as he may estimate will be affected during the following year The bond shall be at the rate of three hundred dollars ($300) per acre The bond shall not be less than three thousand dollars ($3,000)] of anthracite coal shall re-register with the Department of Mines as hereinbefore provided in the case of the original permit Each renewal will require a permit form in triplicate and bond either collateral or surety in the minimum sum of six thousand dollars ($6000) and shall be accompanied by an annual report upon a form furnished by the Department setting forth the number of acres of land affected during the preceding year and the number of acres of land that will be affected during the ensuing year at each operation [Provided however That any portion of a bond covering an operation which may remain unencumbered at the end of an operational year

may be applied to acres of land which the operator anticipates will be affected during the following year]

"Section 9 Upon receipt of such annual report the Secretary of Mines shall make an investigation of the operation and shall charge the area of land actually affected by strip mining during the year for which said report is filed against the bond or deposit filed by the operator at the rate of [three hundred dollars ($300)] six hundred dollars ($600) per acre of the area of land affected but in no case shall the bond on deposit retained by the Secretary of Mines be less than [three thousand dollars ($3,000)] six thousand dollars ($6,000) Should the area of land actually affected exceed the estimate made by the operator at the time of the application for th permit the operator shall file an additional bond at the rate of [three hundred dollars ($300)] six hundred dollars ($600) per acre of the area affected over and above his estimate [Provided That an additional bond need not be filed where the number of acres of land actually affected multiplied by three hundred dollars ($300) does not exceed the sum of three thousand dollars ($3,000)] If the work contemplated by the permit and bond be not completed but the area of land actually affected by strip mining during the year is less than the estimate the Secretary shall issue a release of the excess of the bond or deposit upon which liability has not been charged as aforesaid Provided That in no case shall any bond or deposit be released or reduced to an amount less than [three thousand dollars ($3,000)] six thousand dollars ($6000)

Page 11, line 9, by striking out after the word "Section" the figure "5" and inserting in lieu thereof the figure "2"; line 15, by striking out the bracket before the word "fifteen" and striking out after the figures "15" the following: "seventy-five (75)"; line 17, by striking out after the word "from" the following: "the property of"; by inserting after the word "any" the word "occupied";

Page 12, line 1, by striking out the brackets before the word "of" and following the word "highway"; line 2, by striking out after the word "permit" the following: "issued)" and inserting in lieu thereof the following: "issued shall)"; line 4, by inserting a bracket before the word "and"; line 18, by striking out after the word "Section" the figure "6" and inserting in lieu thereof the figure "3"; line 20, by striking out the brackets before the word "In" and after the word "after";

Page 13, line 1, by striking out the bracket before the word "completion"; line 4, by inserting a bracket before the word "nothing"; line 8, by striking out after the word "act" the following: "The operator shall be required within one year after a strip mine operation is completed to backfill all stripping pits not more than one hundred fifty (150) feet in depth to the extent that the overburden removed during strip mining shall be replaced and leveled to provide for the conservation of lands If a strip mine operation is to be in excess of one hundred fifty (150) feet in depth the operator and mine inspector shall agree in writing upon the backfilling requirements prior to the start of the strip mine operation

"Section 7 Section 13 of the act is amended to read

"Section 13 In any case where a strip mining excavation in excess of one hundred fifty (150) feet in depth after the same is abandoned is likely to result in an accumulation of water which [in the opinion of] [the department] may constitute a hazard to present or future deep mining or otherwise is likely to break out of the excavation and cause a flood [the Department shall order] the operator before abandoning the operation [to] shall provide proper drainage for the excavation [if the excavation can be drained reasonably by gravity flow]

"Where the water may furnish means of recreation or a supply of water for domestic uses it may be permitted to remain If a letter is filed with the Department of Mines by the property owner stating that the water is to be used for a specific purpose and describing the purpose thereon and that the area will be restored in the manner specified by the mine inspector of the district in which the area is located

Nothing contained in this section shall be construed to require the draining of a strip mining excavation where the accumulation of water therein will not in the opinion of the department constitute a hazard or where such water may furnish means of recreation or a supply of water for domestic or industrial uses

"Section 8 Section 14 of the act amended July 2, 1953 (P. L. 338) and August 19, 1953 (P. L. 1112) is amended to read

"Section 14 [In all cases in which the Secretary of Mines shall find as a fact that the planting of such areas is reasonable practicable and likely to suceeed the peaks and ridges of such spoil banks shall be leveled and rounded off to such an extent as will permit the planting of trees grasses or shrubs] Within one (1) year after the strip mining operation on the premises is terminated the operator shall plant trees shrubs or grasses upon the [surface of the spoil banks and the surface of backfills] affected area which includes the backfill or covering over an exposed coal seam Any operator however may at his option pay to the Department of Mines the sum of sixty dollars ($60.00) per acre for each acre of [such surface of spoil banks and backfilling] the area of land affected and thereby shall be released from any duty to plant as herein provided The moneys so paid from time to time shall be placed in a special fund in the hands of the Treasury Department of the Commonwealth and shall be used by the Department of Mines to pay the cost of planting such trees grasses or shrubs and the supervision of such work and all other expenses necessary for or connected with such planting and are hereby appropriated to the Department of Mines for such purposes Any moneys remaining unused after such planting may be used for restoring and planting any other lands affected by strip mining of anthracite coal All planting required by this act to be done by the operator shall be done subject to the supervision and approval of the Secretary of Mines If upon inspection the Secretary of Mines does not approve the planting he shall notify the operator in writing setting forth the objections and after a hearing shall order the planting to be completed in accordance with his final decision by either the operator or by the Department of Forests and Waters."

Page 16, line 6, by striking out after the word "Section" the figure "9" and inserting in lieu thereof the figure "4"; line 7, by striking out the bracket before the word "backfilling"; line 8, by striking out after the word "have" the following: ") restoration work has";

Page 17, line 1, by striking out after the word "therewith" the following: "Section 10 Section 16 of the act amended July 2 1953 (P L 338) and August 19 1953 (P L 1112) is amended to read

"Section 16 If and when the Secretary of Mines shall find that the operator has completed the [backfilling and other acts as required by this act] restoration work he shall issue a release of the bond or of the cash and securities deposited Upon the presentation of such release the State Treasurer shall immediately return to the operator the amount of cash or securities specified in its release

"Section 11 Sections 18 and 21 of the act are amended to read

"Section 18 In the event that an operator or owner desires to conduct deep mining upon the premises affected by strip mining the said operator or owner may make this fact known to the secretary with the request that the backfilling of pits and the planting as may be necessary to permit deep mining be deferred during the period of such deep mining In such case the secretary may defer the backfilling and planting If such requests is made by the owner he shall secure by bond the [backfilling] restoring of such pit and the planting after the deep mining operation has been completed if the request is made by the operator the bond filed under Section 6 of this act shall stand as security for such [backfilling and planting] restoration work

"Section 21 Any operator who proceeds to mine coal commonly known as "anthracite" by the strip mining method without having registered and having received a permit as herein provided shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay for

each day of operation which shall constitute a separate offense a fine not exceeding five thousand dollars ($5,000.00) or to undergo imprisonment for not more than one year or both The fine shall be payable to the Commonwealth."

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1810.

An Act amending the act of May 13, 1927 (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other status over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," providing for the release of subdivision improvement encumbrances in certain instances.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 5, line 8, by striking out after the word "subdivision" the following: Final approval of the plat by the commission shall be considered as proof that the improvements and utilities have been completed and accepted by the commission or that a lawful and adequate bond with surety has been approved and accepted.

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1811.

An Act amending the act of June 24, 1931 (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for the release of land subdivisions improvement encumbrances in certain instances

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section, page 3, line 8, by striking out after the word "subdivision" the following: Recording of the plan of the subdivision upon which plan the approval of the Board of Commissioners acting by the Township Engineer or other authorized official or officials is indicated shall be considered as proof that the improvements have been completed and approved by the Board of Commissioners or that proper complettion guarantee has been filed with and approved by the Board of Commissioners

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1812.

An Act amending the act of May 4, 1927 (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the release of land subdivision improvement encumbrances in certain instances

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 5, by striking out after the word "subdivision" the following: Recording of the plan of the subdivision upon which plan the approval by council acting by the borough engineer or other authorized official or officials is indicated shall be considered as proof that the improvements have been completed and approved by council or that proper completion guarantee has been filed with and approved by council

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1813.

An Act amending the act of May 1, 1933 (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for the release of land subdivision improvement encumbrances in certain instances.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 7, by striking out after the word "subdivision" the following:

Recording of the plan of the subdivision upon which plan the approval by the Board of Supervisors acting by the Township Engineer or other authorized official or officials is indicated shall be considered as proof that the improvements have been completed and approved by the Board of Supervisors or that proper completion guarantee has been filed with and approved by the Board of Supervisors

On the question,

Will the House concur in the amendments made by the Senate?

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. ROBERT K. HAMILTON from the Committee on State Government, reported as committed, House Bill No. 1202, entitled:

An Act providing for the payment of the salary, medical and hospital expenses of custodial employes of State penal and correctional institutions who are injured in the performance of their duty, and providing that absence during such injury shall not reduce any usual sick leave period.

Mr. McKEEVER from the Committee on Military Affairs, reported as committed, Senate Bill No. 246, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania authorizing the creation of an additional debt by the Commonwealth for the payment of compensation to certain veterans.

Mrs. SARAH A. ANDERSON from the Committee on Military Affairs, reported as committed, Senate Bill No. 790, entitled:

An Act to amend the "Second Class County Code" * * * "by authorizing collection of data concerning deceased veterans of armed conflicts and authorizing the erection of monuments to veterans of armed conflicts.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1202, entitled:

An Act providing for the payment of the salary, medical and hospital expenses of custodial employes of State penal and correctional institutions who are injured in the performance of their duty, and providing that absence during such injury shall not reduce any usual sick leave period.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 246, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania authorizing the creation of an additional debt by the Commonwealth for the payment of compensation to certain veterans.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 790, entitled:

An Act to amend the "Second Class County Code" * * * "by authorizing collection of data concerning deceased veterans of armed conflicts and authorizing the erection of monuments to veterans of armed conflicts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

PERMISSION TO ADDRESS HOUSE

Mr. ROBERT K. HAMILTON asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like at this time to extend my personal gratitude and thanks for the cooperation of the members of the Insurance Committee during this extended session of 1955-1960.

Without the complete cooperation of the membership of the Insurance Committee, the enactment of the many good bills which have been passed could not have been accomplished. At this session we have done an outstanding job for the policy holders in the Commonwealth of Pennsylvania, who will be better informed and better served by our Insurance Commissioner, the Hon. Francis R. Smith and his associates, than at any time in our Commonwealth's recent history.

I extend to all the Members of the Insurance Committee my most grateful thanks and congratulations for a job well done.

I should like to at this time, also, to include in my remarks the following letters addressed to me along with the remarks made in Pittsburgh at the Insurance Dinner by the former President of the Insurance Club of Pittsburgh, Mr. Charles H. Bokman.

March 14, 1956.

Honorable Robert K. Hamilton
Member, House of Representatives
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

Dear Bob:

The 1955-1956 Session of the General Assembly is rapidly drawing to a close. May I, as the Insurance Commissioner, extend to you my deep gratitude for the magnificent cooperation you, as the Chairman of the Insurance Committee of the House of Representatives, gave to me.

Without your complete cooperation, the many things we accomplished for the multiude of policyholders in the Commonwealth of Pennsylvania would have been impossible.

You are a credit not only to your constituents, but to all of the people of the Commonwealth.

Congratulations for a job well done!

Sincerely,

FRANCIS R. SMITH,
Insurance Commissioner.

March 14, 1956.

Honorable Robert K. Hamilton
Member, House of Representatives
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

Dear Bob:

On Tuesday, March 6, 1956, The Insurance Club of Pittsburgh held its annual Pittsburgh Insurance Day. It was my privilege, as the Insurance Commissioner, to attend and participate in this very worthwhile activity.

The Insurance Club of Pittsburgh, in my opinion as the Commissioner, is easily the finest not only in this Commonwealth but anywhere in the country.

One of the former Presidents and founders of The Insurance Club of Pittsburgh spoke at the Dinner on March 6th. I refer to Mr. Charles H. Bokman. He could well be described as "Mr. Insurance," in the Pittsburgh area. I was so impressed with his address that I am enclosing herewith a copy of his comments and would request that you have it inserted in the Legislative records.

Any preliminary comments you wish to make relative to either Mr. Bokman or myself, or the insurance people in Western Pennsylvania, you are at perfect liberty to make.

Sincerely,

FRANCIS R. SMITH,
Insurance Commissioner.

Address of Mr. Charles H. Bokman, President of Insurance Club of Pittsburgh.

Dean Moore, Mr. Fiand, Ladies and Gentlemen:

The privilege has been accorded me to present the Insurance Club a plaque in honor of the Past Presidents of this organization. This plaque is a gift from the younger members of the Club and has inscribed thereon the names of all Past Presidents and there is room for the names of future leaders as their terms of office expire.

I shall not take the time to read the names now inscribed on this plaque—most of them are well-known to you. These names will soon be forgotten but the deeds of these men will live as long as there is an insurance business. It is altogether fitting that I remind you that through the efforts of these men an idea was born and developed—now nationally known as "I-DAY," which had its origin in Pittsburgh and has now been adopted in hundreds of communities. As you all know, this has been no small accomplishment although it is only one of the many fine contributions to our business made by the Insurance Club of Pittsburgh over the years.

In presenting this plaque I like to feel that this presentation is not in honor of our Past Presidents but rather in honor of all of the fine insurance people—past and present—who have made up our Pittsburgh and Tri-State insurance fraternity during the past years. Let us never forget that the insurance people of this area made their special contribution along with all other business and community leaders in the wonderful development of this entire industrial area—and that goes for Greater New Pittsburgh and its urban redevelopment program, too.

Let me remind you that these leaders whom we honor in the presentation of this plaque were all organization men—men who believed in, worked with and helped promote trade groups like the Insurance Club of Pittsburgh and the Local, State and National Associations of Insurance Agents. To a very large degree it seems to follow that big successful men in every business are active in their trade organizations. Only through the activity and vigilance of trade groups is the heritage of a great business like insurance preserved and passed on to new and younger generations.

Days have now come upon us when every phase of our business is under attack from all sides. Every method employed in the past, as our business developed from an idea to one of the largest businesses in our economy, is being questioned. There is just cause for us to stop—look and listen and ponder the question—"Where are we headed for?" Present changing times demand that we carefully deliberate on every new idea and think it through—is it really good for our people—our policyholders and prospects? If it passes that test, it must be good for our business because a strong, worthwhile insurance business of the future can only be built in proportion to our usefulness to the public and the community.

There is no such thing as continued resistance to change and none will deny that we must adopt changes that modernize our processes and our usefulness. However, nothing can be gained by destroying or even ignoring our lessons and experiences of the past, for no stable business of the future can be built on the wreckage of the past. A strong and potent insurance business can only be built on lessons of the past blended into needs of the present and future as they develop.

With these few remarks, it is my pleasure to present to you in behalf of local insurance men this plaque—let it and the thirty names inscribed thereon and the service performed over the years be a perpetual reminder of this great business, the respected position it occupies in our business world and the responsibility it places on each of

us as insurance people. May this plaque and what it stands for prove an inspiration to all and mark another milestone along the path of progress of our business, which shall always keep pace with human progress and continue to provide security and safety in matters involving business or human relations as the needs develop.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. KOLANKIEWICZ asked and obtained permission for the Committee on Cities—Counties—First Class to meet during the session of the House.

CALL OF THE HOUSE

Mr. TOMPKINS. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Cameron, Mr. Tompkins, suggests the absence of a quorum.

The House will be in order. Members will take their seats. Conversation will cease. The Sergeant-at-Arms will close the doors and admit only Members and officers of the House.

The Clerk will call the roll.

POINT OF ORDER

Mr. LIPPINCOTT. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. Speaker, is it permissible under House Rule No. 11 to explain the absence of a Member at this time?

The SPEAKER. The Chair will ask for leaves of absence later on.

The roll was called and was as follows:

PRESENT—181

Adam,	Garlock,	Lutty,	Rovansek,
Agnew,	Gelfand,	Mahan,	Royer,
Amarando,	Gibson,	Markley,	Rudisill,
Anderson, M. S.,	Goldstein,	Maxwell,	Scarcelli,
Anderson, S. A.,	Gramlich,	McCann,	Schuster,
Ashton,	Greenwood,	McCormack,	Sherman,
Banker,	Guss,	McGee,	Smith, C. C.,
Barnatovich,	Guthrie,	McInroy,	Smith, Wm. B.,
Bazin,	Hamilton, R. K.,	McKeever,	Snider,
Bell,	Hass,	McLaughlin,	Stank,
Blair,	Haudenshield,	McWherter,	Stebbins,
Boles,	Helm,	Meholchick,	Steckel,
Bonner,	Henzel,	Metz,	Stephens,
Boory,	Hewitt,	Mihm,	Stevenson,
Bower,	Hocker,	Mikula,	Stone,
Branca,	Holt,	Miller,	Stoner,
Breisch,	Horst,	Mills,	Strausser,
Brennan, A. P.,	Houk,	Monroe,	Stroup,
Brennan, J. J.,	Isaacs,	Moody,	Swartz,
Brenninger,	Jenkins,	Moscrip,	Taylor,
Breth,	Johnson,	Muldowney,	Thomas,
Brown,	Jones, G. E.,	Munley,	Thompson,
Capano,	Jones, T. H. W.,	Murphy,	Toll,
Cianfrani,	Jump,	Murray, H. P.,	Tompkins,
Cioffi,	Kamyk,	Murray, P. G.,	Toomey,
Cochran,	Kehler,	Musto,	Varallo,
Curwood,	Keller,	Naugle,	Varner,
Davis,	Kent,	Needham,	Verona,
Donahue,	Kline,	Ogilvie,	Wall,
Dougherty,	Knecht,	Olsen,	Wallace,
Down,	Kolankiewicz,	O'Neil,	Walsh,
Ehrgood,	Kooker,	Pacchioli,	Wargo,
Eilberg,	Kornick,	Parry,	Waterhouse,
Erb,	Kratz,	Pashley,	Weidner,
Eshleman,	Kromer,	Paulhamus,	Welsh,
Ewing,	Lafore,	Petrosky,	Wescott,
Farabaugh,	Leiby,	Pettigrew,	Wheeler,
Filo,	Leisey,	Polaski,	Whitenight,
Fineman,	Leonard,	Polen,	Willaredt,
Flint,	Leven,	Pomeroy,	Williams,
Floyd,	Light,	Price,	Wood,
Frank,	Limper,	Pursley,	Worley,
Frascella,	Lippincott,	Readinger,	Yetzer,
Frost,	Lopresti,	Reibman,	Young,
Gaffney,	Lovett,	Reidenbach,	Andrews,
		Renwick,	Speaker

LEAVES OF ABSENCE—3

Auker,	Bucchin,	Flynn,

ABSENT—23

Bullen,	George,	Mullen,	Sigman,
Comer,	Gibb,	Murray, J. J.,	Vaughan,
Connelly,	Heavey,	Rigby,	Wilt,
Cooper,	Lawyer,	Rosen,	Yetter,
Donaldson,	Magee,	Rubin,	Ziegler,
Foster,	Moran,	Sarraf,	

The SPEAKER. 181 Members having answered to their names, a quorum is present.

Mr. TOMPKINS. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

LEAVES OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Stoner for Mr. GEORGE.

Mr. Kent for Mr. MAGEE because of serious illness in family.

Mr. Hass for Mr. LAWYER because of illness.

Mr. Lippincott for Mr. CONNELLY because of illness.

Mr. Moscrip for Mr. AUKER because of illness.

Mr. Kolankiewicz for Mr. MULLEN because of illness.

Mr. Kolankiewicz for Mr. COMER because of illness in family.

BILLS ON SECOND READING

The SPEAKER. Only bills will be considered this morning that are on the files of the Members.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 335, entitled:

An Act amending the "Sanitary Water Law" of June 22 1937 (P. L. 1987) entitled as amended "An act to preserve and improve * * *" authorizing certain corporations to acquire interest in land by eminent domain

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 591, entitled:

An Act amending the "Second Class Township Code" of May 1 1933 (P. L. 103) entitled "An act concerning townships of the second class and * * *" increasing the land area appurtenant to fire hydrants which may be taxed

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 833, entitled:

An Act amending the "Second Class Township Code" of May 1 1933 (P. L. 103) entitled "An act concerning townships of the second class and * * *" authorizing town-

ships to improve public streets or roads without petition and collect the costs thereof from owners of abutting properties

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 836, entitled:

An Act amending the act of July 12 1919 (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislature Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reports expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" eliminating requirements for printing bills joint resolutions and reports of conference committees in full in the Legislative Journal

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 987, entitled:

An Act amending the "Second Class Township Code" of May 1 1933 (P. L. 103) entitled "An act concerning townships of the second class and * * *" further regulating the payment by cities and boroughs for certain improvements and facilities in portions of the township annexed by them

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 1002, entitled:

An Act amending the act of January 8 1952 (P. L. 1851) entitled "An act providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases authorizing the criminal courts to impose such a sentence and certain temporary confinement in connection therewith requiring psychiatric examinations of such persons before the imposition of such a sentence conferring powers and imposing duties upon the Department of Welfare and the Pennsylvania Board of Parole and providing for the parole and reparole or absolute discharge of persons so sentenced and the procedure relating thereto" regulating bail for persons charged with commission of sex crimes

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of Senate Bill No. 1020, entitled:

An Act amending the act of May 26 1949 (P. L. 1828) entitled "An act concerning the investment powers and duties of guardians committees trustees and other fiduciaries except personal representatives and prescribing the nature and kind of investments which may be made and retained by such fiduciaries" further prescribing the eligibility for authorized investments of the obligations of municipality authorities

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 620 as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating magistrates' reports speed in certain political subdivisions further prescribing enforcement and penal provisions and imposing duties on certain pedestrians

RECONSIDERATION OF VOTE

Mr. LAFORE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. WILLAREDT. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Montgomery, Mr. Lafore vote on the third reading of this bill?

Mr. LAFORE. Mr. Speaker, I voted with the prevailing side.

The SPEAKER. How did the gentleman from Montgomery, Mr. Willaredt vote on the third reading of this bill?

Mr. WILLAREDT. Mr. Speaker, I voted with the prevailing side.

On the queston,

Will the House agree to the motion?

It was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. LAFORE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Section 6, Subsection (A) of Section 1206, page

13, line 12 by striking out at the end of the line the words "every magistrate"

Amend Section 6, Subsection (A) of Section 1206, page 13, by striking out all of lines 13 to 19 inclusive

Amend Section 6, Subsection (A) of Section 1206, page 14, by striking out lines 1 and 2

Amend Section 6, Subsection (A) of Section 1206, page 14 by striking out the words "of any of the provisions of this act but"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

HOUSE BILLS Nos. 7, 297, 889 and 1217 MADE SPECIAL ORDERS

Mr. READINGER. Mr. Speaker, I move that House Bill No. 7, Printer's No. 1466, House Bill No. 297, Printer's No. 1467 on page 8, House Bill No. 889 Printer's No. 1468 on page 9 and House Bill No. 1217, Printer's No. 1469 on page 10 of today's calendar, bills on third reading, be made a special order of business immediately.

The motion was agreed to.

The SPEAKER. Th Chair lays before the House the first bill on special order fixed for this time, being House Bill No. 7.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 7, as follows:

An Act to provide for an additional law judge of the court of common pleas in the nineteenth judicial district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the judges provided for in the act approved the eighth day of January one thousand nine hundred fifty-two (P. L. 1844) entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said districts" an additional law judge is hereby authorized and provided for the court of common pleas of the nineteenth judicial district who shall possess the same qualifications which are required by the Constitution and laws for the president judge of the court of common pleas of said district and who shall hold his office for a like term and by the same tenure and shall have the same power authority and jurisdiction and shall be subject to the same duties restrictions and penalties and shall receive the same compensation provided for by law for judges learned in the law as if the same office had been established in the time of and subject to the provisions of the act approved the fifth day of January one thousand nine hundred fifty-two (P. L. 1821) entitled "An act to fix the salaries and compensation of the judges of the Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County certain associate judges not learned in the law and repealing certain acts inconsistent herewith"

Section 2 At the municipal election in November one thousand nine hundred fifty-seven the qualified electors of the said nineteenth judicial district shall elect in the same manner prescribed by law for the election of the president judge of the court of common pleas of said district a competent person learned in the law to serve as said additional law judge of the court of common pleas of said nineteenth judicial district from the first Monday in January one thousand nine hundred fifty-eight for a term of ten years Vacancies in the office hereby created whether caused by death resignation expiration of term or otherwise shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge of said court

Section 3 The Governor is hereby authorized to appoint a competent person learned in the law as such additional law judge of the court of common pleas of the said nineteenth judicial district to serve until the first Monday of January one thousand nine hundred fifty-eight

Section 4 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—130

Adam,	Frascella,	Mahan,	Rovansek,
Amarando,	Gaffney,	Maxwell,	Rudisill,
Anderson, M. S.,	Gelfand,	McCann,	Sarraf,
Anderson, S. A.,	Gramlich,	McCormack,	Scarcelli,
Barnatovich,	Greenwood,	McGee,	Schuster,
Bazin,	Guss,	McKeever,	Sherman,
Boles,	Guthrie,	McLaughlin,	Smith, Wm. B.,
Bonner,	Hamilton, R. K.,	McWherter,	Snider,
Boory,	Hass,	Meholchick,	Stank,
Branca,	Helm,	Mihm,	Stebbins,
Breisch,	Henzel,	Mikula,	Stephens,
Brennan, A. P.,	Holt,	Mills,	Stone,
Brennan, J. J.,	Isaacs,	Monroe,	Stroup,
Brenninger,	Johnson,	Muldowney,	Swartz,
Breth,	Jones, G. E.,	Munley,	Taylor,
Capano,	Jones, T. H. W.,	Musto,	Thomas,
Cianfrani,	Jump,	Needham,	Thompson,
Cioffi,	Kamyk,	Olsen,	Toll,
Cochran,	Keller,	O'Neil,	Varner,
Curwood,	Kolankiewicz,	Pacchioli,	Verona,
Davis,	Kooker,	Parry,	Wallace,
Donahue,	Kornick,	Pashley,	Wargo,
Dougherty,	Kratz,	Paulhamus,	Welsh,
Down,	Kromer,	Petrosky,	Wheeler,
Ehrgood,	Lafore,	Pettigrew,	Whitenight,
Eilberg,	Leiby,	Polaski,	Willaredt,
Ewing,	Leonard,	Polen,	Williams,
Farabaugh,	Leven,	Pomeroy,	Yetter,
Filo,	Limper,	Price,	Yetzer,
Fineman,	Lippincott,	Readinger,	Young,
Flint,	Lopresti,	Reibman,	Andrews,
Floyd,	Lovett,	Reidenbach,	Speaker
Frank,	Lutty,	Renwick,	

NAYS—48

Agnew,	Goldstein,	Metz,	Steckel,
Ashton,	Haudenshield,	Miller,	Stevenson,
Banker,	Hewitt,	Moody,	Stoner,
Bell,	Horst,	Moscrip,	Strausser,
Blair,	Houk,	Murphy,	Tompkins,
Bower,	Kehler,	Murray, H. P.,	Toomey,
Brown,	Kent,	Murray, P. G.,	Wall,
Erb,	Knecht,	Naugle,	Waterhouse,
Eshleman,	Leisey,	Ogilvie,	Weidner,
Frost,	Light,	Pursley,	Wescott,
Garlock,	Markley,	Royer,	Wood,
Gibson,	McInroy,	Smith, C. C.,	Worley,

NOT VOTING—29

Auker,	Flynn,	Kline,	Rosen,
Bucchin,	Foster,	Lawyer,	Rubin,
Bullen,	George,	Magee,	Sigman,
Comer,	Gibb,	Moran,	Varallo,
Connelly,	Heavey,	Mullen,	Vaughan,
Cooper,	Hocker,	Murray, J. J.,	Walsh,
Donaldson,	Jenkins,	Rigby,	Wilt,
			Ziegler,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair lays before the House the next bill on special order fixed for this time, being House Bill No. 297.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 297, as follows:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number eight and providing for the appointment and election of judges for the court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There is established in the County of Philadelphia a distinct and separate courts of common pleas to be designated court of common pleas number eight of Philadelphia County composed of three judges learned in the law who shall hold office for the same term and with like powers duties authority and compensation and with like and equal constitution and coordinate jurisdiction with courts of common pleas number one two three four five six and seven of the county and the judges thereof respectively

Section 2 In addition to the judges provided for in the act of January 8, 1952 (P. L. 1844) entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution and to provide for the election and commissioning of judges learned in the law for the said districts" three judges of the court of common pleas number eight of Philadelphia County learned in the law shall be elected by the qualified electors of the county at the next municipal election in November 1957 and the three candidates who then receive the highest vote shall be declared elected one of the judges to be designated as required by the Constitution of the Commonwealth shall be president judge of the court The judges shall be duly commissioned as judges aforesaid and shall enter upon the discharge of their duties respectively on the first Monday of January next following their election The sucessors of said judges respectively shall be elected or appointed as required by law

Section 3 The Governor is authorized to appoint three competent persons learned in the law as judges of the court until the first Monday of January succeeding the next municipal election one of whom shall be designated as president judge for the court that period

Section 4 This act shall take effect immediately.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TOMPKINS. Mr. Speaker, I would like to interrogate one of the sponsors of the bill.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Toll, volunteer? Does the gentleman from Philadelphia, Mr. Toll, consent to be interrogated?

Mr. TOLL. I shall, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, I would like to know how many additional judges this bill provides for?

Mr TOLL. Mr. Speaker, this provides for one court containing three additional judges of the court of common pleas.

Mr. TOMPKINS. This is the common pleas court in Philadelphia, is that right, Mr. Speaker?

Mr. TOLL. That is right, Mr. Speaker.

Mr. TOMPKINS. It means three additional judges, Mr. Speaker?

Mr. TOLL. That is right, Mr. Speaker.

Mr. TOMPKINS. What is the necessity for three additional judges in common pleas in Philadelphia at the present time, may I inquire?

Mr. TOLL. Mr. Speaker, since 1948, and running from 1948 to 1954, we have had a considerable increase in the number of cases on our dockets. I attended a meeting of the Legislative Committee of the Philadelphia Bar Association last Thursday and I think the increase in the statistics they had showed that there was a jump from 3,800 to 5,900, about 2,100 more cases.

In addition to that, our common pleas judges sit in the court of quarter sessions and the court of oyer and terminer. We have had to obtain gypsy judges, those who come from other counties, to the total of 177 working days in 1955.

I have a considerable number of statistics, if the Members of the Assembly would like to hear them, which show that Philadelphia really needs an additional common pleas court No. 8. As a matter of fact, in the 1953 session such a bill went through.

POINT OF ORDER

Mr. BELL. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BELL. Mr Speaker, is the gentleman from Philadelphia in order by calling judges from counties other than Philadelphia "gypsy judges?"

The SPEAKER. The Chair has recently termed them so and would rule that the gentleman is in order.

Mr. TOMPKINS. Mr. Speaker, I should like to inquire what is the annual salary for common pleas judges in Philadelphia?

Mr. TOLL. Mr. Speaker, I want to say that the use of the word "gypsy" was an affectionate term, it was not spoken in any derisive sense.

I also want to say that the salary of a common pleas judge in Philadelphia is $18,500.

Mr. TOMPKINS. Then these three additional judges could cost us about $55,500 a year extra, is that right? Mr. Speaker?

Mr. TOLL. That is right, Mr. Speaker.

Mr. TOMPKINS. How much would the additional office space cost for the housing of this additional court in Philadelphia?

Mr. TOLL. Mr. Speaker, the additional cost of office space is not a charge upon the Commonwealth, it is borne by the County of Philadelphia.

Mr. TOMPKINS. May I not inquire as to what it costs, whether it comes from Philadelphia or the Commonwealth, Mr. Speaker?

Mr. TOLL. Mr. Speaker, I do not know the exact cost, but I merely wanted to point out that it is not going to cost the Commonwealth any money.

Mr. TOMPKINS. Mr. Speaker, could I get some indication as to how much the additional office space will cost?

Mr. TOLL. Mr. Speaker, it is a matter of providing space in our City Hall or in our new building, the Municipal Court Building, if they are willing to accommodate

these judges. Perhaps it might require additional space in one of the buildings surrounding our City Hall, but I do not know what the cost would be.

Mr. TOMPKINS. How much does the gentleman suppose it might cost the County of Philadelphia for the additional quarters and staff necessary for three additional judges, Mr. Speaker?

Mr. TOLL. Mr. Speaker, a court tipstaff gets about $4,000, a crier gets about the same money, and a secretary. The janitors are already on hand to clean the place.

Mr. TOMPKINS. Is that all the cost that is involved, Mr. Speaker?

Mr. TOLL. Each judge is entitled to a secretary and there would be two court rooms for a common pleas court, so that would require a crier and a tipstaff. A court clerk would be required, his salary is about $5,000 or $6,000 Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, is that $5,000 or $6,000 apiece or the combined total for the three?

Mr. TOLL. No, the salaries in Philadelphia run about $5,000 or $6,000 for a court clerk, Mr. Speaker.

Mr. TOMPKINS. I would like to phrase the question in this way, Mr. Speaker. I believe in 1951 the gentleman from Philadelphia made a statement in connection with the additional cost for three judges in Philadelphia that it would cost the city of Philadelphia at that time, I believe it was, or the County of Philadelphia, a matter of $350,000 a year extra to staff and house an additional three judges. Does the gentleman from Philadelphia state it would still cost that amount, or how much more?

Mr. TOLL. I do not recall that I made such a statement, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, the Legislative Journal of 1951, page 6363, states, "The budget of Philadelphia for the present municipal court is nearly a million and a half. If you add three more judges you are adding twenty-five per cent to the amount of the bill, which is another $350,000." Does the gentleman still say it costs that amount?

Mr. TOLL. Mr. Speaker, that was an estimate of an increase of our municipal court at that time by a quarter of the cost of the municipal court.

Mr. TOMPKINS. I beg to disagre with the gentleman, but if three additional judges, the number that is involved here today—

Mr. TOLL. Mr. Speaker, may I point out that there is quite a substantial difference between the Municipal Court and the common pleas court. The Municipal Court estimate undoubtedly included the matter of handling juvenile cases, domestic relations cases, fornication and bastardy cases and support matters and involved a complete staff of probationary officers. That is a distinct court in the city of Philadelphia and involves a lot of services in addition to those which are handled by a common pleas court. This bill involves only a common pleas court.

Mr. TOMPKINS. Can I not get a commitment of some kind out of the gentleman? I do not care how wild his guess is, Mr. Speaker, as to how much the additional cost per year will be to the county or city of Philadelphia for three additional common pleas judges.

Mr. TOLL. Mr. Speaker, the question by the gentleman from Cameron is unwarranted. I am not given to making wild guesses and he is not justified in asking me such a question.

The SPEAKER. Will the gentleman from Cameron address his questions through the Chair?

Mr. TOMPKINS. I will, Mr. Speaker.

Mr. Speaker, I should like to inquire of the gentleman from Philadelphia how much more it will cost the County of Philadelphia to house and staff three additional common pleas court judges in the County of Philadelphia?

Mr. TOLL. Mr. Speaker, I do not know the figures. It is possible that the county will be able to secure space in the building for the new courts, because some of the rooms are large enough to hold courts, and City Hill is owned by the city of Philadelphia. So it will not be a question of rental, it will only a question of furnishing the rooms. As far as the staffs are concerned, I gave the gentleman, Mr. Speaker, the figure of two criers, one clerk, one assistant clerk, three secretaries and, say, three tipstaves. That would be probably about $50,000, or less, a year. The janitor is a part of the regular service.

Mr. TOMPKINS. Mr. Speaker, you would not need the janitor if you did not have to have the additional space to house the judges, would you?

Mr. TOLL. Mr. Speaker, we have a uniform system in the city today whereby our janitors now clean the entire building. They are not especially assigned to any particular court.

Mr. TOMPKINS. Mr. Speaker, the gentleman says it would run about $50,000 additional per year to staff these three additional judges with personnel.

Mr. TOLL. With personnel, Mr. Speaker, that is right.

Mr. TOMPKINS. How about the cost of the housing, Mr. Speaker?

Mr. TOLL. Mr. Speaker, I answered that question. I am not aware that it would cost very much because the city of Philadelphia owns our municipal building and it is a matter of moving some of the offices around. It is just a matter of fixing up the furniture in the rooms, the walls and the painting.

Mr. TOMPKINS. Mr. Speaker, I would like to inquire, is there space at the present time to house an additional three judges? Mr. Speaker, in 1951 the gentleman said they did not know where they would house three additional municipal court judges. I think it is certainly a pertinent inquiry to find out where he intends to house three additional common pleas—

Mr. TOLL. Mr. Speaker, I can answer that. In 1952 a new Democratic administration took over in the city of Philadelphia and cleaned up the City Hall, did a remarkable job, consolidated the various offices that were there, moved them into proper space, and today we have a great deal more room than we had in 1951.

Mr. TOMPKINS. Mr. Speaker, I would like to ask a couple more questions. The gentleman may nor may not be able to answer.

I would like to ask this question: In the interim between 1951 and 1953 I was a member of the subcommittee of the Joint State Government Commission studying decedent's estates. During the course of those hearings it was recommended by the advisory group to the subcommittee that the jurisdiction over incompetents' estates be transferred from the common pleas courts in the state to the orphans' courts in the state.

When that recommendation was made, the board of judges of the common pleas court of Philadelphia made a special effort to contact our Committee to object most

strenuously to any transfer of incompetents' estates from the common pleas courts to the orphans' court, particularly in Philadelphia, accompanying their plea with a statement to the effect that should the jurisdiction of incompetents' estates be taken away from the common pleas courts they would not have enough work in the city of Philadelphia to justify one-half of the Judges they then had.

Mr. TOLL. Mr. Speaker, may I answer that and say that is an unwarrranted statement.

I was not a member of the subcommittee on decedents' estates laws in 1951 to 1953, I am a member of that committee now. I have also looked into the question and that is not so, that the common pleas judges would lose any quantity of business.

The amount of business involving incompetents' estates is very small. As a matter of fact, it is a very good legal question as to whether it is advisable for the orphans' court to handle that business or for the common pleas court to handle the business.

That business has been in the common pleas courts for many years. As a matter of fact, that question can be resolved when the Joint State Government Commission takes its survey under Resolution No. 62—

Mr. TOMPKINS. Mr. Speaker, I am not debating the merits of whether or not the transfer should be made.

The SPEAKER. The Chair has allowed wide latitude in the matter of inquiry and the Chair must award an equally wide latitude in what the gentleman desires to say in reply.

Mr. TOLL. May I say this, that Resolution No. 62 was passed by this House some months ago, and it is probably going to go through, for a study by the Joint State Government Commission to decide these procedural questions as to what courts should handle what business. Until that has been decided and until adequate figures are obtained, this particular question as to whether the orhpans' court or the common pleas court should handle incompetents' estates, is just a matter for debate. Just because the orphans' court judges, who are members of the subcommittee on the decedents' estates laws, decided they would like to have the business does not mean the common pleas court judges should give it up.

Mr. TOMPKINS. Mr. Speaker, I am not debating the merits or demerits of whether the orphans' court or the common pleas should have jurisdiction of incompetents' estates. I merely raised the issue that when that question came up the common pleas court, the board of common pleas judges, in Philadelphia came to this committee and pleaded with us not to transfer it because in effect it would ruin the common pleas court in Philadelphia.

I make that as a statement and not as a question to the gentleman from Philadelphia.

The SPEAKER. Is the gentleman from Cameron debating the bill or continuing the inquiry?

Mr. TOMPKINS. I thank the gentleman from Philadelphia.

Now I want to get back on the track as to whether we need three additional judges in Philadelphia and not the question of whether they should have jurisdiction of certain issues.

Mr. Speaker, the statement I just made I made from the standpoint of having personally been present at the time the representative of the common plaes courts in Philadelphia approached that committee.

I will further make this statement, that in 1953 when this very issue was up there was a public hearing held before a committee in the Senate of this state on this very issue, and the same plea by the common pleas courts in Philadelphia was made at that time, not to take this business away from them, that to do so would reduce their work load to the extent that they could not justify the number of judges they had in Philadelphia.

The only thing I am raising is this, the gentleman admits the salaries of these judges are paid by the Commonwealth of Pennsylvania. The costs of their quarters and their staffing is paid by the County of Philadelphia.

I would merely like to read back to him what he said in 1951 in connection with the cost of putting additional judges on in Philadelphia. Page 6363 of the Legislative Journal of 1951:

> "Now let me add this final word. The Judges of the Municipal Court of Philadelphia are paid by State funds. If you increase the Judges of the Municipal Court of Philadelphia from two to three you are putting yourself in a position where you are asking your constitutents"—and he was talking to all the Members of the House with reference to their constituents in the state of Pennsylvania—"you are asking your constituents in your towns and your boroughs to pay for a Judge for the next ten years, to pay his salary with your taxpayers money for a city that does not need three Judges and does not want three Judges."

That applies now if it ever applied.

Mr. FLINT. Mr. Speaker, I would like to interrogate the gentleman from Cameron, Mr. Tompkins.

The SPEAKER. Will the gentleman from Cameron, Mr. Tompkins, permit himself to be interrogated?

Mr. TOMPKINS. I shall, Mr. Speaker.

Mr. FLINT. Mr. Speaker, can the gentleman tell me the total population of the 59th Judicial District of Pennsylvania?

Mr. TOMPKINS. That is the 59th Judicial District?

Mr. FLINT. The gentleman is asked, Mr. Speaker, the total population of that Judicial District.

Mr. TOMPKINS. 45,000.

Mr. FLINT. Mr. Speaker, the decennial census figures are 41,526.

Mr. Speaker, does the gentleman know the average population to be served by the present number of judges, common pleas, or orphans' court, or municipal, in the County and city of Philadelphia?

Mr. TOMPKINS. In the neighborhood of 2,000,000, I should judge.

Mr. FLINT. Average per judge, Mr. Speaker?

Mr. TOMPKINS. I do not know how many judges they have altogether down there.

Mr. FLINT. According to my arithmetic, it is 49,000 per judge. Under the proposed addition it would be 46,000.

Mr. Speaker, it must be agreed by lawers that the volume of litigation increases with the increase of population geometrically rather than arithmetically.

Coming from one of the smallest judicial districts of Pennsylvania, as a practicing lawyer I have to be grateful for the accessability of judges. It is something to go

and get your order signed, and get it signed quickly and to put your case down on the calendar and not have to wait for ever and ever. I have understood that is the situation in Philadelphia.

For one I would be moved to give them the greater advantage some of us in the smaller judicial districts enjoy.

The people of Potter County, although relatively few in number are proud that their County has constituted a separate judicial district for many years. The court house at Coudersport has been a seat of justice since the year 1814. The people of our county do not apply dollars and cents as the sole standard of the value of easy access to their courts.

By having a separate judicial district in our county the people of that area are served by their own highly respected judge. For one, I would oppose to the utmost any move toward judicial reapportionment adverse to Potter County in this respect.

The gentleman from Cameron, Mr. Tompkins, has stated that it commonly takes nine months for litigants in his own 59th Judicial District to have their nisi prius cases brought to trial. If this is true, it would be my impression that this is because the volume of cases for trial by jury is so small in the gentleman's county that traverse juries are not even called at every term of court. In fact, many terms are passed in small counties without issuing venires for either traverse or grand juries, simply because the number and importance of pending cases to be heard would not justify the expense of summoning the panel.

Mention was made in debate on H. B. 297 of Pennsylvania judges who are called from the counties in which they regularly hold their commissions to preside in courts of other counties. In this connection I would advise the House that litigants and lawyers of Pennsylvania are fortunate who may have the benefit of the services of the distinguished and learned president judge of our own Pennsylvania 55th Judicial District, which comprises the County of Potter. The parties to suits at which he presides will find in him, when the responsibilities to his own district permit him to perform judicial duties outside of Potter County, all the good qualities becoming to the high office he holds.

Mr. TOMPKINS. I should like to interrogate the gentleman from Potter, Mr. Flint.

The SPEAKER. Will the gentleman from Potter, Mr. Flint, permit himself to be interrogated?

Mr. FLINT. I shall, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, do I understand the gentleman's interrogation to be that in my judicial district with a population of 41,000 we have one judge? Is that right?

Mr. FLINT. That is right, Mr. Speaker.

Mr. TOMPKINS. And that with the number of judges they have in Philadelphia and their population they have one judge for 49,000?

Mr. FLINT. The proportion of judges to people would be less in the gentleman's judicial district than in Philadelphia County.

Mr. TOMPKINS. May I inquire how many counties his judicial district covers?

Mr. FLINT. One county, as the gentleman knows, Mr. Speaker.

Mr. TOMPKINS. That is Potter County?

Mr. FLINT. That is right.

Mr. TOMPKINS. What is the population of Potter County?

Mr. FLINT. 16,810.

Mr. TOMPKINS. 16,810. I thank the gentleman.

Mr. TOLL. Mr. Speaker, it has been nearly twenty years since Philadelphia has had an increase in its common pleas courts. In 1937 our common pleas courts, which then numbered five were increased to seven. No. 6 and No. 7 were added, which meant six additional judges for the common pleas courts.

There are thirty-seven lawyers in the House and it might be that the other Members of the House do not know what a common pleas court is. It is the constitutional court which handles cases in Philadelphia involving civil matters over $2,500, involving the court of quarter sessions activities, involving criminal cases, handling divorce cases, handling suits in the millions, handling real estate matters. These courts are manned day in and day out in the biggest city in the Commonwealth, a great industrial and metropolitan center. It may be that people live in surrounding areas, but if they have factories and businesses in Philadelphia they bring their suits there and they want their cases disposed of just as the gentleman from Potter explained. It now takes approximately from ten months to one year to have a matter heard. In the meantime the business people of that area are waiting.

You can realize the importance to the city of another common pleas court, which is now requested after a twenty year lapse. You can realize it is very, very important.

The gentleman explained what I said in 1951, and I can tell you in that year the same administration which had run Philadelphia practically from the Civil War was still in office. The municipal court, which was then involved, was handling matters in such a manner that it seemed to me it was absolutely unnecessary to add more judges to the system as it then existed.

But you all know that another story has been written since 1951. You have all heard of the Clark administration—as a matter of fact, he is now a candidate for the Senate—and you all know what great reform has taken place in Philadelphia. The story today is different from that which it was in 1951.

You can easily see why a city as large as Philadelphia, which is either the third or fourth largest in the whole nation, would need another common pleas court consisting of three judges, and I ask you to support the bill.

Mr. TOMPKINS. Mr. Speaker, I should like to interrogate the gentleman from Philadelphia on just one other point and I will be done.

The SPEAKER. Will the gentleman from Phildelphia, Mr. Toll, permit himself to be interrogated?

Mr. TOLL. I shall, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, I should like to ask the gentleman from Philadelphia how many Members of the House of Representatives were from Philadelphia County in the 1953 session?

Mr. TOLL. Forty-one.

Mr. TOMPKINS. Mr. SPEAKER, I should like to inquire of the gentleman how many Members of the House

of Representatives there are from Philadelphia in the 1955 session?

Mr. TOLL. Thirty-nine, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, I would like to observe that the population of Philadelphia in the redistricting in 1953 dropped to an extent that two Members of this House were dropped. That number is going down. I do not know why we should increase the judicial members.

Mr. BELL. Mr. Speaker, I would like to ask the gentleman from Philadelphia one very brief question.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Toll, permit himself to be further interrogated?

Mr. TOLL. I shall, Mr. Speaker.

Mr. BELL. Mr. Speaker, one of the leaders of this House has always impressed me with his statement, "Let's be fair." I want Mr. Toll to be fair in answering this question. The gentleman you mentioned on the floor of this House a number of times your fellow statesman from Philadelphia. Was your position in 1951, or 1953, whenever it was, perhaps influenced by the fact there was a Republican Governor and now you have a Democrat Governor? Now, let us be fair, Mr. Toll.

POINT OF ORDER

Mr. McCORMACK. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. McCormack. Mr. Speaker, it is not in order for anyone in this House to question the motives of another Member of the House in pending legislation.

The SPEAKER. The point of order is well taken.

Mr. FINEMAN. Yes, Mr. Speaker, I would like to interrogate the gentleman from Cameron, Mr. Tompkins.

The SPEAKER. Will the gentleman from Cameron permit himself to be interrogated?

Mr. TOMPKINS. I shall, Mr. Speaker.

Mr. FINEMAN. Mr. Speaker, did I understand the gentleman from Cameron to state that his population is 49,000?

Mr. TOMPKINS. No, I did not state that. I said the population of my district was 45,000 and I believe the gentleman from Potter said it was close to 42,000.

Mr. FINEMAN. Will the gentleman tell me the number of common pleas court judges that Comeron County has?

Mr. TOMPKINS. One.

Mr. FINEMAN. One common court pleas judge serving the needs of 45,000 population, is that correct?

Mr. TOMPKINS. That is right, plus the juvenile courts. He serves all of the courts, he is the orphans' court judge, the municipal court judge, the juvenile judge, the common plea judge, the court of oyer and terminer, and what have you.

Mr. FINEMAN. We are just talking about common pleas court judges for the moment. Will the gentleman tell me the average length of time which passes between the date a case is ordered down for trial and the date that case comes up for actual hearing in Cameron County?

Mr. TOMPKINS. On the average, I should say, about nine months to a year.

Mr. FINEMAN. If the population in Cameron County were to jump to 100,000, would the gentleman be under the impression, or would he be of the opinion, that that single common pleas court judge could service the needs of a population of that size?

Mr. TOMPKINS. No, I would not.

Mr. FINEMAN. Would the gentleman have any objection to an additional common pleas court judge even though it meant an additional expenditure of possibly $18,500 a year for the salary of that judge?

Mr. TOMPKINS. Mr. Speaker, if we had the population to justify it, yes, but he is asking hypothetical questions.

Mr. FINEMAN. I take it from the gentleman's answer, then, if there were such a population of 100,000 the gentleman would have no objection to increasing the number of common pleas court judges in Cameron County?

Mr. TOMPKINS. If the population was there on that basis, yes, but you do not have that same situation there in Philadelphia.

Mr. FINEMAN. The gentleman admitted before, I believe, there was a population in the metropolitan Philadelphia area of some two million people. Is that correct?

Mr. TOMPKINS. That was merely an estimate there, I do not have the 1950 census before me.

Mr. FINEMAN. I think it is a matter of common knowledge that there is a population of two million people being served by the present composition of the common pleas courts in Philadelphia. There are seven common pleas courts in Philadelphia County, each court having three judges, or a total of twenty-one judges. The twenty-one judges service the needs of the two million people of Philadelphia in the areas or jurisdictions which are given to them by our statutes. They have most of the time sole jurisdiction in these matters. That means they are serving, twenty-one judges——

The SPEAKER. The Chair would recognize the gentleman from Philadelphia if he desires to discuss the question. He is hardly interrogating the gentleman.

Mr. FINEMAN. I will thank the gentleman from Cameron and ask permission of the House to make a brief statement.

Mr. FINEMAN. Mr. Speaker, the twenty-one judges in Philadelphia County are servicing the needs of two million people, that means an average of 100,000 per judge.

The gentleman from Cameron stated that if his county presented a situation where there was 100,000 population, he himself would have no objection to increasing the number of common pleas court judges. I am wondering what the basis of his objection to increasing the number of common pleas courts in Philadelphia County is?

Mr. TOMPKINS. Mr. Speaker, I should like to interrogate the gentleman from Philadelphia, Mr. Fineman.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Fineman, permit himself to be interrogated?

Mr. FINEMAN. I shall, Mr. Speaker.

Mr. TOMPKINS. Mr. Speaker, does the gentleman from Philadelphia state that they presently have twenty-one common pleas judges??

Mr. FINEMAN. That is right.

Mr. TOMPKINS. How many orphans' court judges do you have?

Mr. FINEMAN. We have one orphans' court with, I believe, seven judges. However, the matters that the orphans' court handles cannot be handled by the common pleas court judges.

Mr. TOMPKINS. I did not ask the gentleman that. I ask him how many orphans' court judges they had?

Mr. FINEMAN. Seven. Your question is not germane to the matter that is before us right now.

May I state to the gentleman in reply that no matter how many additional judges we have in municipal court or orphans' court, they do not service the needs of the people of Philadelphia in the area in which the courts of common pleas service the needs of those people.

Mr. TOMPKINS. Does the gentleman from Philadelphia care to answer my question, Mr. Speaker, as to how many orphans' court judges there are?

Mr. FINEMAN. I believe I did answer the question.

Mr. TOMPKINS. How many?

Mr. FINEMAN. Six judges.

Mr. TOMPKINS. How many municipal court judges do you have?

Mr. FINEMAN. We have approximately thirty municipal court judges.

Mr. TOMPKINS. Am I to understand there is a total of about fifty-seven judges servicing Philadelphia?

Mr. FINEMAN. My information on the number of municipal court judges may be in error. However, I again remind the gentleman that the judges of municipal court and the judges of orphans' court do not have jurisdiction over the same matters as do the judges of common pleas court. The bill that is before the House now is a bill increasing the number of common pleas court judges only.

Mr. TOMPKINS. Mr. Speaker, I thank the gentleman from Philadelphia.

If I may address the House a minute to bring this analogy where it belongs, I wish to point out to the gentleman from Philadelphia and the Members of this House that the work which the judge in my district does for 41,000 people takes in the work which the common pleas judges in Philadelphia perform, the work which the orphans' court judges in Philadelphia perform and the work which the municipal court judges in Philadelphia perform. So in order to get this down to the proper basis of analogy, let us take your fifty-seven judges and divide it into your two million and you will find you have just as many judges serving the needs of Philadelphia as we have serving our 59th Judicial District.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—90

Adam,	Frank,	Meholchick,	Sarraf,
Amarando,	Frascella,	Mihm,	Scarcelli,
Anderson, M. S.,	Gaffney,	Monroe,	Schuster,
Anderson, S. A.,	Gelfand,	Muldowney,	Sherman,
Barnatovich,	Guss,	Munley,	Smith, Wm. B.,
Bazin,	Hamilton, R. K.,	Murray, J. J.,	Snider,
Boies,	Hass,	Musto,	Stank,
Bonner,	Holt,	Needham,	Stebbins,
Boory,	Jones, G. E.,	Olsen,	Stone,
Branca,	Kamyk,	O'Neil,	Swarts,
Brennan, A. P.,	Kornick,	Pacchioli,	Taylor,
Brennan, J. J.,	Leiby,	Pashley,	Thomas,
Breth,	Leonard,	Paulhamus,	Varallo,
Capano,	Leven,	Petrosky,	Verona,
Cianfrani,	Limper,	Pettigrew,	Wallace,
Cioffi,	Lopresti,	Polaski,	Wargo,
Cochran,	Lovett,	Polen,	Welsh,
Curwood,	Lutty,	Pomeroy,	Wheeler,
Dougherty,	McCann,	Readinger,	Whitenight,
Ellberg,	McCormack,	Reibman,	Williams,
Farabaugh,	McGee,	Reidenbach,	Yetter,
Filo,	McKeever,	Renwick,	Yetzer,
Flint,	McLaughlin,	Rovansek,	Andrews,
Floyd,	McWherter,	Rudisill,	Speaker

NAYS—80

Agnew,	Gramlich,	Kromer,	Smith, C. C.,
Ashton,	Greenwood,	Lafore,	Steckel,
Banker,	Guthrie,	Leisey,	Stephens,
Bell,	Haudenshield,	Light,	Stevenson,
Blair,	Helm,	Lippincott,	Stoner,
Bower,	Henzel,	Mahan,	Stroup,
Breisch,	Hocker,	Markley,	Thompson,
Brenninger,	Horst,	McInroy,	Toll,
Brown,	Houk,	Metz,	Tompkins,
Bullen,	Isaacs,	Mikula,	Toomey,
Cooper,	Johnson,	Miller,	Varner,
Donahue,	Jump,	Moody,	Vaughan,
Down,	Kehler,	Moscrip,	Wall,
Ehrgood,	Keller,	Murphy,	Waterhouse,
Erb,	Kent,	Murray, H. P.,	Weidner,
Ewing,	Kline,	Naugle,	Wescott,
Fineman,	Knecht,	Ogilvie,	Willaredt,
Frost,	Kolankiewicz,	Parry,	Wood,
Garlock,	Kooker,	Price,	Worley,
Goldstein,	Kratz,	Pursley,	Young,

NOT VOTING—32

Auker,	Foster,	Lawyer,	Rosen,
Bucchin,	George,	Magee,	Royer,
Comer,	Gibb,	Maxwell,	Rubin,
Connelly,	Gibson,	Mills,	Sigman,
Davis,	Heavey,	Moran,	Strausser,
Donaldson,	Hewitt,	Mullen,	Walsh,
Eshleman,	Jenkins,	Murray, P. G.,	Wilt,
Flynn,	Jones, T. H. W.,	Rigby,	Ziegler,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

(During the calling of the roll).

Mr. CHARLES C. SMITH. Mr. Speaker, we are taking a count of the roll call and the Clerk is going entirely too fast to count. We cannot even hear the names over there. We do not want to verify rolls and get a lot of unnecessary names. I wish the Clerk would repeat when he does not hear the names on the Democratic side as well as the Republican side.

The SPEAKER. Where does the gentleman desire that the Clerk begin again calling the roll?

Mr. CHARLES C. SMITH. Let him start at the beginning, Mr. Speaker.

The SPEAKER. The Clerk will resume the roll call at the beginning. Members will answer distinctly to their names.

The SPEAKER. The Chair lays before the House the next bill on special order fixed for this time, being House Bill No. 889.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 889, entitled:

An Act providing for an additional law judge of the court of common pleas in the thirty-eighth judicial district.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

The SPEAKER. The Chair lays before the House the next bill on special order fixed for this time, being House Bill No. 1217.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1217, entitled:

An Act amending the act of July 12, 1913 (P. L. 711) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" increasing the number of judges of the Municipal Court of Philadelphia.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the third reading postponed calendar.

The motion was agreed to.

RECESS

The SPEAKER. At the request of the respective Floor Leaders the Chair declares a recess until 2:00 o'clock. Following the recess there will be a quorum call. The Chair hears no objection and a recess is declared.

AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER (Hiram G. Andrews) in the Chair.

COMMUNICATIONS FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 244, 245, 246, 247, 698, 1174, 1319 and 1693.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 244, Printer's No. 1405, entitled "An Act amending the act of June 28, 1951 (P. L. 638) entitled 'An act relating to the jurisdiction powers and duties of registers of wills and regulating proceedings before them and the costs thereof the effects of their acts and appeals therefrom' providing for the fixing of costs where there are separate orphans' courts."

GEORGE M. LEADER.

March 20, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 245, Printer's No. 1406, entitled "An Act amending the act of August 21, 1953 (P. L. 1309) entitled 'An act prescribing the fees to be received by registers of wills in counties of the fourth fifth sixth seventh and eighth class' eliminating counties of the fourth class."

GEORGE M. LEADER.

March 20, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 246, Printer's No. 1407, entilted "An Act amending the act of August 21, 1953 (P. L. 1306) entitled 'An act prescribing the fees to be received by the clerks of orphans' courts of counties of the fourth class."

GEORGE M. LEADER.

March 20, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 247, Printer's No. 1408, entitled "An Act amending the act of August 10, 1951 (P. L. 1163) entitled as amended 'An Act relating to the orphans' court conferring exclusive jurisdiction on such courts over the administration and distribution of decedents' estates trust estates minors' estates and absentees' estates conferring concurrent jurisdiction over the administration and distribution of incompetents' estates and the determination of title to real estate in certain cases providing for the organization of orphans' courts the procedure therein the powers and duties of the judge thereof and appeals therefrom' providing for the fixing of costs where there are separate orphans' courts."

GEORGE M. LEADER.

March 20, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 698, Printer's No. 179, entitled "An Act amending the act of June 3, 1937 (P. L. 1333) entitled 'An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections' increasing the compensation of election officers in counties of the first and second classes."

GEORGE M. LEADER.

March 20, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1174, Printer's No. 1431, entitled "An Act amending the act of March 10, 1949 (P. L. 30) entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto' by providing for military leaves of absence for public school employes who are inducted for military service at any time."

GEORGE M. LEADER.

March 20, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1319, Printer's No. 1452, entitled "An Act amending the act of May 1, 1933 (P. L. 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' clarifying the effect of

certain provisions of the act with respect to powers granted by other laws."

GEORGE M. LEADER.

March 20, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1693, Printer's No. 1011, entitled "An Act amending the act of April 9, 1929 (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal School or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' further regulating membership of the State Veterans' Commission."

GEORGE M. LEADER.

QUESTION OF PERSONAL PRIVILEGE

Mr. MOSCRIPT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. MOSCRIP. Mr. Speaker, yesterday on the vote on Senate Bill 249, Printer's No. 611, my colleague, Mr. Pursley, and myself voted under a misapprehension. I ask permission of the House to have this statement of explanation spread upon the Journal.

The SPEAKER. The gentleman will send his statement to the desk and it will be noted in the Journal.

Statement by Mr. Moscrip and Mr. Pursley.

On March 20 Senate Bill No. 249, Printer's No. 611 was passed by the House of Representatives. On the roll call the undersigned Members voted in the negative. This vote was due to a misapprehension and since the roll call was a fast roll call both Members were recorded prior to the discovery of misapprhension. Therefore, this statement is filed to establish upon the record that had the circumstances surrounding the roll call allowed, both of the undersigned would have changed their votes from no to aye.

RECORD CORRECTED

The SPEAKER. Does the gentleman desire to be recognized in order to correct the record?

Mr. FINEMAN. I do, Mr. Speaker.

During the argument in connection with increasing the number of common pleas courts in Philadelphia County it was inadvertently stated by me that there were thirty municipal court judges in Philadelphia. The correct number of municipal court judges is thirteen, being a total number of forty judges altogether, including six orphans' court judges and twenty-one common pleas court judges.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 240.

An Act amending the act of June 27 1923 (P. L. 858) entitled "State Employes' Retirement Law" removing the limitation on the amount of State annuities.

Referred to the Committee on Appropriations.

SENATE BILL No. 590.

An Act amending the act of March 10 1949 (P. L. 30) entitled "Public School Code of 1949" authorizing school directors of districts in a jointure to vote at county convention meetings in the county where the joint school is located.

Referred to the Committee on Education.

SENATE BILL No. 997.

An Act amending the act of June 27 1923 (P. L. 858) entitled "State Employes' Retirement Law" extending the benefits of the act to employes of institutions of political subdivisions acquired by the Commonwealth for use as hospitals or sanatoriums in the care and treatment of indigent persons.

Referred to the Committee on Appropriations.

SENATE BILL No. 1041.

An Act making an appropriation to the Senate committee appointed to investigate and study the reasons for the disapproval of the Allentown State Hospital by the American Psychiatric Association.

Referred to the Committee on Appropriations.

The SPEAKER. Unless the judgement of the Chair is overruled by the House, the Chair notes the presence in the Hall of the House of a quorum.

The Chair hears no objections.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 53

Mr. STRAUSSER. Mr. Speaker, I present the report of the Committee of Conference on House Bill No. 53.

The SPEAKER. The report will lie over for printing under the Rules.

BILLS ON THIRD READING

BILL PASSED OVER

There being no objection,

House Bill No. 452, Printer's No. 1530

was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 454, as follows:

An Act amending the act of April 12 1951 (P. L. 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain

license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" exempting certain clubs from the limitation and quota.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section 461 act of April 12 1951 (P. L. 90) known as the "Liquor Code" is amended to read

Section 461 Limiting Number of Retail Licenses To Be Issued In Each Municipality (a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand inhabitants or fraction thereof in any municipality exclusive of licenses granted to hotels as defined in this section and clubs but at least one such license may be granted in each municipality except in municipalities where the electors have voted against the granting of any retail licenses Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed but where such number exceeds the limitation prescribed by this section no new license except for hotels as defined in this section and clubs shall be granted so long as said limitation is exceeded

* * *

Section 2 This act shall take effect immediately

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. AGNEW. Mr. Speaker, I rise to oppose this bill. The brief title of the bill on our calendar would seem to infer that this bill would merely exempt certain clubs from the municipal quota system. The bill actually exempts all clubs within the Commonwealth from the quota system. It puts all clubs, whether they be veterans organizations, legitimate clubs, or so-called one-man clubs, in the same category as all hotels, which are also exempt from the present quota system.

I believe this bill would have a very adverse affect. It is entirely possible that under this system whereby a club can get a license the state of Pennsylvania would be flooded with many undesirable one-man clubs.

It is true that some very legitimate veterans organizations are denied a license under the present quota system, but if the Members of this House will remember, just last week we passed House Bill 68, which would permit a club to receive a license by the transfer of a restaurant liquor license. That should in time cure almost all the cases whereby a veterans organization is not able to obtain a club liquor license.

For the information of the Members of this House, I would like to repeat one salient statistic. In the State of New York with over 14 million people there are only 900 club liquor licenses. In the state of Pennsylvania with less than 11 million people there are licensed clubs in the number of 4,600. With about three-quarters of the population of New York state, Pennsylvania now have five times as many club licenses.

This bill would just make a bad situation exceedingly worse, and I ask the Members of this House to vote against. it.

Mr. READINGER. Mr. Speaker, I was a Member of the House in 1939 when the quota law was passed and am quite familiar with the confusion that arose during that session as to whether clubs were to be in or out of the quota law.

I was definitely of the opinion and understanding at that time that clubs were not to be included. The bill which came back from the printer was so worded that the courts of Pennsylvania divided twenty-seven to twenty-nine, I think, in trying to figure out whether they were intended to be in or intended to be out. This was finally resolved a few years back when we allowed the Superior Court to have jurisdiction of the matter and make a decision, at which time the Superior Court decided they were in .

During many sessions I have introduced bills to take clubs out of the quota. It has always been my philosophy, and still is. that the answer to this problem is not to limit the number of licenses but to have proper enforcement and a sufficient number of enforcement officers. Then the evils of which the gentleman from Allegheny spoke of a flood of one-man clubs could not happen, because proper enforcement would see that it did not happen.

I am asking you to support this bill today even though I am quite convinced by this time that many presently existing legitimate clubs which have liquor licenses do not want the limitation removed. I think some eight, ten, twelve years ago, perhaps, all clubs believed that there should be no limitation on club licensees. I am convinced today that many club organizations believe that the limitation is a good thing.

Nevertheless, in line with my own philosophy I am going to vote for the bill and I am asking the membership to do likewise.

Mr. McINROY. Mr. Speaker, I would like to interrogate the Majority Leader just a minute.

The SPEAKER. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. McINROY. Mr. Speaker, I would like to ask the Majority Leader what definitions he would give of the two words "legitimate clubs."

Mr. READINGER. Mr. Speaker, the Liquor Code very specificially defines what constitutes a club. It has to be a reputable organization with a primary interest other than the sale of beer, liquor, and so forth. It has to have a board of directors, it has to have regular meetings. I am speaking of any organization which is legitimately organized and incorporated for a legitimate purpose and is actually functioning. I think the law itself defines it as such.

Mr. McINROY. Would the gentleman agree that the word "legitimate" is a pretty broad word?

Mr. READINGER. I would agree that the word "legitimate" just like the word "illegitimate" is a broad word. They are both broad words.

Mr. McINROY. Would the gentleman agree that the purpose of this bill is to practically open wide the doors to a number of clubs that would come into Pennsylvania regardless of population and regardless of the so-called need?

Mr. READINGER. There is no question that if this bill were passed any number of clubs could be created and if they were in existence, incorporated existence, for a

year they would then become eligible to apply for a liquor license. There would be no limit on the number which could be created, but they would have to be legitimate in the sense that they have a proper function which the court would recognize in granting them a charter.

Mr. McINROY. Just a few words, Mr. Speaker.

This is a question, as the Majority Leader has said, which has been before the people of Pennsylvania for a good many years and perhaps this would clarify it.

If this bill is passed, it would mean that in the state of Pennsylvania we literally would have hundreds more clubs that would spring up throughout the state.

I might say if I were to make a statement in regard to it, there might be certain places in the state where veterans clubs, for instance, wish to have licenses and sometimes they are refused because of the quota. It has already been stated by one of my colleagues on this side of the House that they still have the remedy of buying out some other legitimate club or some legitimate business and still keep under the quota.

The question is whether we want to flood the state with hundreds of clubs or whether it is better just the way it is now. I do not see any alternative for myself and I hope the majority of the Assemblymen here on both sides of the House will see fit to vote down this taking the clubs out of the quota, because on the whole I think it would do more harm than it would good.

Again I say I sympathize in a way with some of these service clubs, particularly those that have not being granted a license because the quota is filled. I still think the system we have now is better than it would be if you opened up the quota and left the so-called legitimate clubs come in.

I, too, was trained as a lawyer like some of you and I know that the word "legitimate" can cover a multitude of sins, just like the Majority Leader has said, and the word "illegitimate" can mean several different things, it depends upon how the jury intreprets it.

I think for the benefit of the people of Pennsylvania we will be better off if we keep the laws just the way they are.

Therefore, I am going to ask all of you who feel you can to vote down this bill.

Mr. PETROSKY. Mr. Speaker, I rise at this time in support of the bill that is before us, primarily so because I do not believe it will so greatly increase the number of licensed clubs in the state, but it will remedy a situation that has developed in the last ten years where many new housing developments have been built.

At one time we had large areas of land just outside of the urban centers which were not populated. However, at the present time many of those areas are populated because of the erection of new housing developments. We find that social groups have not been able to procure licenses in those areas inasmuch as they are in a township where there has been an oversubscription of licenses in other given parts of that township.

We find organizations, fraternal, veterans and others, who would like to have a social gathering place, which they are denied because of the inclusion of clubs in the quota law by our appellate court.

I am not afraid of too many licenses being issued, because where there is an over subscription of licenses already competition, the law of supply and demand, takes care of the situation. However, we can by acting favorably on this legislation take care of those areas where we have had an influx of population and have had groups formed that want a place to gather and to meet socially so that they do not have to travel the width and breath of the land in order to enjoy their social pastimes.

Mr. LOPRESTI. Mr. Speaker, I would ask the Members to vote for this bill for a particular reason. Out of World War II came an exclusive World War II veterans organization known as AMVETS. Due to the fact that these AMVETS posts in Pennsylvania were not able to organize and apply for licenses prior to the inclusion of clubs in the quota, this World War II veterans organization has been denied the privilege of having its posts operate in a great many parts of this state.

This organization has been chartered by the Congress of the United States, it has been recognized and they need, at least for a period of a year or two, an open quota so they can establish their veterans organization along with the American Legion and the VFW.

The Veterans of Foreign Wars also find themselves in pretty much the same situation as AMVETS inasmuch as the VFW is open to membership only to those veterans who served on foreign soil. During World War II there were an unlimited number of these individuals, and in the larger communities the VFW was able to establish posts which could get their licenses under the membership created by World War I.

However, with the coming and ending of World War II, the members who became eligible to membership in VFW increased by leaps and bounds so that many small hamlets, many small villages, were then able to sustain a Veterans of Foreign Wars post. However, there again they did not have the time to get their posts properly organized.

This bill would allow the Veterans of Foreign Wars, which is a legitimate veterans organization doing many good things for the veterans as well as for the public at large, and also the AMVETS, which is an exclusive World War II veterans organization, to secure licenses.

I think it is only fair to allow this door to be open for a while at least, in order to permit these two groups to come within the quota.

Mr. LOVETT. Mr. Speaker, as to House Bill 454, dealing with clubs in Pennsylvania, do you recall that when we first passed the quota law clubs were not considered under the quota? In some counties the judges ruled that clubs were not under the quota law, in other counties the judges ruled they were under the quota law. Then we finally got it to the Superior Court, and they ruled the intent of the Legislature was that clubs should come under the quota law.

I disagree with the ruling of the court at that time because I happened to be a Member of the Legislature when the quota law came into existence. I know definitely the intent of the Legislature was that clubs did not come under the quota law.

I received some mail telling what would happen in Pennsylvania if we pass this legislation in regard to clubs. May I say to the Liquor Control Board and to the authorities that under the present law which we now have they can eliminate certain clubs in this state if they see fit, because those clubs are not operating strictly according to the letter of the law.

So I say to you today, I feel that we should say to the courts of Pennsylvania and to the Liquor Control Board that the intent of the Legislature, in the first place was that clubs should not come under the quota law. If they enforce the laws which now exist regarding clubs, I see no reason why clubs should come under this quota law.

I therefore ask you to vote for this legislation.

Mr. VAUGHAN. Mr. Speaker, as past National Vice Commander of AMVETS I rise to concur with what Mr. Lopresti said about veterans of World War II. They are in a very unique position. When World War II was over, the only way they could get a club license was to pay five, six, anywhere up to ten thousand dollars, for a license.

With the bill we pust passed in the House last week, or the week previous, the same thing occured there. If those clubs want a license they have to pay the price they are asking for one today, which is anywhere from eight to ten thousand dollars, depending upon where it is located. As far as New York state is concerned, most of the Members of the House know that the saloons in New York are open until 4:00 o'clock in the morning and that they are open on Sundays. So as far as clubs are concerned in New York, it does not mean much.

Mr. BANKER. Mr. Speaker, I think my record here on liquor bills has been just about perfect, but I believe this is one time when we should help to adjust an inequity. I am going to vote for this bill.

Mr. McINROY. Mr. Speaker, just answering this rather clever argument about the AMVETS, I would like to put myself on record that I have nothing against the AMVETS, and I presume probably everyone in this group feels the same.

We would like to do anything reasonable we can to help them, but it reminds me of the old story of the farmer. His pigs one day got under the barn and he could not see any way to get his pigs out from under the barn, so he burned down the barn to get the pigs. He did get the pigs, but they were burned to a crisp.

In the anxiety of some here to help the AMVETS we would open the club quota wide in Pennsylvania. Again I think it is a mistake. I am for the AMVETS. They can join the American Legion or some other group, but to open it wide just to help one group, I think would be a serious mistake.

One of the proponents of the bill has said, let these thousands of clubs come in in competition with the legitimate places and let them run in competition against each other in the hope, no doubt, that in time some will run out the others.

Regardless of what the intent of the Legislature was when the bill was passed a few years ago, I think that the quota law has been and is now the most satisfactory solution of this problem.

Therefore, I ask you to vote against the bill.

Mr. POMEROY. I would like to interrogate the gentleman from Cambria. Mr. Lopresti.

The SPEAKER. Will the gentleman from Cambria, Mr. Lopresti, permit himself to be interrogated?

Mr. LOPRESTI. I shall, Mr. Speaker.

Mr. POMEROY. Mr. Speaker, I am just curious about this bill. As far as legislative intent, if the bill is to help the veterans organizations, could that not have been written in the original bill or could not the bill have been amended at the present time to exempt veterans organizations?

Mr. LOPRESTI. Mr. Speaker, unfortunately, there is some question about the constitutionality of a bill which would be for a special group. Because of the constitutional problem involved we cannot limit it to veterans groups. If it were at all possible, I would be glad to do it.

Mr. POMEROY. I thank the gentleman.

Mr. AGNEW. Mr. Speaker, in rebuttal I would like to point out that my best guess is that of the 4,600 clubs in Pennsylvania not more than twenty per cent of them are veterans organizations. I believe if this bill should become law and every veterans organization that could be licensed would be licensed under this bill, there would be in the neighborhood of four or five thousand of what we call one-man clubs, or clubs that are not legitimate in the strict sense of the word even though they do conform with the legal requirements.

I believe and I admit there are inequities with respect to some veterans organizations throughout the State. I deplore that situation as much as anybody else, but you cannot open the floodgates and create disadvantages far outweighing any advantages when considering a piece of legislation.

Mr. LEONARD. Mr. Speaker, I happen to be one of the sponsors of this bill and I hope the remarks that have been made in facor of it will convince the majority of those sitting here to vote in favor of a bill which gives people the right to do things strictly in accordance with the law.

All clubs are guided strictly in accord with the law, and it is up to the law enforcement officers to see that they do so. You read in the papers pretty regularly now that we are having speakeasies again in Pennsylvania. Who is to blame for the speakeasy? If we had these clubs in many of these situations, it would give a group of people who want to do the right thing and who are good citizens an opportunity to form a club and get a license and function like others.

I belong to three clubs in my neighborhood just three squares apart and I defy anybody to say that those clubs are not legitimate clubs. There never has been any trouble in them. They are a group that sticks together. They do not only run the club, you understand, their activities are also charitable, and they are very active in civic affairs in the community. I am saying that if any of the new clubs which would be formed go wrong, we should not blame it on the law, we should blame it on the people whom we pay with our taxes to see that the law is enforced.

One time in my experience I happened to be in one of the clubs of which I am a member and a Liquor Control man came in and he congratulated us on the way we operated our place. We own the property. We pay our taxes. In other words—I will use that big word—we are a legitimate business club for the benefit of the people who like to belong to clubs.

I am asking you to consider the bill along those lines.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—59

Adam,	Farabaugh,	Maxwell,	Pettigrew,
Amarando,	Filo,	McCann,	Polaski,
Anderson, M. S.,	Floyd,	McCormack,	Readinger,
Anderson, S. A.,	Gaffney,	McGee,	Renwick,
Banker,	Hamilton, R. K.,	McWherter,	Rovansek,
Barnatovich,	Holt,	Meholchick,	Stank,
Bell,	Jenkins,	Mihm,	Steckel,
Boies,	Jones, G. E.,	Mills,	Taylor,
Boory,	Kamyk,	Monroe,	Thomas,
Branca,	Kolankiewicz,	Moran,	Vaughan,
Brennan, A. P.,	Kornick,	Murray, J. J.,	Wargo,
Brennan, J. J.,	Limper,	Musto,	Welsh,
Breth,	Lopresti,	Needham,	Williams,
Cochran,	Lovett,	Pacchioli,	Yetzer,
Dougherty,	Markley,	Petrosky,	

NAYS—114

Agnew,	Hass,	McLaughlin,	Snider,
Ashton,	Helm,	Mikula,	Stebbins,
Bazin,	Henzel,	Miller,	Stephens,
Blair,	Hocker,	Moody,	Stevenson,
Bower,	Horst,	Moscrip,	Stone,
Breisch,	Houk,	Muldowney,	Stoner,
Brenninger,	Isaacs,	Murphy,	Strausser,
Brown,	Johnson,	Murray, H. P.,	Stroup,
Bullen,	Jones, T. H. W.,	Murray, P. G.,	Swartz,
Cooper,	Jump,	Naugle,	Thompson,
Curwood,	Kehler,	Ogilvie,	Toll,
Davis,	Keller,	Olsen,	Tompkins,
Donahue,	Kent,	O'Neil,	Toomey,
Ehrgood,	Kline,	Parry,	Varallo,
Eilberg,	Knecht,	Pashley,	Varner,
Erb,	Kooker,	Paulhamus,	Verona,
Eshleman,	Kratz,	Pomeroy,	Wall,
Ewing,	Kromer,	Pursley,	Walsh,
Fineman,	Lafore,	Reibman,	Waterhouse,
Flint,	Leiby,	Reidenbach,	Weidner,
Frascella,	Leisey,	Royer,	Wescott,
Frost,	Leonard,	Rudisill,	Wheeler,
Garlock,	Leven,	Sarraf,	Whitenight,
Gelfand,	Light,	Scarcelli,	Willaredt,
Gibson,	Lippincott,	Schuster,	Wood,
Goldstein,	Lutty,	Sherman,	Worley,
Gramlich,	Mahan,	Smith, C. C.,	Yetter,
Guss,	McInroy,	Smith, Wm. B.,	Andrews,
Guthrie,	McKeever,		Speaker

NOT VOTING 34

Auker,	Down,	Heavey,	Price,
Bonner,	Flynn,	Hewitt,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Capano,	Frank,	Magee,	Rubin,
Cianfrani,	George,	Metz,	Sigman,
Cioffi,	Gibb,	Mullen,	Wallace,
Comer,	Greenwood,	Munley,	Wilt,
Connelly,	Haudenshield,	Polen,	Young,
Donaldson,			Ziegler,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. POLEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

Mr. AMARANDO asked and obtained permission for the Committee on Motor Vehicles to meet during the session of the House.

WASHINGTONVILLE CUB SCOUTS WELCOMED

The SPEAKER. The Chair welcomes to the Hall of the House a delegation representing the Washingtonville Cub Scouts, Den 1 and Den 2, who are visiting the Capitol under the supervision of their parents. They are the guests of the gentleman from Montour, Mr. Whitenight.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 503, as follows:

An Act amending the act of July 18 1917 (P L 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by authorizing the election of options by certain contributors at any time prior to retirement or death and providing a presumption of an election in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved July 18 1917 (P L 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" is hereby amended by adding after Section 15 a new section to read as follows

Section 15.1 Any contributor who is entitled to retire under the provisions of this act by reason of having completed twenty-five (25) years of total school service or by reason of having reached superannuation retirement age may file with the Retirement Board a written application for retirement in the form required for such application but requesting that such retirement shall become effective as of the time of his death electing one of the options provided in Section 15 and nominating a beneficiary under said option as required in said Section

In all such cases the application shall be held by the Retirement Board until the contributor shall file a later application for retirement or until the death of the contributor occurring while in school service at which time his retirement shall become effective with the same benefits to the designated beneficiary as if the contributor had retired on the day immediately preceding his death

Any contributor who is entitled to retire under the provisions of the act by reason of having completed twenty-five (25) years of total school service or by reason of having become eligible for superannuation retirement and who shall die while in school service before filing with the Retirement Board a written application for retirement as heretofore provided or who within ninety (90) days after the termination of his school service and prior to the date of his death had not entered upon withdrawal or superannuation retirement allowance or withdrawn his accumulated deductions shall be considered as having elected to receive the actuarial equivalent of his or her full superannuation allowance under Option 1 as provided in Section 15 of this act as of the date of his or her death In such event payment under Option 1 shall be made to the beneficiary designated in the nomination of beneficiary form by the member and filed with the Retirement Board If said beneficiary has predeceased the contributor payment under Option 1 shall be made to the legal representative of said contributor

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gelfand,	Maxwell,	Sarraf,
Agnew,	Gibson,	McCann,	Scarcelli,
Amarando,	Goldstein,	McCormack,	Schuster,
Anderson, M. S.,	Gramlich,	McGee,	Sherman,
Anderson, S. A.,	Greenwood,	McInroy,	Smith, C. O.,
Ashton,	Guss,	McKeever,	Smith, Wm. B.,
Banker,	Guthrie,	McLaughlin,	Snider,
Barnatovich,	Hamilton, R. K.,	McWherter,	Stank,
Bazin,	Hass,	Meholchick,	Stebbins,
Bell,	Haudenshield,	Metz,	Steckel,
Blair,	Helm,	Mihm,	Stephens,
Boles,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stone,
Boory,	Hocker,	Mills,	Stoner,
Bower,	Holt,	Monroe,	Strausser,
Branca,	Horst,	Moody,	Stroup,
Breisch,	Houk,	Moran,	Swartz,
Brennan, A. P.,	Isaacs,	Moscrip,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	Thompson,
Breth,	Jones, G. E.,	Murphy,	Toll,
Brown,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Murray, P. G.,	Varallo,
Cianfrani,	Kehler,	Musto,	Varner,
Cioffi,	Keller,	Naugle,	Vaughan,
Cochran,	Kent,	Needham,	Verona,
Cooper,	Kline,	Ogilvie,	Wall,
Curwood,	Knecht,	Olsen,	Wallace,
Davis,	Kolankiewicz,	O'Neil,	Walsh,
Donahue,	Kooker,	Pacchioli,	Wargo,
Dougherty,	Kornick,	Parry,	Waterhouse,
Down,	Kratz,	Pashley,	Weidner,
Ehrgood,	Kromer,	Paulhamus,	Welsh,
Eilberg,	Lafore,	Petrosky,	Wescott,
Erb,	Leiby,	Pettigrew,	Wheeler,
Eshleman,	Leisey,	Polaski,	Whitenight,
Ewing,	Leonard,	Polen,	Willaredt,
Farabaugh,	Leven,	Pomeroy,	Williams,
Filo,	Light,	Price,	Wilt,
Fineman,	Limper,	Pursley,	Wood,
Flint,	Lippincott,	Readinger,	Worley,
Floyd,	Lopresti,	Reibman,	Yetter,
Frank,	Lovett,	Reidenbach,	Yetzer,
Frascella,	Lutty,	Renwick,	Young,
Frost,	Mahan,	Rovansek,	Ziegler,
Gaffney	Markley,	Royer,	Andrews,
Garlock,		Rudisill,	Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 563, as follows:

An Act amending the act of July 18 1917 (P L 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" providing credit for retirement purposes for out-of-state service in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 11.1 of the act of July 18 1917 (P L 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" amended by the act of July 28 1953 (P L 684) is amended to read

Section 11.1 Any contributor who has had service in states territories or areas under the jurisdiction of the United States besides this Commonwealth as an employe in any public school or institution or who has served as an administrator teacher or instructor in any branch of the military forces of the United States or served as an administrator teacher or instructor for any agency or department of the government of the United States whether or not such area was under the jurisdiction of the United States for a period of at least one year and who (i) submits proof satisfactory to the retirement board of all or part of such service (ii) files an affidavit in the form prescribed by the retirement board stating that he or she is not entitled to a deferred retirement allowance for such service and in the case of contributors becoming members after the effective date of this amending act that he or she has not forfeited any vested right to a deferred retirement allowance for such service and (iii) pay or agrees to pay as hereinafter provided into the School Employes' Retirement Fund an amount equal to the contributions which would have been collected from such contributor for the period of such service had such service been rendered in this Commonwealth at his or her earnable salary for the school year in which application for credit for out-of-state service is made figured at the contributor's current percentage of salary deduction together with an additional amount as the equivalent of the contributions of the school district and the Commonwealth on account of such service shall be credited with such years of service for retirement purposes Such credit shall not exceed ten years nor the number of years between the age of the contributor at the time he or she becomes a member and the age at retirement nor the number of years of credited service in this Commonwealth

Aplication in writing for [such] credit for service in states territories or areas under the jurisdiction of the United States besides this Commonwealth as an employe in any public school or institution or as a teacher administrator or instructor in any branch of the military forces of the United States or for any agency or department of the government of the United States whether or not such area was under the jurisdiction of the United States must be made to the retirement board within three years after the applicant becomes a member of the retirement system or in the case of applicants who are members on [the effective date] or before September 1 1958 of this amending act within three years from that date

The contributions required to be paid for such service credit may be paid in a lump sum or by installments agreed upon by the contributor and the retirement board Installment payments must begin within the period of three years from the effective date of this act or before the contributor has completed three years of service in this Commonwealth All such contributions shall be credited in equal amounts to the members annuity savings account and the Contingent Reserve Account if a new entrant or the State Annuity Reserve Account Number Two if a present employe In the event that a contributor withdraws from the retirement system or retires on super-

annuation or disability retirement before such contributions are fully paid the employe's annuity and his State Annuity shall be credited with the number of years of out-state service or fractional parts thereof for which he has purchased credit to the date of application for retirement In the event that a contributor separates from the retirement system otherwise than by superannuation disability or withdrawal allowance the amount paid by him under this section as the equivalent of the contributions of the school district and the Commonwealth shall be paid to him or to a designated beneficiary at his request Any contributor who has purchased an annuity under the provisions of subsection six point one of section eight of this act may forfeit such annuity and direct that the money paid into the School Employes' Retirement Fund therefor be applied to the contributions required by this section

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gelfand,	Maxwell,	Sarraf,
Agnew,	Gibson,	McCann,	Scarcelli,
Amarando,	Goldstein,	McCormack,	Schuster,
Anderson, M. S.,	Gramlich,	McGee,	Sherman,
Anderson, S. A.,	Greenwood,	McInroy,	Smith, C. C.,
Ashton,	Guss,	McKeever,	Smith, Wm. B.,
Banker,	Guthrie,	McLaughlin,	Snider,
Barnatovich,	Hamilton, R. K.,	McWherter,	Stank,
Bazin,	Hass,	Meholchick,	Stebbins,
Bell,	Haudenshield,	Metz,	Steckel,
Blair,	Helm,	Mihm,	Stephens,
Boles,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stone,
Boory,	Hocker,	Mills,	Stoner,
Bower,	Holt,	Monroe,	Strausser,
Branca,	Horst,	Moody,	Stroup,
Breisch,	Houk,	Morah,	Swartz,
Brennan, A. P.,	Isaacs,	Moscrip,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	Thompson,
Breth,	Jones, G. E.,	Murphy,	Toll,
Brown,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Murray, P. G.,	Varallo,
Cianfrani,	Kehler,	Musto,	Varner,
Cioffi,	Keller,	Naugle,	Vaughan,
Cochran,	Kent,	Needham,	Verona,
Cooper,	Kline,	Ogilvie,	Wall,
Curwood,	Knecht,	Olsen,	Wallace,
Davis,	Kolankiewicz,	O'Neil,	Walsh,
Donahue,	Kooker,	Pacchioli,	Wargo,
Dougherty,	Kornick,	Parry,	Waterhouse,
Down,	Kratz,	Pashley,	Weidner,
Ehrgood,	Kromer,	Paulhamus,	Welsh,
Eilberg,	Lafore,	Petrosky,	Wescott,
Erb,	Leiby,	Pettigrew,	Wheeler,
Eshleman,	Leisey,	Polaski,	Whitenight,
Ewing,	Leonard,	Polen,	Willaredt,
Farabaugh,	Leven,	Pomeroy,	Williams,
Filo,	Light,	Price,	Wilt,
Fineman,	Limper,	Pursley,	Wood,
Flint,	Lippincott,	Readinger,	Worley,
Floyd,	Lopresti,	Reibman,	Yetter,
Frank,	Lovett,	Reidenbach,	Yetzer,
Frascella,	Lutty,	Renwick,	Young,
Frost,	Mahan,	Rovansek,	Ziegler,
Gaffney,	Markley,	Royer,	Andrews,
Garlock,		Rudisill,	Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 879, as follows:

An Act to further amend clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employe's retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Comonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining "employe" and extending the time for officers and employes of the Pennsylvania State University to withdraw from the retirement system and receive reimbursement for moneys paid in

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employe's retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the twenty-seventh day of May one thousand nine hundred forty-nine (P. L. 1888) is hereby further amended to read as follows

Definitions

Section 1 Be it enacted etc That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

* * *

(7) "Employe" shall mean any teacher principal supervisor supervising principal county superintendent district superintendent assistant superintendent any member of the staff of the Pennsylvania State University State Teachers' Colleges or of the staff of the Thaddeus Stevens Trade School or of the staff of the Pennsylvania State Oral School for the Deaf or of the staff of the Pennsylvania Soldiers' Orphans School or of the staff of the State Department of Public Instruction or of the staff of the State Council of Education or any clerk stenographer janitor attendance officer or other person engaged in any work concerning or relating to the public schools of this Commonwealth or in connection therewith or under contract or engagement to perform one or more of these functions Provided That no person shall be deemed an employe within the meaning of this act who is not regularly engaged in performing one or more of these functions as a full-time occupation outside of vacation periods In all cases of doubt the retirement board shall determine whether any person is an employe as defined in this act And provided further That those employes of the Department of Public Instruction Pennsylvania State University State Teachers' Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf and Pennsylvania Soldiers' Orphan School who are

members of or are entitled to membership in the retirement system herein established may withdraw from the system and be entitled to reimbursement of moneys which they have paid in by so electing in writing filed with the retirement board on or before the first day of July one thousand nine hundred and fifty-six After said date all new employes in the Department of Public Instruction Pennsylvania State University State Teachers' Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf and Pennsylvania Soldiers' Orphan School shall be members of said system unless they elect otherwise in writing filed with the retirement board within six months after beginning their employment

In every case where any officer or employe of the Department of Public Instruction Pennsylvania State University State Teachers' Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf Pennsylvania Soldiers' Orphan School withdraws from the system and becomes a member of the State Employes' Retirement Association after the effective date of this amendment the Public School Employes' Retirement Board shall transfer to the State Employes' Retirement Fund from the School Employes' Retirement Fund an amount equal to all contingent and State annuity reserves of such officer or employe in the School Employes' Retirement Fund as determined by the Public School Employes' Retirement Board

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gibson,	McCann,	Sarraf,
Agnew,	Goldstein,	McCormack,	Scarcelli,
Amarando,	Gramlich,	McGee,	Schuster,
Anderson, M. S.,	Greenwood,	McInroy,	Sherman,
Anderson, S. A.,	Guss,	McKeever,	Smith, C. C.,
Ashton,	Guthrie,	McLaughlin,	Smith, Wm. B.,
Banker,	Hamilton, R. K.,	McWherter,	Snider,
Barnatovich,	Hass,	Meholchick,	Stank,
Bazin,	Haudenshield,	Metz,	Stebbins,
Bell,	Helm,	Mihm,	Steckel,
Blair,	Henzel,	Mikula,	Stephens,
Boles,	Hewitt,	Miller,	Stevenson,
Bonner,	Hocker,	Mills,	Stone,
Boory,	Holt,	Monroe,	Stoner,
Bower,	Horst,	Moody,	Strausser,
Branca,	Houk,	Moran,	Stroup,
Breisch,	Isaacs,	Moscrip,	Swartz,
Brennan, A. P.,	Jenkins,	Muldowney,	Taylor,
Brennan, J. J.,	Johnson,	Munley,	Thomas,
Brenninger,	Jones, G. E.,	Murphy,	Thompson,
Breth,	Jones, T. H. W.,	Murray, H. P.,	Toll,
Brown,	Jump,	Murray, J. J.,	Tompkins,
Bullen,	Kamyk,	Murray, P. G.,	Toomey,
Capano,	Kehler,	Musto,	Varallo,
Cianfrani,	Keller,	Naugle,	Varner,
Cioffi,	Kent,	Needham,	Vaughan,
Cochran,	Kline,	Ogilvie,	Verona,
Cooper,	Knecht,	Olsen,	Wall,
Curwood,	Kolankiewicz,	O'Neil,	Wallace,
Davis,	Kooker,	Pacchioli,	Walsh,
Donahue,	Kornick,	Parry,	Wargo,
Dougherty,	Kratz,	Pashley,	Waterhouse,
Down,	Kromer,	Paulhamus,	Weidner,
Ehrgood,	Lafore,	Petrosky,	Welsh,
Eilberg,	Leiby,	Pettigrew,	Wescott,
Erb,	Leisey,	Polaski,	Wheeler,
Eshleman,	Leonard,	Polen,	Whitenight,
Ewing,	Leven,	Pomeroy,	Willaredt,
Farabaugh,	Light,	Price,	Williams,
Filo,	Limper,	Pursley,	Wilt,
Fineman,	Lippincott,	Readinger,	Wood,
Flint,	Lopresti,	Reibman,	Worley,
Floyd,	Lovett,	Reidenbach,	Yetter,
Frank,	Lutty,	Renwick,	Yetzer,
Frascella,	Gaffney,	Rovansek,	Young,
Frost,	Mahan,	Royer,	Ziegler,
Garlock,	Markley,	Rudisill,	Andrews,
Gelfand,	Maxwell,		Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 890, as follows:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further providing for return to service with full retirement rights

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection 2 of Section 12 of the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the fourteenth day of January one thousand nine hundred fifty-two (P. L. 1881) is hereby further amended to read as follows

Withdrawal

Section 12 * * * * *

2 [Should an employe so separated from the school service return within five years and restore to the School Employes' Retirement Fund to the credit of the annuity savings account his or her accumulated deductions as they were at the time of his or her separation the annuity rights forfeited by him or her at that time shall be restored

Each employe who separated from school service at any time and shall have returned or shall return to school service prior to July first one thousand nine hundred and fifty-three shall at retirement for superannuation be entitled to have full credit for each year of service in the public schools of Pennsylvania Provided

(a) He or she shall have rendered not less than fifteen years of service in the public schools of Pennsylvania prior to the retirement and

(b) He or she shall have restored to the School Employes' Retirement Fund to the credit of the annuity savings account before the first day of July one thousand nine hundred fifty-three his or her accumulated deductions as they were at the time of his or her separation

Each employe who separates from school service after the first day of July one thousand nine hundred and

thirty-eight and who returns to school service after a longer absence than five years shall have his or her annuity rights restored in accordance with the provisions of this paragraph provided he or she fulfills the conditions named in paragraph (a) of this clause and provided he or she shall have restored to the School Employes' Retirement Fund to the credit of the annuity savings account within two years after such return to service his or her accumulated deductions as they were at the time of his or her separation and in addition thereto shall have left with the retirement board at least twenty per centum of his or her accumulated deductions at the time of his or her separation and shall return to service prior to the age of sixty years]

Each employe who separates or has separated from the school service at any time and returns or has returned to school service shall have the annuity rights forfeited by him at the time of separation restored and shall at retirement for superannuation be entitled to have full credit for each year of service in the public schools of Pennsylvania if

(1) he shall have rendered not less than fifteen years of service in the public schools of Pennsylvania prior to retirement

(2) he shall have restored to the retirement fund to the credit of the annuity savings account his accumulated deductions as they were at the time of his separation within three years after his return to service and in the case of employes who are members of the retirement system at the effective date of this amendment within three years after that date

(3) He shall have rendered not less than three years of service immediately prior to retirement

Notwithstanding any other provisions of this act any employe who shall have rendered service in the public schools of Pennsylvania prior to the first day of July one thousand nine hundred nineteen and has not been given credit for such service shall at retirement for super annuation be given full credit for each year of such prior service and shall receive for such prior service a further State annuity to be computed in the same manner as is herein provided for present employes

In no case shall an employe who has separated from school service and who later returned to school service after five or more years of absence be eligible to retirement on account of disability until he or she shall have rendered at least three years of service subsequent to such return

In any case the restoration of the accumulated deductions provided herein may be made by the payment of a lump sum or any actuarial equivalent approved by the retirement board

[Subject to such rules and regulations as the retirement board may adopt the provisions of this act shall be applicable beginning July first one thousand nine hundred and twenty-five to all who are on the retired list of Pennsylvania public school employes at the time this bill becomes a law]

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gelfand,	McCann,	Sarraf,
Agnew,	Gibson,	McCormack,	Scarcelli,
Amarando,	Goldstein,	McGee,	Schuster,
Anderson, M. S.,	Gramlich,	McInroy,	Sherman,
Anderson, S. A.,	Greenwood,	McKeever,	Smith, C. O.,
Ashton,	Guss,	McLaughlin,	Smith, Wm. B.,
Banker,	Guthrie,	McWherter,	Snider,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Stank,
Bazin,	Hass,	Metz,	Stebbins,
Bell,	Haudenshield,	Mihm,	Steckel,
Blair,	Helm,	Mikula,	Stephens,
Boles,	Henzel,	Miller,	Stevenson,
Bonner,	Hewitt,	Mills,	Stone,
Boory,	Hocker,	Monroe,	Stoner,
Bower,	Holt,	Moody,	Strausser,
Branca,	Horst,	Moran,	Stroup,
Breisch,	Houk,	Moscrip,	Swartz,
Brennan, A. P.,	Isaacs,	Muldowney,	Taylor,
Brennan, J. J.,	Jenkins,	Munley,	Thomas,
Brenninger,	Johnson,	Murphy,	Thompson,
Breth,	Jones, G. E.,	Murray, H. P.,	Toll,
Brown,	Jones, T. H. W.,	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Naugle,	Varner,
Cioffi,	Keller,	Needham,	Vaughan,
Cochran,	Kent,	Ogilvie,	Verona,
Cooper,	Kline,	Olsen,	Wall,
Curwood,	Knecht,	O'Neil,	Wallace,
Davis,	Kolankiewicz,	Pacchioli,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Down,	Kratz,	Paulhamus,	Weidner,
Ehrgood,	Kromer,	Petrosky,	Welsh,
Eilberg,	Lafore,	Pettigrew,	Wescott,
Erb,	Leiby,	Polaski,	Wheeler,
Eshleman,	Leisey,	Polen,	Whitenight,
Ewing,	Leonard,	Pomeroy,	Willaredt,
Farabaugh,	Leven,	Price,	Williams,
Filo,	Light,	Pursley,	Wilt,
Fineman,	Limper,	Readinger,	Wood,
Flint,	Lippincott,	Reibman,	Worley,
Floyd,	Lopresti,	Reidenbach,	Yetter,
Frank,	Lovett,	Renwick,	Yetzer,
Frascella,	Lutty,	Rovansek,	Young,
Frost,	Mahan,	Royer,	Ziegler,
Gaffney,	Markley,	Rudisill,	Andrews,
Garlock,	Maxwell,		Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 895, as follows:

An Act amending the act of July 18 1917 (P L 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from conrtibutions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowance returns benefits and rights from taxation and judicial process and providing penalties" by permitting disability annuitants who withdrew from school service to elect to become members of the one one-hundred-fortieth (1/140) class upon restoration to school service class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph six (6) of section eight (8) of the Act of July 18 1917 (P L 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes' defining the uses and purposes thereof and the manner of payments there-

from and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penatlies" as last amended by the act of December 27 1951 (P. L. 1739) is hereby amended to read

School Employes' Retirement Fund and Accounts

Section 8

* * * * *

6 There shall be credited by the retirement board to a ledger account to be known as the employes' annuity savings account the amounts of the accumulated deductions from the salaries of contributors made under such rules and regulations as the retirement board shall prescribe as follows

From the salary of each employe who is a contributor there shall be deducted and paid into the fund created by this act through the Department of Revenue such per centum of his or her earnable salary as shall be computed to be sufficient with regular interest to procure for him or her in superannuation retirement at age sixty-two an employe's annuity equal to one one-hundred-sixtieth (1/160) of his or her final salary calculated on the basis of the annual salary earnable by a contributor as an employe for the ten years of service immediately preceding retirment for each year of service after the thirtieth day of June one thousand nine hundred nineteen or to procure for him or her on superannuation retirement at age sixty-two or at the end of thirty-five years of credited service in this Commonwealth whichever is the earlier an employe's annuity equal to one one-hundred-fortieth (1/140) of his or her final salary calculated on the basis of the annual salary earnable by a contributor as an employe for the ten years of service immediately preceding retirement for each year of service after the thirtieth day of June one thousand nine hundred nineteen In the case of each contributor entering or re-entering the retirement system on and after the first day of July one thousand nine hundred fifty and also in the case of each contributor originally carrying membership in the one one-hundred-sixtieth (1/160) class who prior to the first day of July one thousand nine hundred fifty has elected and filed with the retirement board such election to transfer to the one one-hundred-fortieth (1/140) class and who contributes after the first day of July one thousand nine hundred fifty the per centum of his or her salary computed to be sufficient for new entrants of the one one-hundred-fortieth (1/140) class as of age attained at nearest birthday of such transferred contributor at the date of transfer Provided That in the case of employes who were employed during the year which began July first one thousand nine hundred and thirty-two and ended June thirtieth one thousand nine hundred and thirty-three who have elected to contribute on the basis of salary receivable during said year such percentage shall be computed on the basis of said salary And provided That in any case if the deduction so computed shall exceed five per centum of his or her earnable salary and the employe shall so elect there shall be dedeucted five per centum of his or her earnable salary Provided however That these privileges are not avialable to contributors in the one one-hundred-fortieth (1/140) class And further provided That a [beneficiary] disability annuitant in the one one-hundred-sixtieth (1/160) class heretofore or hereafter restored to school service shall [not] be permitted to transfer to the one one-hundred-fortieth (1/140) class [nor shall a] Such beneficiary restored to school service as a member of the one one-hundred-fortieth (1/140) class shall be required to contribute at a per centum rate of his or her earnable salary [which is greater than the percentum thereof which he or she was required to contribute prior to his or her retirement] computed to be sufficient for new entrants of the one one-hundred-fortieth (1/140) class as of age attained at nearest birthday of the transferred contributor at the date of transfer The rate per centum of said deduction from salary shall be based on such mortality and other tables as the retirement board shall adopt together with regular interest and shall be computed to remain constant during the prospective school service of the contributor

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gelfand,	Maxwell,	Sarraf,
Agnew,	Gibson,	McCann,	Scarcelli,
Amarando,	Goldstein,	McCormack,	Schuster,
Anderson, M. S.,	Gramlich,	McGee,	Sherman,
Anderson, S. A.,	Greenwood,	McInroy,	Smith, C. O.,
Ashton,	Guss,	McKeever,	Smith, Wm. B.,
Banker,	Guthrie,	McLaughlin,	Snider,
Barnatovich,	Hamilton, R. K.,	McWherter,	Stank,
Bazin,	Hass,	Meholchick,	Stebbins,
Bell,	Haudenshield,	Metz,	Steckel,
Blair,	Helm,	Mihm,	Stephens,
Boles,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stone,
Boory,	Hocker,	Mills,	Stoner,
Bower,	Holt,	Monroe,	Strausser,
Branca,	Horst,	Moody,	Stroup,
Breisch,	Houk,	Moran,	Swartz,
Brennan, A. P.,	Isaacs,	Moscrip,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	Thompson,
Breth,	Jones, G. E.,	Murphy,	Toll,
Brown,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Murray, P. G.,	Varallo,
Cianfrani,	Kehler,	Musto,	Varner,
Cioffi,	Keller,	Naugle,	Vaughan,
Cochran,	Kent,	Needham,	Verona,
Cooper,	Kline,	Ogilvie,	Wall,
Curwood,	Knecht,	Olsen,	Wallace,
Davis,	Kolankiewicz,	O'Neil,	Walsh,
Donahue,	Kooker,	Pacchioli,	Wargo,
Dougherty,	Kornick,	Parry,	Waterhouse,
Down,	Kratz,	Pashley,	Weidner,
Ehrgood,	Kromer,	Paulhamus,	Welsh,
Ellberg,	Lafore,	Petrosky,	Wescott,
Erb,	Leiby,	Pettigrew,	Wheeler,
Eshleman,	Leisey,	Polaski,	Whitenight,
Ewing,	Leonard,	Polen,	Williams,
Farabaugh,	Leven,	Pomeroy,	Willaredt,
Filo,	Light,	Price,	Wilt,
Fineman,	Limper,	Pursley,	Wood,
Flint,	Lippincott,	Readinger,	Worley,
Floyd,	Lopresti,	Reibman,	Yetter,
Frank,	Lovett,	Reidenbach,	Yetzer,
Frascella,	Lutty,	Renwick,	Young,
Frost,	Mahan,	Royer,	Ziegler,
Gaffney,	Markley,	Rovansek,	Andrews,
Garlock,		Rudisill,	Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1130, as follows:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public

school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting employes to make up back payments to the retirement system from the time they enter school service and securing to such employes the full benefits of the retirement system from the time they entered school service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection 6.2 of section 8 of the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the eighteenth day of January one thousand nine hundred fifty-two (P. L. 2149) is amended to read as follows

6.2 Employes who desire to receive credit for school service rendered prior to the passage of this amendment may pay in addition to the regular contribution required under clause six of this section into the fund created by the act through the Department of Revenue a sum equal to all the back payments which such employe would have made had he or she become a member of the retirement association at the time of his or her employment Payment of such back payments shall entitle such contributor to all rights and benefits which would have accrued had the back payments been made in the regular course of employment Such back payments shall be paid by the employe before the thirtieth day of June one thousand nine hundred fifty-[three] eight

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gelfand,	Markley,	Rudisill,
Agnew,	Gibson,	Maxwell,	Sarraf,
Amarando,	Goldstein,	McCann,	Scarcelli,
Anderson, M. S.,	Gramlich,	McCormack,	Schuster,
Anderson, S. A.,	Greenwood,	McGee,	Sherman,
Ashton,	Guss.	McInroy,	Smith, C. C.,
Banker,	Guthrie,	McKeever,	Smith, Wm. B.,
Barnatovich,	Hamilton, R. K.,	McLaughlin,	Snider,
Bazin,	Hass,	McWherter,	Stank,
Bell,	Haudenshield,	Meholchick,	Stebbins,
Blair,	Helm,	Metz,	Steckel,
Boies,	Henzel,	Mihm,	Stephens,
Bonner,	Hewitt,	Mikula,	Stevenson,
Boory,	Hocker,	Miller,	Stone,
Bower,	Holt,	Mills,	Stoner,
Branca,	Horst,	Monroe,	Strausser,
Breisch,	Houk,	Moody,	Stroup,
Brennan, A. P.,	Isaacs,	Moran,	Swartz,
Brennan, J. J.,	Jenkins,	Moscrip,	Taylor,
Brenninger,	Johnson,	Muldowney,	Thomas,
Breth,	Jones, G. E.,	Munley,	Thompson,
Brown,	Jones, T. H. W.,	Murphy,	Toll,
Bullen,	Jump,	Murray, H. P.,	Tompkins,
Capano,	Kamyk,	Murray, J. J.,	Toomey,
Cianfrani,	Kehler,	Musto,	Varallo,
Cioffi,	Keller,	Naugle,	Varner,
Cochran,	Kent,	Needham,	Vaughan,
Cooper,	Kline,	Ogilvie,	Verona,
Curwood,	Knecht,	Olsen,	Wall,
Davis,	Kolankiewicz,	O'Neil,	Wallace,
Donahue,	Kooker,	Pacchioli,	Walsh,
Dougherty,	Kornick,	Parry,	Wargo,
Down,	Kratz,	Pashley,	Waterhouse,
Ehrgood,	Kromer,	Paulhamus,	Weidner,
Eilberg,	Lafore,	Petrosky,	Welsh,
Erb,	Leiby,	Pettigrew,	Wescott,
Eshleman,	Leisey,	Polaski,	Wheeler,
Ewing,	Leonard,	Polen,	Whitenight,
Farabaugh,	Leven,	Pomeroy,	Willaredt,
Filo,	Light,	Price,	Williams,
Fineman,	Limper,	Pursley,	Wilt,
Flint,	Lippincott,	Readinger,	Wood,
Floyd,	Lopresti,	Reibman,	Worley,
Frank,	Lovett,	Reidenbach,	Yetter,
Frascella,	Lutty,	Renwick,	Yetzer,
Frost,	Mahan,	Rovansek,	Young,
Gaffney,		Royer,	Ziegler,
Garlock,			Andrews, Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1253, as follows:

An Act amending the act of July 18 1917 (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing contributors in the one one-hundred-sixtieth class to transfer to the one one-hundred-fortieth class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection 6 of section 8 act of July 18 1917 (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" amended December 27 1951 (P. L. 1739) is amended to read

School Employes' Retirement Fund and Accounts

Section 8

* * *

6 There shall be credited by the retirement board to a ledger account to be known as the employes' annuity savings account the amounts of the accumulated deductions from the salaries of contributors made under such

rules and regulations as the retirement board shall prescribe as follows

From the salary of each employe who is a contributor there shall be deducted and paid into the fund created by this act through the Department of Revenue such per centum of his or her earnable salary as shall be computed to be sufficient with regular interest to procure for him or her on superannuation retirement at age sixty-two an employes' annuity equal to one one-hundred-sixtieth (1/160) of his or her final salary calculated on the basis of the annual salary earnable by a contributor as an employe for the ten years of service immediately preceding retirement for each year of service after the thirtieth day of June one thousand nine hundred nineteen or to procure for him or her on superannuation retirement at age sixty-two or at the end of thirty-five years of credited service in this Commonwealth whichever is the earlier an employe's annuity equal to one one-hundred-fortieth (1/140) of his or her final salary calculated on the basis of the annual salary earnable by a contributor as an employe for the ten years of service immediately preceding retirement for each year of service after the thirtieth day of June one thousand nine hundred nineteen In the case of each contributor entering or re-entering the retirement system on and after the first day of July one thousand nine hundred fifty and also in the case of each contributor originally carrying membership in the one one-hundred-sixtieth (1/160) class who prior to the first day of July one thousand nine hundred [fifty] fifty-seven has elected and filed with the retirement board such election to transfer to the one one-hundred-fortieth (1/140) class and who contributes [after the first day of July one thousand nine hundred fifty] the per centum of his or her salary computed to be sufficient for new entrants of the one one-hundred-fortieth (1/140) class as of age attained at nearest birthday of such transferred contributor [at the date of transfer] as of July first one thousand nine hundred and fifty provided that the contributor who elects to enter the one one-hundred-fortieth (1/140) class pays at the rate corresponding to his attained age as of July first one thousand nine hundred and fifty and makes up in a lump sum payment at the time of transfer the additional contributions which would have been made from July first one thousand nine hundred and fifty to date of transfer and Provided That in the case of employes who were employed during the year which began July first one thousand nine hundred and thirty-two and ended June thirtieth one thousand nine hundred and thirty-three who have elected to contribute on the basis of salary receivable during said year such percentage shall be computed on the basis of said salary And provided That in any case if the deduction so computed shall exceed five per centum of his or her earnable salary and the employe shall so elect there shall be deducted five per centum of his or her earnable salary Provided however That these privileges are not available to contributors in the one one-hundred-fortieth (1/140) class And further provided That a beneficiary in the one one-hundred-sixtieth (1/160) class restored to school service shall not be permitted to transfer to the one one-hundred-fortieth (1/140) class nor shall a beneficiary restored to school service be required to contribute at a per centum rate of his or her earnable salary which is greater than the per centum thereof which he or she was required to contribute prior to his or her retirement The rate per centum of said deduction from salary shall be based on such mortality and other tables as the retirement board shall adopt together with regular interest and shall be computed to remain constant during the prospective school service of the contributor

* * *

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	**Gelfand,**	Maxwell,	**Sarraf,**
Agnew,	**Gibson,**	**McCann,**	Scarcelli,
Amarando,	**Goldstein,**	**McCormack,**	Schuster,
Anderson, M. S.,	**Gramlich,**	McGee,	Sherman,
Anderson, S. A.,	**Greenwood,**	McInroy,	**Smith, C. C.,**
Ashton,	**Guss,**	McKeever,	**Smith, Wm. B.,**
Banker,	**Guthrie,**	McLaughlin,	**Snider,**
Barnatovich,	**Hamilton, R. K.,**	McWherter,	**Stank,**
Bazin,	**Hass,**	**Meholchick,**	**Stebbins,**
Bell,	**Haudenshield,**	Metz,	**Steckel.**
Blair,	**Helm,**	**Mihm,**	**Stephens,**
Boles,	**Henzel,**	**Mikula,**	**Stevenson,**
Bonner,	**Hewitt,**	Miller,	**Stone,**
Boory,	**Hocker,**	**Mills,**	**Stoner,**
Bower,	**Holt,**	**Monroe,**	**Strausser,**
Branca,	**Horst,**	Moody,	**Stroup,**
Breisch,	**Houk,**	**Moran,**	**Swartz,**
Brennan, A. P.,	**Isaacs,**	**Moscrip,**	**Taylor,**
Brennan, J. J.,	**Jenkins,**	**Muldowney,**	**Thomas,**
Brenninger,	**Johnson,**	**Munley,**	**Thompson,**
Breth,	**Jones, G. E.,**	**Murphy,**	**Toll,**
Brown,	**Jones, T. H. W.,**	**Murray, H. P.,**	**Tompkins,**
Bullen,	**Jump,**	**Murray, J. J.,**	**Toomey,**
Capano,	**Kamyk,**	**Murray, P. G.,**	**Varallo,**
Cianfrani,	**Kehler,**	**Musto,**	**Varner,**
Cioffi,	**Keller,**	**Naugle,**	**Vaughan,**
Cochran,	**Kent,**	**Needham,**	**Verona,**
Cooper,	**Kline,**	**Ogilvie,**	**Wall,**
Curwood,	**Knecht,**	**Olsen,**	**Wallace,**
Davis,	**Kolankiewicz,**	**O'Neil,**	**Walsh,**
Donahue,	**Kooker,**	**Pacchioli,**	**Wargo,**
Dougherty,	**Kornick,**	**Parry,**	**Waterhouse,**
Down,	**Kratz,**	**Pashley,**	**Weidner,**
Ehrgood,	**Kromer,**	**Paulhamus,**	**Welsh,**
Eilberg,	**Lafore,**	**Petrosky,**	**Wescott,**
Erb,	**Leiby,**	**Pettigrew,**	**Wheeler,**
Eshleman,	**Leisey,**	**Polaski,**	**Whitenight,**
Ewing,	**Leonard,**	**Polen,**	**Willaredt,**
Farabaugh,	**Leven,**	**Pomeroy,**	**Williams,**
Filo,	**Light,**	**Price,**	**Wilt,**
Fineman,	**Limper,**	**Pursley,**	**Wood,**
Flint,	**Lippincott,**	**Readinger,**	**Worley,**
Floyd,	**Lopresti,**	**Reibman,**	**Yetter,**
Frank,	**Lovett,**	**Reidenbach,**	**Yetzer,**
Frascella,	**Lutty,**	**Renwick,**	**Young,**
Frost,	**Mahan,**	**Rovansek,**	**Ziegler,**
Gaffney,	**Markley,**	**Royer,**	**Andrews,**
Garlock,		**Rudisill,**	**Speaker**

NAYS—0

NOT VOTING—17

Auker,	**Flynn,**	**Heavey,**	**Rigby,**
Bucchin,	**Foster,**	**Lawyer,**	**Rosen,**
Comer,	**George,**	**Magee,**	**Rubin,**
Connelly,	**Gibb,**	**Mullen,**	**Sigman,**
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1269, as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the

Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing the issuance of dealer registration plates to certain collector-repossessors and limiting their use thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of the word "dealer" in section 102 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended May 18, 1949 (P. L. 1412) is amended to read

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

* * *

"Dealer" (1) A person actively and principally engaged in and devoting a substantial portion of his time to the business of buying selling or exchanging new motor vehicles trailers or semi-trailers on commission or otherwise who maintains a salesroom or garage devoted principally to the motor vehicle business and who holds a contract in writing with a manufacturer giving such person selling rights for new motor vehicles trailers or semi-trailers or with a jobber of such vehicles who as such jobber holds a manufacturer's franchise or contract giving selling rights on new motor vehicles trailers or semi-trailers in this Commonwealth or (2) a person actively and principally engaged in and devoting a substantial portion of his time to the business of buying selling or exchanging used motor vehicles trailers or semi-trailers and who maintains a salesroom garage or used car lot actually occupied by such person either continuously or at regular intervals and upon which or adjacent thereto is a building or a portion of a building owned or rented by such person where his books and records are kept and which is devoted principally to the motor vehicles business in which the repair of motor vehicles is subordinate or incidental to the business of buying selling or exchanging the same or (3) any person regularly engaged in the business of transporting new motor vehicles trailers or semi-trailers on their own wheels and who has an established place of business or (4) a person who is duly authorized to do business in this Commonwealth and is actively engaged in the business of financing sales or making loans on security of motor vehicles or (5) any person who maintains an established place of business and who is engaged in the business of buying selling or exchanging second hand motor vehicles for the purpose of remodeling taking apart or rebuilding the same or buying or selling of parts of second hand motor vehicles or the assembling of second hand motor vehicle parts or (6) any person engaged in the repair service or towing of motor vehicles or (7) a fleet owner who is engaged in his own repair service or (8) any duly licensed collector-repossessor regularly engaged as an independent contractor in the business of repossessing motor vehicles trailers or semi-trailers which are the subject of installment sale contracts

* * *

Section 2 Section 502 of the act amended August 19 1953 (P. L. 1159) is amended to read

Section 502 Use of Manufacturer's Jobber's and Dealer's Registration Plates Limited Registration plate or plates issued in the "Dealer's Class" may be used on any motor vehicle trailer or semi-trailer owned or in the possession of a manufacturer jobber or dealer and operated by such manufacturer jobber or dealer or the employe of such manufacturer jobber or dealer when such motor vehicle trailer or semi-trailer is used (a) in the motor vehicle business of such manufacturer jobber or dealer (b) for the personal pleasure of such manufacturer jobber or dealer or the members of his family when operated by such manufacturer jobber or dealer or an immediate member of his family or when such manufacturer jobber or dealer is a corporation for the personal pleasure of not more than three officers thereof who are actively engaged in its business or the members of their families or for the personal pleasure of the regular employes of such manufacturer jobber dealer or corporation when operated by such employe (c) for teaching a new operator how to operate a motor vehicle if such new operator has procured a learner's permit and for such new operator to take an examination for an operator's license (d) for testing motor vehicles trailers or semi-trailers in the possession of such manufacturer jobber or dealer or (e) for demonstrating motor vehicles trailers or semi-trailers in the possession of such manufacturer jobber or dealer and such vehicles may be operated by a prospective purchaser when licensed as an operator or permittee and when accompanied by the manufacturer jobber or dealer or an employe of such manufacturer jobber or dealer Provided That a person entitled to dealer registration under clause (3) of the definition of "dealer" in section one hundred two of this act may only use dealer's registration plates for the purpose of transporting new motor vehicles trailers or semi-trailers on their own wheels and a person entitled to dealer registration under clause (4) of said definition may only use dealer's registration plates for the purpose of moving or operating a motor vehicle trailer or semi-trailer which he is repossessing or which after repossession he is moving for the purpose of repairing or having repaired demonstrating for sale or which he is moving for delivery to a bona fide purchaser in the regular course of his business and a person entitled to dealer registration under clause (7) of said definition may only use dealer's registration plates in direct connection with his own repair business for repairing servicing or delivering his own vehicles and a person entitled to dealer registration under clause (8) of said definition may only use dealer's registration plates for the purpose of moving or operating a motor vehicle trailer or semi-trailer which he is repossessing Provided further That in no event shall manufacturer's jobber's or dealer's registration plates be used for any purpose other than as limited in this section

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—180

Adam,	**Gelfand,**	**Maxwell,**	**Sarraf,**
Agnew,	**Gibson,**	**McCann,**	**Scarcelli,**
Amarando,	**Goldstein,**	**McCormack,**	**Schuster,**
Anderson, M. S.,	**Gramlich,**	**McGee,**	**Sherman,**
Anderson, S. A.,	**Greenwood,**	**McKeever,**	**Smith, C. C.,**
Banker,	**Guss,**	**McLaughlin,**	**Smith, Wm. B.,**
Barnatovich,	**Guthrie,**	**McWherter,**	**Snider,**
Bazin,	**Hamilton, R. K.,**	**Meholchick,**	**Stank,**
Bell,	**Hass,**	**Metz,**	**Stebbins,**
Blair,	**Haudenshield,**	**Mihm,**	**Steckel,**
Boles,	**Helm,**	**Mikula,**	**Stephens,**
Bonner,	**Henzel,**	**Miller,**	**Stevenson,**
Boory,	**Hewitt,**	**Mills,**	**Stone,**
Bower,	**Hocker,**	**Monroe,**	**Stoner,**
Branca,	**Holt,**	**Moran,**	**Strausser,**
Breisch,	**Horst,**	**Moscrip,**	**Stroup,**
Brennan, A. P.,	**Isaacs,**	**Muldowney,**	**Swartz,**
Brennan, J. J.,	**Jenkins,**	**Munley,**	**Taylor,**

Brenninger,	Johnson,	Murphy,	Thomas,
Breth,	Jones, G. E.,	Murray, H. P.,	Thompson,
Bullen,	Jones, T. H. W.,	Murray, J. J.,	Toll,
Capano,	Jump,	Murray, P. G.,	Tompkins,
Cianfrani,	Kamyk,	Musto,	Toomey,
Cioffi,	Kehler,	Needham,	Varallo,
Cochran,	Keller,	Ogilvie,	Varner,
Cooper,	Kent,	Olsen,	Vaughan,
Curwood,	Kline,	O'Neil,	Verona,
Davis,	Knecht,	Pacchioli,	Wallace,
Donahue,	Kolankiewicz,	Parry,	Walsh,
Dougherty,	Kornick,	Pashley,	Wargo,
Down,	Kratz,	Paulhamus,	Waterhouse,
Eilberg,	Kromer,	Petrosky,	Weidner,
Erb,	Lafore,	Pettigrew,	Welsh,
Eshleman,	Leiby,	Polaski,	Wescott,
Ewing,	Leisey,	Polen,	Wheeler,
Farabaugh,	Leonard,	Pomeroy,	Whitenight,
Filo,	Leven,	Price,	Willaredt,
Fineman,	Light,	Pursley,	Williams,
Flint,	Limper,	Readinger,	Wilt,
Floyd,	Lippincott,	Reibman,	Wood,
Frank,	Lopresti,	Reidenbach,	Yetter,
Frascella,	Lovett,	Renwick,	Yetzer,
Frost,	Lutty,	Rovansek,	Young,
Gaffney,	Mahan,	Royer,	Ziegler,
Garlock,	Markley,	Rudisill,	Andrews, Speaker

NAYS—10

Ashton,	Houk,	McInroy,	Naugle,
Brown,	Kooker,	Moody,	Wall,
Ehrgood,			Worley,

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection

House Bill No. 1387, Printer's No. 1547;

House Bill No. 1544, Printer's No. 1533;

House Bill No. 1785, Printer's No. 1003

were passed over at the request of Mr. READINGER.

BILL PASSED OVER

There being no objection

House Bill No. 1872, Printer's No. 1534

was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1876 as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" further regulating the removal of wrecked and abandoned automobiles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1219 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" is amended to read

Section 1219 Abandoned or Wrecked Motor Vehicles Peace officers shall have authority in case the owner or custodian is absent or unable to direct such removal to remove or direct removal of abandoned or wrecked motor vehicles from any highway to the nearest [point where such vehicle will not interfere with or obstruct traffic thereon] available garage having facilities to move such vehicles

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—82

Adam,	Frank,	McCormack,	Pettigrew,
Amarando,	Frascella,	McGee,	Polaski,
Anderson, M. S.,	Gaffney,	McKeever,	Readinger,
Anderson, S. A.,	Garlock,	McLaughlin,	Renwick,
Barnatovich,	Guss,	McWherter,	Rovansek,
Bazin,	Hamilton, R. K.,	Meholchick,	Scarcelli,
Boies,	Hass,	Mihm,	Schuster,
Bonner,	Holt,	Mills,	Sherman,
Boory,	Isaacs,	Monroe,	Stebbins,
Branca,	Jenkins,	Moran,	Swartz,
Brennan, J. J.,	Jones, G. E.,	Muldowney,	Thomas,
Capano,	Kamyk,	Munley,	Toll,
Cianfrani,	Kolankiewicz,	Murray, J. J.,	Verona,
Cioffi,	Kornick,	Musto,	Wallace,
Dougherty,	Leiby,	Needham,	Walsh,
Eilberg,	Leonard,	Olsen,	Wargo,
Farabaugh,	Leven,	O'Neil,	Welsh,
Filo,	Limper,	Pacchioli,	Williams,
Fineman,	Lopresti,	Pashley,	Yetter,
Flint,	Lutty,	Paulhamus,	Yetzer,
Floyd,	McCann,		

NAYS—81

Agnew,	Guthrie,	Mahan,	Smith, C. C.,
Ashton,	Haudenshield,	Markley,	Smith, Wm. B.,
Banker,	Helm,	Maxwell,	Steckel,
Bell,	Henzel,	McInroy,	Stevenson,
Brennan, A. P.,	Hocker,	Metz,	Stoner,
Brenninger,	Horst,	Mikula,	Strausser,
Breth,	Houk,	Miller,	Stroup,
Brown,	Johnson,	Moody,	Thompson,
Bullen,	Jones, T. H. W.,	Moscrip,	Tompkins,
Cooper,	Jump,	Murphy,	Toomey,
Curwood,	Kehler,	Murray, H. P.,	Vaughan,
Davis,	Keller,	Murray, P. G.,	Wall,
Donahue,	Kent,	Naugle,	Waterhouse,
Ehrgood,	Kline,	Ogilvie,	Weidner,
Eshleman,	Knecht,	Parry,	Wescott,
Ewing,	Kooker,	Pomeroy,	Willaredt,
Frost,	Kratz,	Pursley,	Worley,
Gelfand,	Lafore,	Reibman,	Ziegler,
Gibson,	Light,	Royer,	Andrews, Speaker
Goldstein,	Lippincott,	Rudisill,	
Gramlich,	Lovett,		

NOT VOTING—44

Auker,	Flynn,	Mullen,	Stank,
Blair,	Foster,	Petrosky,	Stephens,
Bower,	George,	Polen,	Stone,
Breisch,	Gibb,	Price,	Taylor,
Bucchin,	Greenwood,	Reidenbach,	Varallo,

Cochran,	Heavey,	Rigby,	Varner,
Comer,	Hewitt,	Rosen,	Wheeler,
Connelly,	Kromer,	Rubin,	Whitenight,
Donaldson,	Lawyer,	Sarraf,	Wilt,
Down,	Leisey,	Sigman,	Wood,
Erb,	Magee,	Snider,	Young,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. KOLANKIEWICZ asked and obtained permission for the Committee on Cities—Counties—First Class to meet during the session of the House.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1935 as follows:

An Act amending the act of May 31, 1947 (P. L. 377) entitled "A supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled 'An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' permitting certain State employes who during the war were loaned to the United States Government and who have now returned to State employment to pay into the retirement fund the amount of the contributions they would have made during such period with interest and prescribing how the Commonwealth shall build up the necessary State annuity reserves" providing for credit for time spent by employes of the Bureau of Unemployment Security in the Department of Labor and Industry as employes of the United States Government

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause 2 of section 1 and sections 2 and 3 act of May 31, 1947 (P. L. 377) entitled "A supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled 'An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' permitting certain State employes who during the war were loaned to the United States Government and who have now returned to State employment to pay into the retirement fund the amount of the contributions they would have made during such period and prescribing how the Commonwealth shall build up the necessary State annuity reserves" are amended to read

Section 1 Definitions The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

* * *

2 "State employe who was loaned to the United States Government" shall mean (i) any person who was a "State employe" as defined in the act to which this is a supplement and who was an employe of the Commonwealth of Pennsylvania paid on a yearly or monthly basis and was loaned to The United States Government on or after January first one thousand nine hundred forty-two pursuant to the telegram from The President of the United States dated the nineteenth day of December one thousand nine hundred forty-one to the Governor of the Commonwealth requesting the loan of certain employes to The United States Government and who has now been returned to State employment in accordance with public law five hundred forty-nine of the seventy-ninth congress of The United States (ii) any State employe as defined in the act to which this is a supplement who is employed in the Bureau of Employment Security of the Department of Labor and Industry and who was employed between July first one thousand nine hundred thirty-four and November fifteenth one thousand nine hundred forty-six by The United States Government performing employment service functions in Pennsylvania offices of the National Reemployment Service or the State Employment Service of the Commonwealth and who during that time was not covered by any other retirement or pension system and including any employe who while the employment service was on loan to The United States Government was hired by The United States Government and was transferred to the Commonwealth on November sixteenth one thousand nine hundred forty-six in accordance with public law five hundred forty-nine of the seventy-ninth congress of The United States but shall not include any person who while in the employment of The United States Government with respect to such employment became a member of any retirement or pension system financed in whole or in part by funds of The United States Government and continued to receive credit in such other system for such service after his employment by the Commonwealth

* * *

Section 2 (a) Any State employe who was loaned to the United States Government as hereinbefore defined and who has returned to State employment may elect to pay into the State Employes' Retirement Fund a sum equal to what would have been his total salary deductions during the said period of [loan to] employment by the United States Government calculated on the basis of his salary on the [date of such loan] first date of his employment with the United States Government Such election shall be in writing on the form prescribed by the board and it shall be filed with the board within [sixty (60) days] six months after the effective date of this amending act The amount of said back payments may be paid and credited to the annuity savings account either in a lump sum or by future increased deductions from his salary in such amounts as may be agreed upon by the State employe and the board but in no event shall such increased payroll deductions be in amounts less than sufficient to pay such total back payments by the time the member reaches superannuation retirement age

(b) If wage records are not available for the entire time of the person's employment the deductions for the period for which records are not available shall be computed by using the average of the earliest two year period for which records are available

(c) The period of service of any State employe to whom this act applies while in the employment of the United States Government shall not be included in determining additional State annuity on retirement under the provisions of clause (d) of subsection (2) of section 13 of the act to which this is a supplement as added by the act of January nineteenth one thousand nine hundred fifty-two (P. L. 2176)

Section 3 Moneys required to build up the reserves necessary for the payment of State annuities of such employes [loaned to the Federal Government] who take advantage of this act shall be payable from the [Administrative] Administration Fund created under section six hundred two of the Unemployment Compensation Law approved the fifth day of December one thousand nine hundred thirty-six (P. L. 2897 1937) The right of any State employe to take advantage of the provisions of

these amendments shall be contingent on moneys in the Administration Fund being available for the payments required by this section

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gelfand,	Maxwell,	Sarraf,
Agnew,	Gibson,	McCann,	Scarcelli,
Amarando,	Goldstein,	McCormack,	Schuster,
Anderson, M. S.,	Gramlich,	McGee,	Sherman,
Anderson, S. A.,	Greenwood,	McInroy,	Smith, C. C.,
Ashton,	Guss,	McKeever,	Smith, Wm. B.,
Banker,	Guthrie,	McLaughlin,	Snider,
Barnatovich,	Hamilton, R. K.,	McWherter,	Stank,
Bazin,	Haudenshield,	Meholchick,	Stebbins,
Bell,	Hass,	Metz,	Steckel,
Blair,	Helm,	Mihm,	Stephens,
Boies,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stone,
Boory,	Hocker,	Mills,	Stoner,
Bower,	Holt,	Monroe,	Strausser,
Branca,	Horst,	Moody,	Stroup,
Breisch,	Houk,	Moran,	Swartz,
Brennan, A. P.,	Isaacs,	Moscrip,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	Thompson,
Breth,	Jones, G. E.,	Murphy,	Toll,
Brown,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Murray, P. G.,	Varallo,
Cianfrani,	Kehler,	Musto,	Varner,
Cioffi,	Keller,	Naugle,	Vaughan,
Cochran,	Kent,	Needham,	Verona,
Cooper,	Kline,	Ogilvie,	Wall,
Curwood,	Knecht,	Olsen,	Wallace,
Davis,	Kolankiewicz,	O'Neil,	Walsh,
Donahue,	Kooker,	Pacchioli,	Wargo,
Dougherty,	Kornick,	Parry,	Waterhouse,
Down,	Kratz,	Pashley,	Weidner,
Ehrgood,	Kromer,	Paulhamus,	Welsh,
Eilberg,	Lafore,	Petrosky,	Wheeler,
Erb,	Leiby,	Pettigrew,	Wescott,
Eshleman,	Leisey,	Polaski,	Whitenight,
Ewing,	Leonard,	Polen,	Willaredt,
Farabaugh,	Leven,	Pomeroy,	Williams,
Filo,	Light,	Price,	Wilt,
Fineman,	Limper,	Pursley,	Wood,
Flint,	Lippincott,	Readinger,	Worley,
Floyd,	Lopresti,	Reibman,	Yetter,
Frank,	Lovett,	Reidenbach,	Yetzer,
Frascella,	Lutty,	Renwick,	Young,
Frost,	Mahan,	Rovansek,	Ziegler,
Gaffney,	Markley,	Royer,	Andrews,
Garlock,		Rudisill,	Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1941 as follows:

An Act to further amend the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled as amended "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are practically and commercially suitable for use in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by reducing the amount of tax on fuels used for the generation of power in aircraft and aircraft engines further regulating the collection disposition and refund thereof and the licensing of distributors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of "Distributor" in section two of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled as amended "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are practically and commercially suitable for use in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" is hereby amended to read as follows

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

* * *

"Distributor" Any person as herein defined who or which

1 Producers refines prepares blends distills manufactures or compounds liquid fuels in the Commonwealth of Pennsylvania for his own use therein or for sale and delivery therein

2 Imports or causes to be imported from any other state or territory of the United States or from a foreign country liquid fuels for his own use in the Commonwealth of Pennsylvania or for sale and delivery in and after reaching the Commonwealth other than in the original package receptacle or container

3 Imports or causes to be imported from any other state or territory of the United States liquid fuels for his own use in the Commonwealth of Pennsylvania or for sale and delivery therein after the same have come to rest or storage therein whether or not in the original package receptacle or container

4 Purchases or receives liquid fuels in the original package receptacle or container in the Commonwealth of Pennsylvania for his own use or for sale and delivery therein from any person who has imported the same from a foreign country

5 Purchases or receives liquid fuels in the original package recptacle or container in the Commonwealth of Pennsylvania for his own use therein or for sale and delivery therein from any person who has imported the same from any other state or territory of the United States in case such liquid fuels have not prior to such purchase or receipt come to rest or storage in the Commonwealth of Pennsylvania

6 Receives and in any manner uses or distributes liquid fuels in the Commonwealth of Pennsylvania on

which the tax provided for in this act has not been previously paid

7 Owns or operates aircraft aircraft engines or facilities for delivery of liquid fuels to aircraft or aircraft engines who elect with the permission of the Secretary to qualify and obtain a permit as a distributor

Section 2 Section four of said act as last amended by the acts approved the thirty-first day of May one thousand nine hundred fifty-five (P. L.) (Act No. 29) and the third day of September one thousand nine hundred fifty-five (P. L.) (Act No. 137) is hereby further amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A permanent State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States Government on presentation of a duly authorized United States Government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States and excepting liquid fuels used as fuel in aircraft or aircraft engines The tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax an additional State tax of two cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for the period beginning the first day of July one thousand nine hundred thirty-five and ending on the thirty-first day of May one thousand nine hundred fifty-seven

In addition to the foregoing taxes a further additional State tax of one cent a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for the period beginning the [tenth day after the effective date of this amending act] thirteenth day of September one thousand nine hundred fifty-five and ending at the end of two years thereafter

In lieu of the foregoing taxes a permanent State Tax of one and one-half cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in aircraft or aircraft engines

Distributors shall be liable to the Commonwealth for the collection and payment of the tax imposed by this act The tax imposed by this act shall be collected by the distributor at the time the liquid fuels are used or sold and delivered by the distributor and shall be borne by the consumer

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

The department shall allow such handling and storage losses of liquid fuels as are substantiated to its satisfaction

Section 3 The first paragraph of subsection (a) of section ten of said act as last amended by the act approved the twenty-ninth day of May one thousand nine hundred fifty-one (Pamphlet Laws 485) is hereby further amended to read as follows

Section 10 Disposition and Use of Tax (a) One-half cent per gallon of the permanent tax of three cents a gallon collected under the provisions of this act shall be paid into the Liquid Fuels Tax Fund of the State Treasury and such moneys paid into said fund are hereby specifically appropriated for the purposes hereinafter set forth

* * *

Section 4 Subsection (d) of section ten of said act as last amended by the act approved the third day of September one thousand nine hundred fifty-five (Pamphlet Laws) (Act No 137) is hereby further amended to read as follows

Section 10 Disposition and Use of Tax

* * *

(d) The remaining two and one-half cents per gallon of the permanent tax [and] of three cents a gallon all additional taxes collected under the provisions of this act the permanent tax of one and one-half cents a gallon imposed and assessed on liquid fuels used or sold and delivered for use as a fuel in aircraft or aircraft engines in lieu of other taxes all penalties and interests and all interest earned on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund and are hereby specifically appropriated for the same purposes for which moneys in the Motor License Fund are appropriated by law

Section 5 Section seventeen of said act as last amended by the act approved the twenty-seventh day of May one thousand nine hundred fifty-three (Pamphlet Laws 254) is hereby further amended to read as follows

Section 17 Refunds The Board of Finance and Revenue may refund to distributors taxes penalties and interest paid by them on liquid fuels delivered to the United States government or paid as the result of an error of law or of fact or of both law and fact Claims for such refunds shall be made under the procedure prescribed by The Fiscal Code

Any person who shall use or buy liquid fuels on which the tax imposed by this act shall have been paid and shall consume the same in the operation of any nonlicensed farm tractor or licensed farm tractor when used off the highways for agricultural purposes or nonlicensed powered farm machinery for purposes relating to the actual production of farm products shall be reimbursed one-half the amount of such tax

Any person who shall use or buy any liquid fuel on which a tax imposed by this act in excess of one and one-half cents a gallon shall have been paid and shall use such liquid fuel in aircraft or aircraft engines shall be reimbursed in the amount of such excess

All such claims for reimbursement shall be made upon a form to be furnished by the Board of Finance and Revenue and shall include in addition to such other information as the board may by regulation prescribe the name and address of the claimant the period of time and the number of gallons of liquid fuels used for which reimbursement is claimed a description of the farm machinery aircraft or aircraft engine in which such liquid fuels have been used and the purposes for which such machinery aircraft or aircraft engine has been used the size of the farm and part thereof in cultivation on which such liquid fuels have been used Each such claim shall contain statements that the liquid fuels for which reimbursement is claimed have been used only for purposes for which reimbursements are permitted that records of the amounts of such fuels used in each piece of farm machinery aircraft or aircraft engine have been kept and that no part of such claim has been paid except as stated Each such claim shall contain a declaration that it and accompanying receipts are true and correct to the best of claimant's knowledge and shall be signed by the claimant or the person claiming on his behalf Every claim shall be accompanied by receipts indicating that the liquid fuels or excess liquid fuels tax was paid on the liquid fuels for which reimbursement is claimed All records of purchases of liquid fuels and use in each tractor or powered machinery aircraft or aircraft engine shall be kept for a period of two years Every such claim shall be made annually for the preceding year ending on the thirtieth day of June and shall be submitted to the Board of Finance and Revenue not later than the thirtieth day of September of each year and the board shall refuse to consider any claim received or post-marked later than such date The claimant shall satisfy the board that he has paid the tax and that the liquid fuels have been consumed by him for purposes for which reimbursements are permitted under this section The board may require any claimant to furnish such further information proof or fuller explanation as it shall deem necessary The action of the Board of Finance and Revenue in granting or refusing reimbursement shall be final The board shall deduct the sum of one dollar and fifty cents ($1.50)

which shall be considered as a filing fee from every claim for reimbursement granted Such filing fees are hereby specifically appropriated to the Board of Finance and Revenue and to the Department of Revenue for expenses of any nature whatsoever incurred in the administration of the reimbursement provisions of this act The Board of Finance and Revenue shall have the power to refer to the Department of Revenue for investigation any claim for reimbursement filed under the provisions of this act and it shall be the duty of the Department of Revenue to investigate such application and report to the Board of Finance and Revenue relative thereto Any person making any false or fraudulent statement for the purpose of obtaining reimbursement shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1000) or to undergo imprisonment for not more than six (6) months or both

All refunds and reimbursements of moneys allowed hereunder shall be paid from the Motor License Fund and the Liquid Fuels Tax Fund in amounts equal to the original distribution and payment of such moneys into said funds Provided [however] That reimbursement for taxes paid on liquid fuels consumed in the operation of tractors and powered machinery for purposes relating to the actual production of farm products and reimbursement for taxes paid on liquid fuels used in aircraft or aircraft engines shall be paid out of the Motor License Fund

As much of the moneys from time to time in the Motor License Fund and the Liquid Fuels Tax Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the purpose of making refunds and reimbursements as herein authorized Estimates of the amounts to be expended from these funds for refunds and reimbursements from time to time by the board shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition of the Board of Finance and Revenue for the expenditure of moneys hereunder in excess of the estimates approved by the Governor

The provisions of this section relating to partial reimbursement of taxes paid on liquid fuels consumed in the operation of tractors and powered machines for purposes relating to the actual production of farm products shall apply only to liquid fuels purchased on and after the first day of July one thousand nine hundred forty-nine and before the thirtieth day of June one thousand nine hundred fifty-five

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I first want to apologize to the Members for having to listen to this horrible voice of mine, but there is not much I can do about it. I have been doing my best to rest it and not speak much the last three days, but I have not suceeded very well.

The bill now before us, and House Bill 1942 following it, are companion bills and they relate to the aviation gasoline tax. They would change the law of Pennsylvania to impose a tax of 1.5 cents per gallon on all liquid fuels used as fuel in aircraft or aircraft engines in place of the present six cent tax. This sounds like a drastic reduction which would result in a drastic reduction in revenues from this source, but according to the memo which was forwarded to me by General Biddle, the Chairman of the Pennsylvania Aeronautics Commission, that is not so.

I would like to read to you for your information parts of this memorandum in order that you might better understand what these two bills do. He states:

> "These bills levy a permanent tax of 1½ cents per gallon on all liquid fuels used as fuel in aircraft or aircraft engines. Aviation fuel is not adequately defined under the present law to include kerosene and other fuels now used to propel jet aircraft. Also under existing law, the scheduled airlines are permitted to become Licensed Distributors of Liquid Fuels and thereby to purchase tax free gasoline and subsequently pay the tax only on the number of gallons consumed within the borders of the Commonwealth. Millions of tax free gallons were purchased in Pennsylvania for use in other states.
>
> Pennsylvania is entirely surrounded by states which place absolutely no tax on aviation fuel or else refund the full amount of the tax.
>
> As a result, the scheduled airlines as Licensed Distributors purchase more gasoline in the Commonwealth than they otherwise would, but such procedure is manifestly unfair to the private aircraft owner who cannot qualify as a Licensed Distributor and therefore has to pay the present six cents per gallon tax on every gallon purchased whethehr he uses it in Pennsylvania or beyond in surrounding tax free states.

These two bills—I am not quoting now—are designed to correct this situation. It is my understanding that if this bill were in effect during the year 1955 at 1.5 cents per gallon there were 25.5 million gallons sold for these purposes and the revenue would have been $382,000. It has been estimated that in 1956 under this law 30 million gallons will be sold, with a revenue of $450,000. I believe the revenue during the year 1955 from this source was about $520,000, so there will be a reduction of some $100,000 in revenue immediately, or in the year 1956, but in the years to come with this change in the law it is hoped the revenue will increase.

He states further in his memo:

> "It should be noted that even at the six cents per gallon tax rate that revenue from aviation fuel taxes falls far short for the purpose of matching Federal and local funds under the Federal Airport Aid Program. These matching funds by the Commonwealth have come from specific General Fund Appropriations for this purpose.
>
> "Should increased sales of aviation of fuel produce in 1956 more revenue than estimated based upon current gallonage sold, it is planned to recommend to the 1957 General Assembly a further reduction of the tax rate per gallon on aviation fuel.

It is his opinion, I gather from this memo, that the aviation program, aircraft program, in Pennsylvania will not be hampered or made to suffer in any way by this change.

Therefore, I ask the membership to vote for both House Bills 1941 and 1942.

Mr. CHARLES C. SMITH. Mr. Speaker, I was going to try and save the Majority Leader's voice. I think this needs just a little bit more explanation.

I am going to support the bills on the assumption that the information we are getting is correct, but I do think the Members, particularly in the rural districts, should know a little bit more about this bill.

Under the present six cents a gallon tax the airlines do not pay that tax for any gas consumed outside of Pennsylvania. I think that should be known. They buy gas in Pennsylvania, but they only pay for the gas used in flying over Pennsylvania, they do not pay for any gas they do not consume in Pennsylvania.

Something else I think we have to be very careful about is this—and I can only say that the figures the Majority Leader has are figures which have been given to him as an estimate, they are estimated figures. The present tax money which is collected goes back to the municipality where the tax is collected, one-half of it. That has been a policy of the Commission. When this bill goes into effect, we will be collecting 1.5 cents per gallon and your municipality which collects the money will be getting a refund of three-quarters of a cent per gallon, which will be used on a matching basis on a safety program that the Aeronautics Commission has. Whether or not the money is coming in, that again is an estimate, and you have to keep that in mind. We have never had enough money come in from the gas tax to operate the Aeronautics Commission. I happen to be a Member of it and I say with great pride that I think the Pennsylvania Aeronautics Commission has done one of the best jobs in the nation. We have more airfields, smaller airfields, in Pennsylvania than any state in the nation. We have always had to have a fund—I should not say that. Last year I do not believe we had any contributions from the General Fund, if I am correct, or the biennium before, we had enough money coming in from the tax. This will mean, and the bill has to ride with it, an appropriation bill of around $2 million coming from the General Fund, which money is used on a matching basis with the Federal Government for construction of airports. Now if these two bills, 1941 and 1942, and the appropriation bill which goes along with it for $2 million, remain as is and the estimates which have been given the Majority Leader and myself are accurate estimates, I do believe there will be sufficient funds for the rural areas to get safety programs for their airports. But if these bills are changed in any way so that these things would vary, I would say if they come back to us with any changes as a matter of policy the House should seriously consider the change before we concur in any amendments. We believe they are honest estimates which have been given to us, but keep in mind they are estimates.

I only bring this to your attention so that if anything happens in the future we do not say we should not have done it. They are estimates given to us by the departments, and we hope they are true.

There is going to be more fuel consumed on the basis of all airlines who are now using jet airliners which will use kerosene. The information they give us is that they use two gallons of kerosene for every gallon of gasoline they used to use. Of course, keep in mind too, you are not going to get three cents out of it because you are losing six cents on every gallon of gas they used to use, so you are only getting half as much back from them even though they are burning twice as much fuel.

I think I am right in those statements, am I not, Mr. Majority Leader?

I just bring this out to clarify it for the rural Members, because they have been down to my desk wanting to know if this is going to hurt their airports. If the estimates are true, we will be short $100,000 on our safety program. Whether it will hurt you remains to be seen, I cannot tell you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—187

Adam,	Gelfand,	McCann,	Scarcelli,
Agnew,	Gibson,	McCormack,	Schuster,
Amarando,	Goldstein,	McGee,	Sherman,
Anderson, M. S.,	Gramlich,	McInroy,	Smith, C. C.,
Anderson, S. A.,	Greenwood,	McKeever,	Smith, Wm. B.,
Ashton,	Guss,	McLaughlin,	Snider,
Banker,	Guthrie,	McWherter,	Stank,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Stebbins,
Bazin,	Hass,	Metz,	Steckel,
Bell,	Haudenshield,	Mihm,	Stephens,
Blair,	Henzel,	Mikula,	Stevenson,
Boles,	Hewitt,	Miller,	Stone,
Bonner,	Hocker,	Mills,	Stoner,
Boory,	Holt,	Monroe,	Strausser,
Bower,	Horst,	Moody,	Stroup,
Branca,	Houk,	Moran,	Swartz,
Breisch,	Isaacs,	Moscrip,	Taylor,
Brennan, A. P.,	Jenkins,	Muldowney,	Thomas,
Brennan, J. J.,	Johnson,	Munley,	Thompson,
Brenninger,	Jones, G. E.,	Murphy,	Toll,
Breth,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Brown,	Jump,	Murray, J. J.,	Toomey,
Bullen,	Kamyk,	Murray, P. G.,	Varallo,
Capano,	Kehler,	Musto,	Vaughan,
Cianfrani,	Keller,	Naugle,	Varner,
Cioffi,	Kent,	Needham,	Verona,
Cochran,	Kline,	Ogilvie,	Wall,
Cooper,	Knecht,	Olsen,	Wallace,
Curwood,	Kolankiewicz,	O'Neil,	Walsh,
Davis,	Kooker,	Pacchioli,	Wargo,
Donahue,	Kornick,	Parry,	Waterhouse,
Dougherty,	Kratz,	Pashley,	Weidner,
Down,	Kromer,	Paulhamus,	Welsh,
Ehrgood,	Lafore,	Petrosky,	Wescott,
Eilberg,	Leiby,	Pettigrew,	Wheeler,
Erb,	Leisey,	Polaski,	Whitenight,
Eshleman,	Leonard,	Polen,	Willaredt,
Farabaugh,	Leven,	Pomeroy,	Williams,
Filo,	Light,	Price,	Wilt,
Fineman,	Limper,	Pursley,	Wood,
Flint,	Lippincott,	Readinger,	Worley,
Floyd,	Lopresti,	Reidenbach,	Yetter,
Frank,	Lovett,	Renwick,	Yetzer,
Frascella,	Lutty,	Rovansek,	Young,
Frost,	Mahan,	Royer,	Ziegler,
Gaffney,	Markley,	Rudisill,	Andrews,
Garlock,	Maxwell,	Sarraf,	Speaker

NAYS—3

Ewing,	Helm,	Reibman,

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson.			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1942, as follows:

An Act to amend the title and sections two and four of the act approved the fourteenth day of January one thousand nine hundred fifty-two (1951-1952 P. L. 1965) entitled "An act imposing a permanent and temporary

State tax on fuels used within the Commonwealth in internal combustion engines for the generation of power to propel motor vehicles using the public highways providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring dealer-users to secure licenses and to file bonds as a guarantee of payment of taxes penalties interest fines uncollectible check fees and Attorney General's fees to file reports and to compile and retain certain records requiring registration of carriers for hire imposing duties on such persons requiring persons selling or delivering fuels to licensed dealer-users to furnish information imposing certain costs on counties conferring powers and imposing duties on State officers and departments providing for refunds of taxes penalties and interest illegally or erroneously collected from licensees and providing penalties" by imposing a tax on fuels used in aircraft or aircraft engines fixing the amount thereof and changing definitions of dealer-users fuels and use

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of the act approved the fourteenth day of January one thousand nine hundred fifty-two (1951-1952 P. L. 1965) entitled "An act imposing a permanent and a temporary State tax on fuels used within the Commonwealth in internal combustion engines for the generation of power to propel motor vehicles using the public highways providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring dealer-users to secure licenses and to file bonds as a guarantee of payment of taxes penalties interest fines uncollectible check fees and Attorney General's fees to file reports and to compile and retain certain records requiring registration of carriers for hire imposing duties on such persons requiring persons selling or delivering fuels to licensed dealers-users to furnish information imposing certain costs on counties conferring powers and imposing duties on State officers and departments providing for refunds of taxes penalties and interest illegally or erroneously collected from licensees and providing penalties" is hereby amended to read as follows

An Act imposing a permanent and a temporary State tax on fuels used within the Commonwealth in internal combustion engines for the generation of power to propel motor vehicles using the public highways imposing a permanent tax on the fuels used in aircraft or aircraft engines providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring dealer-users to secure licenses and to file bonds as a guarantee of payment of taxes penalties interest fines uncollectible check fees and Attorney General's fees to file reports and to compile and retain certain records requiring registration of carriers for hire imposing duties on such persons requiring persons selling or delivering fuels to licensed dealer-users to furnish information imposing certain costs on counties confering powers and imposing duties on State officers and departments providing for refunds of taxes penalties and interest illegally or erroneously collected from licenses and providing penalties

Section 2 The definitions of "Dealer-User" "Fuels" and "Use" in Section two of said act are hereby amended to read as follows

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

* * *

"Dealer-user" shall mean and include any person who delivers or places fuels into the fuel supply tanks or other fueling receptacles or devices of an aircraft or aircraft engine or of a motor vehicle or who uses fuels within the meaning of the word "use" as defined in this section

* * *

"Fuels" shall mean and include all combustible gases and liquids used for the generation of power in aircraft or aircraft engines or used in an internal combustion engine for the generation of power to propel vehicles of any kind or character on the public highways except such fuels as are defined as liquid fuels by the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) known as "The Liquid Fuels Tax Act" and its amendments

* * *

"Use" shall mean and include (a) the importation into this Commonwealth of fuels in the fuel supply tanks or other fueling receptacles or devices of a motor vehicle in excess of fifty (50) gallons and (b) the delivery or placing of fuels into the fuel supply tanks or other fueling receptacles or devices of an aircraft or aircraft engine or of a motor vehicle in this Commonwealth for use in whole or part for the generation of power in the aircraft or aircraft engine or in whole or in part for the generation of power to propel such motor vehicle on the public highways of this Commonwealth The delivery of fuels into such supply tanks or other fueling receptacles or devices shall constitute a conclusive presumption that the fuel so delivered is to be used in propelling such motor vehicles on the public highways of this Commonwealth or for the generation of power in aircraft or aircraft engines

Section 3 Section four of said act as last amended by the act approved the thirty-first day of May one thousand nine hundred fifty-five (Pamphlet Laws) (Act No. 30) and the act approved the third day of September one thousand nine hundred fifty-five (Pamphlet Laws) (Act No. 138) is hereby further amended to read as follows

Section 4 Imposition of Tax Exemptions A permanent excise tax at the rate of three cents ($.03) a gallon or fractional part thereof is hereby imposed on all dealer-users upon the use [as herein defined] of fuel within this Commonwealth except the use of fuel in aircraft or aircraft engines to be computed in the manner hereinafter set forth The tax herein imposed shall not apply on fuels not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States The tax herein imposed and assessed shall be paid to the Commonwealth but once in respect to any fuels used within the Commonwealth No tax is hereby imposed upon (1) any fuel that is used by or sold and delivered to the United States government when such sales and deliveries are supported by documentary evidence satisfactory to the department or (2) upon any fuel not in excess of fifty (50) gallons brought into this Commonwealth in the fuel supply tanks or other fueling receptacles or devices of a motor vehicle or (3) upon any fuel used by or sold or delivered for use in farm machinery or equipment engaged in the production or harvesting of farm or agricultural products involving the use of the public highways within a ten (10) mile radius of the domicile of the owner of the machinery or equipment when such sales and deliveries are supported by documentary evidence satisfactory to the department or (4) upon any fuel used by or sold or delivered to the Commonwealth of Pennsylvania and its political subdivisions when such sales and deliveries are supported by documentary evidence satisfactory to the department

In addition to such tax an additional State excise tax of two cents ($.02) a gallon or fractional part thereof is hereby imposed and assessed on all dealer-users upon the use [as herein defined] of fuel within this Commonwealth except the use of fuel in aircraft or aircraft engines within the limitations of the provisions of this section for the period beginning February first one thousand nine hundred fifty-two and ending on the thirty-first day of May one thousand nine hundred fifty-seven

In addition to the foregoing taxes a further additional State excise tax of one cent ($.01) a gallon or fractional part thereof is hereby imposed and assessed on all dealer-users upon the use [as herein defined] of the fuel within this Commonwealth except the use of fuel in aircraft or aircraft engines within the limitations of the provisions of this section for the period beginning the [tenth day after the effective date of this amending act] thirteenth day of September one thousand nine hundred fifty-five and ending at the end of two years thereafter

In lieu of the foregoing taxes a permanent excise tax at the rate of one and one-half cents a gallon or fractional part thereof is hereby imposed on all dealer-users upon the use of fuel in aircraft or aircraft engines to be computed in the manner hereinafter set forth The tax herein imposed shall not apply on fuels not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States The tax herein imposed and assessed shall be paid to the Commonwealth but once in respect to any fuels No tax is hereby imposed upon (1) any fuel that is used by or sold and delivered to the United States government when such sales and deliveries are supported by documentary evidence satisfactory to the department or (2) upon any fuel brought into this Commonwealth in the fuel supply tanks or other fueling receptacles or devices of an aircraft or aircraft engine or (3) upon any fuel used or sold or delivered to the Commonwealth of Pennsylvania and its political subdivisions for official use when such sales and deliveries are supported by documentary evidence satisfactory to the department

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—187

Adam,	Gelfand,	McCann,	Scarcelli,
Agnew,	Gibson,	McCormack,	Schuster,
Amarando,	Goldstein,	McGee,	Sherman,
Anderson, M. S.,	Gramlich,	McInroy,	Smith, C. C.,
Anderson, S. A.,	Greenwood,	McKeever,	Smith, Wm. B.,
Ashton,	Guss,	McLaughlin,	Snider,
Banker,	Guthrie,	McWherter,	Stank,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Stebbins,
Bazin,	Hass,	Metz,	Steckel,
Bell,	Haudenshield,	Mihm,	Stephens,
Blair,	Henzel,	Mikula,	Stevenson,
Boies,	Hewitt,	Miller,	Stone,
Bonner,	Hocker,	Mills,	Stoner,
Boory,	Holt,	Monroe,	Strausser,
Bower,	Horst,	Moody,	Stroup,
Branca,	Houk,	Moran,	Swartz,
Breisch,	Isaacs,	Moscrip,	Taylor,
Brennan, A. P.,	Jenkins,	Muldowney,	Thomas,
Brennan, J. J.,	Johnson,	Munley,	Thompson,
Brenninger,	Jones, G. E.,	Murphy,	Toll,
Breth,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Brown,	Jump,	Murray, J. J.,	Toomey,
Bullen,	Kamyk,	Murray, P. G.,	Varallo,
Capano,	Kehler,	Musto,	Varner,
Cianfrani,	Keller,	Naugle,	Vaughan,
Cioffi,	Kent,	Needham,	Verona,
Cochran,	Kline,	Ogilvie,	Wall,
Cooper,	Knecht,	Olsen,	Wallace,
Curwood,	Kolankiewicz,	O'Neil,	Walsh,
Davis,	Kooker,	Pacchioli,	Wargo,
Donahue,	Kornick,	Parry,	Waterhouse,
Dougherty,	Kratz,	Pashley,	Weidner,
Down,	Kromer,	Paulhamus,	Welsh,
Ehrgood,	Lafore,	Petrosky,	Wescott,
Eilberg,	Leiby,	Pettigrew,	Wheeler,
Erb,	Leisey,	Polaski,	Whitenight,
Eshleman,	Leonard,	Polen,	Willaredt,
Farabaugh,	Leven,	Pomeroy,	Williams,
Filo,	Light,	Price,	Wilt,
Fineman,	Limper,	Pursley,	Wood,
Flint,	Lippincott,	Readinger,	Worley,
Floyd,	Lopresti,	Reidenbach,	Yetter,
Frank,	Lovett,	Renwick,	Yetzer,
Frascella,	Lutty,	Rovansek,	Young,
Frost,	Mahan,	Royer,	Ziegler,
Gaffney,	Markley,	Rudisill,	Andrews,
Garlock,	Maxwell,	Sarraf,	Speaker

NAYS—0

Ewing,	Helm,	Reibman,

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2024, as follows:

An Act making an appropriation to the Department of Forests and Waters for the development of Erie harbor and land adjacent thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order that the Commonwealth of Pennsylvania as a whole and the counties of western and northwestern Pennsylvania may through the port of Erie be placed in a position to take full advantage of economic benefits envisioned from the St. Lawrence seaway project the sum of one million seven hundred fifty thousand dollars ($1,750,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters to be expended for dredging excavation and fill in and adjacent to the harbor at Erie and for the payment of all costs and expenses incurred in connection therewith

Section 2 Expenditures of the funds appropriated in section 1 shall be made by the Department of Forests and Waters for the general purposes identified as stage 1 in the engineering study made for the city of Erie and titled "Port of Erie Study November 1955" and consisting of dredging in the port of Erie and excavation and fill of lands adjacent thereto to be used for a marine terminal and industrial development area

Section 3 Expenditures of the funds appropriated by this act shall be contingent upon the city of Erie Erie County or the inhabitants thereof arranging for the financing and construction of the wharf mooring fixtures and fendering also included in stage 1 of the aforementioned engineering study and estimated to cost approximately four hundred and sixty

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WATERHOUSE. Mr. Speaker, just to bring to the attention of the Members on this side of the House especially, this bill is to provide funds with which to develop the Erie Harbor. As you know, with the Seaway coming in it is vitally important that we do enact this bill.

I do know there had been some misunderstanding in the beginning with regard to it, especially on our side of the House, but that has been all cleared up by amendments.

I certainly hope the Members on this side will give it their solid support. I imagine that "Julian" has taken very good care of the other side of the House. It is certainly very much needed legislation.

Mr. Speaker, we would be perfectly willing to take the last roll call on this bill.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gelfand,	Maxwell,	Sarraf,
Agnew,	**Gibson,**	**McCann,**	Scarcelli,
Amarando,	**Goldstein,**	**McCormack,**	**Schuster,**
Anderson, M. S.,	**Gramlich,**	**McGee,**	Sherman,
Anderson, S. A.,	**Greenwood,**	McInroy,	Smith, C. C.,
Ashton,	Guss	**McKeever,**	**Smith, Wm. B.,**
Banker,	Guthrie,	McLaughlin,	Snider,
Barnatovich,	Hamilton, R. K.,	McWherter,	Stank,
Bazin,	**Hass,**	**Meholchick,**	**Stebbins,**
Bell,	Haudenshield,	Metz,	Steckel,
Blair,	**Helm,**	**Mihm,**	**Stephens,**
Boies,	**Henzel,**	Mikula,	**Stevenson,**
Bonner,	Hewitt,	Miller,	Stone,
Boory,	**Hocker,**	Mills,	Stoner,
Bower,	**Holt,**	Monroe,	Strausser,
Branca,	**Horst,**	Moody,	Stroup,
Breisch,	**Houk,**	Moran,	Swartz,
Brennan, A. P.,	**Isaacs,**	Moscrip,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	**Thompson,**
Breth,	Jones, G. E.,	Murphy,	Toll,
Brown,	Jones, T. H. W.,	**Murray, H. P.,**	**Tompkins,**
Bullen,	**Jump,**	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Murray, P. G.,	Varallo,
Cianfrani,	Kehler,	Musto,	**Varner,**
Cioffi,	**Keller,**	Naugle,	Vaughan,
Cochran,	**Kent,**	Needham,	Verona,
Cooper,	**Kline,**	Ogilvie,	Wall,
Curwood,	Knecht,	Olsen,	Wallace,
Davis,	Kolankiewicz,	O'Neil,	**Walsh,**
Donahue,	Kooker,	Pacchioli,	Wargo,
Dougherty,	**Kornick,**	Parry,	Waterhouse,
Down,	Kratz,	Pashley,	Weidner,
Ehrgood,	Kromer,	Paulhamus,	**Welsh,**
Eilberg,	**Lafore,**	Petrosky,	Wescott,
Erb,	Leiby,	Pettigrew,	Wheeler,
Eshleman,	Leisey,	Polaski,	**Whitenight,**
Ewing,	Leonard,	**Polen,**	Willaredt,
Farabaugh,	Leven,	Pomeroy,	**Williams,**
Filo,	Light,	Price,	**Wilt,**
Fineman,	Limper,	**Pursley,**	Wood,
Flint,	**Lippincott,**	**Readinger,**	**Worley,**
Floyd,	Lopresti,	Reibman,	Yetter,
Frank,	Lovett,	**Reidenbach,**	**Yetzer,**
Frascella,	**Lutty,**	**Renwick,**	**Young,**
Frost,	Mahan,	Rovansek,	**Ziegler,**
Gaffney,	Markley,	Royer,	Andrews,
Garlock,		**Rudisill,**	Speaker

NAYS—0

NOT VOTING—17

Auker,	**Flynn,**	**Heavey,**	**Rigby,**
Bucchin,	**Foster,**	Lawyer,	Rosen,
Comer,	George,	**Magee,**	**Rubin,**
Connelly,	**Gibb,**	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection,

House Bill No. 2043, Printer's No. 1450

was passed over at the request of Mr. READINGER.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, our present plans call for no session tomorrow, not even a consent session. We are planning to have a two-day meeting next week, both of which days will be consent calendar days.

However, I am requesting every person who has been appointed to a Conference Committee to attend the session next week and get together with the other conferees in order that decisions might be made and conference reports prepared.

At the present time the House leadership is planning to have a four-day working session starting on April 3rd, which is Tuesday of the following week.

Unless the conferees come here next week and meet and either adopt a report or decide that they cannot do so, we will not be prepared to do business as we should on April 3rd. If we do not get a lot of business done the week of April 3rd, I am afraid we will be here until the end of April instead of the middle of April.

If things can be carried out as planned, I think we can safely count on getting out of this House finally sometime around April 11th or 12th. It will take some work and I am begging every Member of a conference committee to be here next week even though it is a consent calendar.

We have requested the leadership of the Senate to make a similar statement, and I know it is being done. I know the Senators will cooperate, those that are on conference committees, and they will attend the sessions.

I want to reiterate that next week's session will be a two-day session and that it will be a consent calendar.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2055, as follows:

An Act to amend section 9 of the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" providing for payments by the Commonwealth into the public school employes' retirement fund in lieu of reimbursement by the Department of Public Instruction State Teachers Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf Scotland School for Veterans' Children and Pennsylvania State University

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 section 9 of the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employe's retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the twenty-sixth day of September one thousand nine hundred fifty-one (P. L. 1450) is amended to read as follows

Section 9 The Commonwealth of Pennsylvania shall be reimbursed to the extent of one-half of the amount paid by the Commonwealth into the fund created by this act to the credit of the contingent reserve account and the State annuity reserve account number two on account of employes of each employer by payments into its treasury

made directly by such employer or indirectly from moneys otherwise belonging to such employer To facilitate the payments of amounts due from the treasurer of any employer to the treasurer of the Commonwealth on account of the retirement system and to permit the exchange of credits between the treasurer of th Commonwealth and the treasurer of any employer the State Superintendent of Public Instruction and the State Treasurer are hereby authorized and empowered to cause to be deducted and paid into or retained in the State Treasury from the amount due to the State Treasury from such employer in accordance with the provisions of this act Corresponding amounts which would be otherwise transferred to the treasury of the Commonwealth from the treasurer of such employer may be credited to the accounts of the employer to which the moneys withheld by the Commonwealth were payable

On receiving the certification of the public school employes' retirement board the Commonwealth shall contribute periodically such sums of money as shall be required from the Department of Public Instruction State Teachers Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf Scotland School for Veterans' Children and Pennsylvania State University as the employer to reimburse the Commonwealth to the extent of one-half of the amount paid by the Commonwealth into the fund created by the act to which this act is an amendment to the credit of the contingent reserve account and the State annuity reserve account number two on account of employes of the Department of Public Instruction State Teachers Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf Scotland School for Veterans' Children and Pennsylvania State University

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gibson,	McCann,	Sarraf,
Agnew,	Goldstein,	McCormack,	Scarcelli,
Amarando,	Gramlich,	McGee,	Schuster,
Anderson, M. S.,	Greenwood,	McInroy,	Sherman,
Anderson, S. A.,	Guss,	McKeever,	Smith, C. C.
Ashton,	Guthrie,	McLaughlin,	Smith, Wm. B.
Banker,	Hamilton, R. K.,	McWherter,	Snider,
Barnatovich,	Hass,	Meholchick,	Stank,
Bazin,	Haudenshield,	Metz,	Stebbins,
Bell,	Heavey,	Mihm,	Steckel,
Blair,	Helm,	Mikula,	Stephens,
Boles,	Henzel,	Miller,	Stevenson,
Bonner,	Hewitt,	Mills,	Stone,
Boory,	Hocker,	Monroe,	Stoner,
Bower,	Holt,	Moody,	Strausser,
Branca,	Horst,	Moran,	Stroup,
Breisch,	Houk,	Moscrip,	Swartz,
Brennan, A. P.,	Isaacs,	Muldowney,	Taylor,
Brennan, J. J.,	Jenkins,	Munley,	Thomas,
Brenninger,	Johnson,	Murphy,	Thompson,
Breth,	Jones, G. E.,	Murray, H. P.,	Toll,
Brown,	Jones, T. H. W.	Murray, J. J.,	Tompkins,
Bullen,	Jump,	Murray, P. G.,	Toomey,
Capano,	Kamyk,	Musto,	Varallo,
Cianfrani,	Kehler,	Naugle,	Varner,
Cioffi,	Keller,	Needham,	Vaughan,
Cochran,	Kent,	Ogilvie,	Verona,
Cooper,	Kline,	Olsen,	Wall,
Curwood,	Knecht,	O'Neil,	Wallace,
Davis,	Kolankiewicz	Pacchioli,	Walsh,
Donahue,	Kooker,	Parry,	Wargo,
Dougherty,	Kornick,	Pashley,	Waterhouse,
Down,	Kratz,	Paulhamus,	Weidner,
Ehrgood,	Kromer,	Petrosky,	Welsh,
Eshleman,	Lafore,	Pettigrew,	Wescott,
Eilberg,	Leiby,	Polaski,	Wheeler,
Erb,	Leisey,	Polen,	Whitenight,
Ewing,	Leonard,	Pomeroy,	Willaredt,
Farabaugh,	Leven,	Price,	Williams.
Filo,	Light,	Pursley,	Wilt,
Fineman,	Limper,	Readinger,	Wood,
Flint,	Lippincott,	Reibman,	Worley,
Floyd,	Lopresti,	Reidenbach,	Yetter,
Frank,	Lovett,	Renwick,	Yetzer,
Frascella,	Lutty,	Rovansek,	Young,
Frost,	Mahan,		Ziegler,
Gaffney,	Markley,	Royer,	Andrews,
Garlock,	Maxwell,	Rudisill,	Speaker
Gelfand,			

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2056, as follows:

An Act to amend the act of June 27 1923 (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" defining certain officers and employes of the Pennsylvania State University who enter such service prior or subsequent to July 1 1956 as State employes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (6) of section 1 of the act of June 27 1923 (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the fourteenth day of January one thousand nine hundred fifty-two (P. L. 1911) is further amended to read as follows

Section 1 Be it enacted etc That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings.

* * *

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such

judges from moneys appropriated by the Commonwealth for such purposes and also all persons employed by the State Board of Law Examiners of the Supreme Court of Pennsylvania and also all present future or former members of the General Assembly who receive or have received their salaries for regular and special sessions of the Legislature as fixed by law and also all officers and employes of the Pennsylvania State [College] University entering such service prior to July 1 1956 paid on a yearly or monthly basis other than those paid wholly from Federal funds also all employes of any single county department of health or any joint county department of health created under the Local Health Administration Law being Act No 315 approved August 34 1951 paid on a yearly or monthly basis and also all officers and employes of the Interstate Commission on the Delaware River Basin and of the Pennsylvania Turnpike Commission as of the date of entering the service of such commissions and of the Delaware River Joint Commission and the Delaware River Joint Toll Bridge Commission The State Public School Building Authority The General State Authority and of The State Highway and Bridge Authority paid on a yearly or monthly basis if the Interstate Commission on the Delaware River Basin and the Delaware River Joint Commission the Delaware River Joint Toll Bridge Commission the Pennsylvania Turnpike Commission The State Public School Building Authority The General State Authority and The State Highway and Bridge Authority shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes and also but only for the purposes of this act all officers and employes of any separate independent public corporation created by act of Assembly (not including however any municipal or quasi-municipal corporation) who immediately prior to their employment by such public corporation were employes of the Commonwealth so long as they remain officers or employes of such public corporation if such public corporation shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (P. L. 245) excepting such officers and employes of the Department of Public Instruction State Teachers' Colleges Thaddeus Stevens Trade School Pennsylvania State Oral School for the Deaf [and Pennsylvania Soldiers' Orphan School] Scotland School for Veterans' Children and also all officers and employes of the Pennsylvania State University entering such service on and after July 1 1956 paid on a yearly or monthly basis other than those paid wholly from Federal funds as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of th public school employes' retirement association and that all service credited as a member of the public school employes' retirement system will be considered as having been rendered as a State employe The rates of deduction from salaries of such officers and employes to the State Employes' Retirement Fund shall be determined by the age at which the employe began to contribute to the Public School Employes' Retirement Fund

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensfation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session or who receive no fixed annual or monthly salary but are paid only upon a per diem basis during legislative sessions and subsequent thereto

Employes of the respective institutions acquired by the Commonwealth from counties cities wards boroughs townships institution districts and other political subdivisions that are actually used as State mental hospitals under the provisions of the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53) or its amendments who [as of the effective date of this act are contributors or who] on or before the thirty-first day of May one thousand nine hundred fifty-two [become] became contributors to this fund shall for the purposes of this act be deemed to have been "State employes" from the time they first entered the employe of such institution even though the same may have been prior to the acquisition of the institution by the Commonwealth if such employe shall pay to the retirement association a sum equal to all the back payments which such employe would have made had he or she become a member of the retirement association at the time he or she was first employed by such institution Such back payments may be spread over a period of years by having the regular payroll deduction of such employe increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted If not so anticipated then the member's anuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's anuity due to the amount of the back payments not so anticipated

The term "State employe" shall also include State officers and employes regularly employed on a per diem or hourly basis or partly at a fixed annual or monthly salary and partly on a per diem or hourly basis Regular employment shall not be construed to include employment of less than one hundred days or seven hundred fifty hours in any year In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

Section 2 The provisions of this act shall become effective upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS-190

Adam,	Gelfand,	Maxwell,	Sarraf,
Agnew,	Gibson,	McCann,	Scarcelli,
Amarando,	Goldstein,	McCormack,	Schuster,
Anderson, M. S.,	Gramlich,	McGee,	Sherman,
Anderson, S. A.,	Greenwood,	McInroy,	Smith, C. O.,

Ashton,	Guss,	McKeever,	Smith, Wm. B.,
Banker,	Guthrie,	McLaughlin,	Snider,
Barnatovich,	Hamilton, R. K.,	McWherter,	Stank,
Bazin,	Hass,	Meholchick,	Stebbins,
Bell,	Haudenshield,	Metz,	Steckel,
Blair,	Helm,	Mihm,	Stephens,
Boies,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stone,
Boory,	Hocker,	Mills,	Stoner,
Bower,	Holt,	Monroe,	Strausser,
Branca,	Horst,	Moody,	Stroup,
Breisch,	Houk,	Moran,	Swartz,
Brennan, A. P.,	Isaacs,	Moscrip,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	Thompson,
Breth,	Jones, G. E.,	Murphy,	Toll,
Brown,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Murray, P. G.,	Varallo,
Cianfrani,	Kehler,	Musto,	Varner,
Cioffi,	Keller,	Naugle,	Vaughan,
Cochran,	Kent,	Needham,	Verona,
Cooper,	Kline,	Ogilvie,	Wall,
Curwood,	Knecht,	Olsen,	Wallace,
Davis,	Kolankiewicz,	O'Neil,	Walsh,
Donahue,	Kooker,	Pacchioli,	Wargo,
Dougherty,	Kornick,	Parry,	Waterhouse,
Down,	Kratz,	Pashley,	Weidner,
Ehrgood,	Kromer,	Paulhamus,	Welsh,
Eilberg,	Lafore,	Petrosky,	Wescott,
Erb,	Leiby,	Pettigrew,	Wheeler,
Eshleman,	Leisey,	Polaski,	Whitenight,
Ewing,	Leonard,	Polen,	Willaredt,
Farabaugh,	Leven,	Pomeroy,	Williams,
Filo,	Light,	Price,	Wilt,
Fineman,	Limper,	Pursley,	Wood,
Flint,	Lippincott,	Readinger,	Worley,
Floyd,	Lopresti,	Reibman,	Yetter,
Frank,	Lovett,	Reidenbach,	Yetzer,
Frascella,	Lutty,	Renwick,	Young,
Frost,	Mahan,	Rovansek,	Ziegler,
Gaffney,	Markley,	Royer,	Andrews,
Garlock,		Rudisill,	Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2057 as follows:

A Supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (Pamphlet Laws 1043) entitled "An act establishing a Public School Employes' Retirement System and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting any State employe who is a contributor under the provisions of the State Employes' Retirement System and who was an employe under the Public School Employes' Retirement System and made contributions to the Public School Employes' Retirement Fund on account of such public school service to obtain credit for such service to become a member of and a contributor in the Public School Employes' Retirement Fund and to receive credit for such State service under certain conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any State employe who is a contributor on July 1 1956 who as an employe under the public schools was a contributor under the provisions of the Public School Employes' Retirement System and who made contributions and on account of whose service contributions were made by the State and by any school district to the Public School Employes' Retirement Fund on account of the service credited to him under the Public School Employes' Retirement System may request in writing the State Employes' Retirement Board to certify to the Public School Employes' Retirement Board the period of service for which credit has been allowed and to transfer to the Public School Employes' Retirement Fund a sum equal to all contingent and State annuity reserves and the accumulated deductions to the credit of such employe in the State Employes' Retirement Fund as determined by the State Employes' Retirement Fund for the purpose of establishing credit in the Public School Employes' Retirement Association as a public school employe for the service credited under the State Employes' Retirement Fund under the following conditions

(1) There shall be furnished to the Retirement Board of the Public School Employes Retirement System a statement certifying all such service heretofore credited under the State Employes Retirement System which hereafter is to be considered as having been rendered as a public school employe

(2) There shall be transferred to the Public School Employes' Retirement Fund from the State Employes' Retirement Fund an amount equal to all contingent and State annuity reserves and the accumulated deductions to the credit of such contributor in the State Employes' Retirement Association as determined by the State Employes' Retirement Board

(3) The payment into the Public School Employes' Retirement Fund of a sum equal to the amount of back payments which would have been made by such contributor under the rules of the Public School Employes' Retirement Board fixing the entry age and the percentage of salary deductions required of such contributor because of such previous service toward which sum the amount of transferred accumulated deductions shall be applied but any unpaid balance of such back payments may be made in a lump sum or by future increased deductions from the salary of the contributor and such amounts as may be agreed upon by the contributor and the Retirement Board but in no event shall such increased salary deductions be in amounts less than sufficient to pay such balance of back payments by the time the member reaches superannuation retirement age or if the member has reached suprannuation retirement age by payment of such balance of back payments within six months of the date of such transfer and

(4) Further a sum shall be paid into the Public School Employes' Retirement Fund by the contributor sufficient to provide the cost of the additional State annuity related to such previous service for which credit may have been allowed under this act less the sum and the accrued interest thereon transferred from the State Employes' Retirement Fund as the amount equal to all contingent and State annuity reserves to the credit of such contributor Until such further sum is applied towards providing such additional State annuity it shall be separately credited to the account of the contributor in his Member's Annuity Savings Account subject to the rules governing members' accumulated deductions Such further sum may be paid in a lump sum or by future increased deductions from the salary of the contributor in such amounts as may be agreed upon by the contributor and the Retirement Board provided however that in the event the entire amount so paid does not equal the total sum required to provide such additional State annuity related to such previous service such additional State annuity shall be reduced proportionately

Section 2 This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gelfand,	Maxwell,	Sarraf,
Agnew,	Gibson,	McCann,	Scarcelli,
Amarando,	Goldstein,	McCormack,	Schuster,
Anderson, M. S.,	Gramlich,	McGee,	Sherman,
Anderson, S. A.,	Greenwood,	McInroy,	Smith, C. O.,
Ashton,	Guss,	McKeever,	Smith, Wm. B.,
Banker,	Guthrie,	McLaughlin,	Snider,
Barnatovich,	Hamilton, R. K.,	McWherter,	Stank,
Bazin,	Hass,	Meholchick,	Stebbins,
Bell,	Haudenshield,	Metz,	Steckel,
Blair,	Helm,	Mihm,	Stephens,
Boles,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stone,
Boory,	Hocker,	Mills,	Stoner,
Bower,	Holt,	Monroe,	Strausser,
Branca,	Houk,	Moody,	Stroup,
Breisch,	Horst,	Moran,	Swartz,
Brennan, A. P.,	Isaacs,	Moscrip,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	Thompson,
Breth,	Jones, G. E.,	Murphy,	Toll,
Brown,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Murray, P. G.,	Varallo,
Cianfrani,	Kehler,	Musto,	Varner,
Cioffi,	Keller,	Naugle,	Vaughan,
Cochran,	Kent,	Needham,	Verona,
Cooper,	Kline,	Ogilvie,	Wall,
Curwood,	Knecht,	Olsen,	Wallace,
Davis,	Kolankiewicz,	O'Neill,	Walsh,
Donahue,	Kooker,	Pacchioli,	Wargo,
Dougherty,	Kornick,	Parry,	Waterhouse,
Down,	Kratz,	Pashley,	Weidner,
Ehrgood,	Kromer,	Paulhamus,	Welsh,
Eilberg,	Lafore,	Petrosky,	Wescott,
Erb,	Leiby,	Pettigrew,	Wheeler,
Eshleman,	Leisey,	Polaski,	Whitenight,
Ewing,	Leonard,	Polen,	Williams,
Farabaugh,	Leven,	Pomeroy,	Willaredt,
Filo,	Light,	Price,	Wilt,
Fineman,	Limper,	Pursley,	Wood,
Flint,	Lippincott,	Readinger,	Worley,
Floyd,	Lopresti,	Reibman,	Yetter,
Frank,	Lovett,	Reidenbach,	Yetzer,
Frascella,	Lutty,	Renwick,	Young,
Frost,	Mahan,	Rovansek,	Ziegler,
Gaffney,	Markley,	Royer,	Andrews,
Garlock,		Rudisill,	Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2058 as follows:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State Employes' Retirement System and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" permitting any State employe as a contributor under the provisions of the State Employes' Retirement System and who was an employe under the Public School Employes' Retirement System of the Commonwealth and made contributions to the Public School Employes' Retirement Fund on account of such public school service to become a member of and a contributor in the Public School Employes Retirement Fund and to obtain credit for service in the State Employes Retirement System under certain conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any State employe who is a contributor on the first day of July one thousand nine hundred and fifty-six and who as an employe under the public school system of this Commonwealth made contributions and on account of whose service contributions were made by the State and by any school district to the Public School Employes Retirement Fund on account of the service credited to him under the Public School Employes Retirement System may request in writing the State Employes' Retirement Board to certify to the Public School Employes' Retirement Board the period of service for which credit has been allowed and to transfer to the Public School Employes' Retirement Fund a sum equal to all contingent and State annuity reserves and the accumulated deductions to the credit of such employe in the State Employes' Retirement Fund as determined by the State Employes' Retirement Board for the purpose of becoming a member of and a contributor in and of establishing credit in the Public School Employes' Retirement Association under which he may receive credit in that system as a public school employe for service previously credited to him in the State Employes' Retirement Association in accordance with the act as amended establishing the Public School Employes' Retirement Association Upon receipt of such request the State Employes' Retirement Board shall make such certification and transfer of funds

Section 2 This act shall take effect immediately.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gelfand,	Maxwell,	Sarraf,
Agnew,	Gibson,	McCann,	Scarcelli,
Amarando,	Goldstein,	McCormack,	Schuster,
Anderson, M. S.,	Gramlich,	McGee,	Sherman,
Anderson, S. A.,	Greenwood,	McInroy,	Smith, C. O.,
Ashton,	Guss,	McKeever,	Smith, Wm. B.,
Banker,	Guthrie,	McLaughlin,	Snider,
Barnatovich,	Hamilton, R. K.,	McWherter,	Stank,
Bazin,	Hass,	Meholchick,	Stebbins,
Bell,	Haudenshield,	Metz,	Steckel,
Blair,	Helm,	Mihm,	Stephens,
Boles,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stone,
Boory,	Hocker,	Mills,	Stoner,
Bower,	Holt,	Monroe,	Strausser,
Branca,	Horst,	Moody,	Stroup,
Breisch,	Houk,	Moran,	Swartz,
Brennan, A. P.,	Isaacs,	Moscrip,	Taylor,
Brennan, J. J.,	Jenkins,	Muldowney,	Thomas,
Brenninger,	Johnson,	Munley,	Thompson,
Breth,	Jones, G. E.,	Murphy,	Toll,
Brown,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,		Murray, P. G.,	Varallo,

Cianfrani,	Kamyk,	Musto,	Varner,
Cioffi,	Kehler,	Naugle,	Vaughan,
Cochran,	Keller,	Needham,	Verona,
Cooper,	Kent,	Ogilvie,	Wall,
Curwood,	Kline,	Olsen,	Wallace,
Davis,	Knecht,	O'Neil,	Walsh,
Donahue,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Leiby,	Polaski,	Whitenight,
Ewing,	Leisey,	Polen,	Willaredt,
Farabaugh,	Leonard,	Pomeroy,	Williams,
Filo,	Leven,	Price,	Wilt,
Fineman,	Light,	Pursley,	Wood,
Flint,	Limper,	Readinger,	Worley,
Floyd,	Lippincott,	Reibman,	Yetter,
Frank,	Lopresti,	Reidenbach,	Yetzer,
Frascella,	Lovett,	Renwick,	Young,
Frost,	Lutty,	Rovansek,	Ziegler,
Gaffney,	Mahan,	Royer,	Andrews,
Garlock,	Markley,	Rudisill,	Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair requests the gentleman from Cambria, Mr. Lopresti, to preside.

Mr. LOPRESTI IN THE CHAIR.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2096, as follows:

An Act amending the act of June 1 1889 (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" requiring additional reports and changing the due date of certain payments of capital stock tax and franchise tax and changing the gross receipts fraction applicable to foreign corporations

The General Assembly of the Comomnwealth of Pennsylvania hereby enacts as follows

Section 1 Section 20 act of June 1 1889 (P L 420) entitled "A further suplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" amended May 16 1945 (P L 606) is amended to read

Section 20 That hereafter except in the case of corporations of the first class nonprofit corporations and cooperative agricultural associations not having capital stock and not conducted for profit banks savings institutions title insurance or trust companies building and loan associations and foreign insurance companies it shall be the duty of every corporation having capital stock every joint-stock association limited partnership and every company whatsoever now or hereafter organized or incorporated by or under any laws of this Commonwealth and of every corporation joint-stock association limited partnership and company whatsoever now or hereafter incorporated or organized by or under the law of any other State or Territory of the United States or by the United States or by any foreign government and doing business in and liable to taxation within this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of any limited partnership or joint-stock association company or corporation whatsoever association or associations copartnership or copartnerships person or persons or in any other manner to make annually on or before the fifteenth day of March for the calendar year next preceding a report in writing to the Department of Revenue on a form or forms to be prescribed and furnished by it setting forth inaddition to any other information required by the Department of Revenue

First The amount of its capital stock at the close of the year for which report is made together with the highest selling price per share and the average sellinf price thereof during said year

Second Its debt account

Third Its income account together with the disposition of any net income and its profit and loss statement

Fourth Its general balance sheet

Fifth Its real and tangible personal property if any owned and permanently located outside of the Commonwealth and value of the same and the value of the property if any exempt from taxation

Sixth A valuation and appraisal in the manner hereinafter provided of the capital stock of the said corporation company joint-stock association or limited partnership at its actual value in cash as it existed at the close of the year for which the report is made

The affidavit of two of the officers of such corporation limited partnership joint-stock association or company shall be attached to said report Such affidavit shall be in the form required by the Department of Revenue but shall state in addition to any other averments required by the department that with fidelity and according to the best of their knowledge and belief the affiants have estimated valued and appraised as shown in said report the capital stock of the said corporation at its actual value in cash as it existed at the close of the year for which report is made taking into consideration first the average which said stock sold for during the year and second the price or value indicated or measured by net earnings or by the amount of profit made and either declared in dividends expended in betterments or carried into the surplus or sinking fund and third the actual value indicated or measured by consideration of the intrinsic value of its tangible property and assets and of the value of its good will and franchises and privileges as indicated by the material results of their exercise taking also into consideration the amount of its indebtedness

For the purpose of making payments on account of tax payable under this act for the taxable year one thousand nine hundred fifty-six and thereafter it shall also be the duty of every corporation liable to pay tax under this act to transmit in like form and manner an additional tentative report on or before the thirtieth day of April one thousand nine hundred fifty-six and annually thereafter which report shall set forth (1) the capital stock tax or the franchise tax estimated by the corporation to be due for the taxable year next preceding and reported to the department under the provisions of this act (2) the amount of the latest setlement or resettlement of capital stock tax or franchise tax made against the corporation for a preceding year and (3) such other information as the department may require The additional tentative report of any corporation which reports on a fiscal year basis shall be due not later than four months after the end of the next preceding fiscal year Upon the date its tentative report is required herein to be made every corporation shall pay on account of the tax due for the current year either (1) eighty per cent of the amount of the estimated tax as reported for the preceding taxable year or (2) eighty per cent of the amount of the tax last settled or resettled against the corporation for a preceding taxable year whichever amount is greater If the "preceding taxable year" is a portion of the year the eighty per cent payment on account of the current year shall be computed against such multiple of the tax estimated settled or resettled for such preceding taxable year as the

entire year bears to the portion of the preceding year for which the tax was estimated settled or resettled

The remaining portion of the tax due for the current year shall be paid upon the date the corporation's annual report thereof is required herein to be made In the event that the tax paid on account with the tentative report is in excess of the amount of tax finally determined to be due the department shall grant a credit to the corporation for the amount of such excess

Interest or penalty assessed by reason of failure to file a tentative report or make a payment on account of the tax shall be assessed in the same manner as now provided by law for capital stock and franchise taxes but such interest and penalty shall not exceed an amount equal to interest and penalty computed on eighty per cent of the tax liability for the current year as finally determined Any interest or penalty imposed in excess of this amount if unpaid may be stricken off or if paid may be credited to the account of the corporation

The time for filing annual reports may be extended taxpayers may be permitted to file their annual and tentative reports on a fiscal year basis the procedure in case the Department of Revenue is not saitsfied with the appraisement made by the officers of the taxpayer and the penalties for failing to file reports and pay taxes shall be as prescribed by law

Section 2 Subsection (b) of section 21 of the act amended September 27 1955 (P L 643) is amended to read

Section 21 * * *

(b) Every foreign corporation joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the treasury of the Commonwealth annually through the Department of Revenue a franchise tax at the rate of five mills upon a taxable value to be determined in the following manner The actual value of its whole capital stock of all kinds including common special and preferred shall be ascertained in the manner prescribed in the twentieth section of this act and shall then be divided into three equal parts

(1) Of one third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the value of the taxpayer's tangible property not actually and exclusively used in manufacturing situated within the Commonwealth and whose denominator is the value of all the taxpayer's tangible property where ever situated

(2) Of another third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the expenditures of the taxpayer for wages salaries commissions or other compensation to its employes not exclusively engaged in manufacting in this Commonwealth and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the taxpayer for wages salaries commissions or other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross recepits from business not strictly incident or appurtenant to manufacturing in this Commonwealth assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business For the purpose of this section gross receipts heretofore or hereafter received shall not include receipts from the sale redemption maturity or exchange of securities except those held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business

The sum of the amounts determined in accordance with the foregoing three rules shall be the taxable value In case where only two of the foregoing three rules are applicable the remaining third equal part of the value of the entire capital stock shall be divided into two equal parts each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable that part of the entire capital stock attributed to business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the taxpayers for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business maintained by the taxpayer outside the Commonwealth

The amount of the taxpayer's gross receipts from business assignable to this Commonwealth shall be (1) the amount of its gross receipts for the taxable year except those negotiated or affected in behalf of the taxpayer by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business maintained by the taxpayer outside the Commonwealth and except rents and royalties and interest and dividends (2) rentals or royalties from property situated or from the use of patents within this Commonwealth and (3) dividends and interest except such dividends and interest attributable to the business conducted on premises maintained by the taxpayer outside the Commonwealth If a taxpayer maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the Department of Revenue shall in determining the amount of its gross reciepts from business assignable to this Commonwealth include therein the gross reciepts attributed by the taxpayer to the business conducted at such place of business in another state

In the case of construction contracts negotiated or effected at an office in the State of Pennsylvania but performed outside the State the gross receipts under such contracts shall be assignable outside the State except that if the activities under any such contract to which the gross receipts are attributable shall occur partly within the State and partly outside the State such proportion of the gross receipts under said contract shall be assignable to Pennsylvania as the direct and indirect costs incurred in Pennsylvania under the contract for the taxable year bear to the total costs incurred thereunder for the taxable year In the case of construction contracts negotiated or effected at an office outside the State but performed in the State the gross reciepts under such contract shall be assignable to the State except that if the activities under any such contract to which the gross reciepts are attributable shall occur partly within the State and partly outside the State such proportion of the gross receipts under said contract shall be assignable to Pennsylvania as the direct and indirect costs incurred in the State under the contract for the taxable year bear to the total cost incurred thereunder for the taxable year

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a taxpayer for wages salaries commissions or other compensation or the gross receipts of the taxpayer are found to be situated incurred or received without the Commonwealth

Notwithstanding the foregoing provisions of this subsection (b) the franchise tax of five mills imposed by subsection (b) on reports filed for the calendar years one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five and one thousand nine hundred fifty-six and for fiscal years beginning in the calendar years one thousand nine hundred forty-seven one thousand nine hundred forty-eight one thousand nine hundred forty-nine one thousand nine hundred fifty one thousand nine hundred fifty-one one thousand nine hundred fifty-two one thousand nine hundred

fifty-three one thousand nine hundred fifty-four one thousand nine hundred fifty-five and one thousand nine hundred fifty-six shall apply to the taxation of corporations limited partnerships and joint-stock associations organized for manufacturing purposes excepting companies engaged in the distilling of liquors without excluding from the numerators of the applicable fractions tangible property actually and exclusively used in manufacturing compensation of employes exclusively engaged in manufacturing and gross receipts from business strictly incident or appurtenant to manufacturing

After said ten year period the provisions of this subsection shall apply to the taxation of corporations limited partnerships and joint-stock associations organized for manufacturing purposes

* * *

Section 3 This amending act shall take effect as of January 1 1956 for corporations reporting on a calendar year basis or as of the first day of any fiscal year beginning in the calendar year 1956 for corporations reporting on a fiscal year basis

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	**Gelfand,**	Maxwell,	Sarraf,
Agnew,	**Gibson,**	McCann,	Scarcelli,
Amarando,	**Goldstein,**	McCormack,	Schuster,
Anderson, M. S.,	**Gramlich,**	McGee,	Sherman,
Anderson, S. A.,	**Greenwood,**	McInroy,	Smith, C. C.,
Ashton,	**Guss,**	McKeever,	Smith, W. B.,
Banker,	**Guthrie,**	McLaughlin,	Snider,
Barnatovich,	**Hamilton, B. K.,**	McWherter,	Stank,
Bazin,	**Hass,**	**Meholchick,**	**Stebbins,**
Bell,	**Haudenshield,**	Metz,	Steckel,
Blair,	**Helm,**	**Mihm,**	**Stephens,**
Boles,	**Henzel,**	Mikula,	**Stevenson,**
Bonner,	**Hewitt,**	Miller,	Stone,
Boory,	**Hocker,**	Mills,	Stoner,
Bower,	**Holt,**	Monroe,	Strausser,
Branca,	**Horst,**	Moody,	Stroup,
Breisch,	**Houk,**	Moran,	**Swartz,**
Breth,	**Isaacs,**	Moscrip,	Taylor,
Brennan, A. P.,	**Jenkins,**	Muldowney,	Thomas,
Brennan, J. J.,	**Johnson,**	Munley,	Thompson,
Brenninger,	**Jones, G. E.,**	Murphy,	Toll,
Brown,	**Jones, T. H. W.,**	**Murray, H. P.,**	**Tompkins,**
Bullen,	**Jump,**	Murray, J. J.,	**Toomey,**
Capano,	**Kamyk,**	Murray, P. G.,	**Varallo,**
Cianfrani,	**Kehler,**	Musto,	**Varner,**
Cioffi,	**Keller,**	Naugle,	Vaughan,
Cochran,	**Kent,**	Needham,	Verona,
Cooper,	**Kline,**	Ogilvie,	**Wall,**
Curwood,	**Knecht,**	Olsen,	**Wallace,**
Davis,	**Kolankiewicz,**	O'Neil,	**Walsh,**
Donahue,	**Kooker,**	Pacchioli,	Wargo,
Dougherty,	**Kornick,**	Parry,	Waterhouse,
Down,	**Kratz,**	Pashley,	**Weidner,**
Ehrgood,	**Kromer,**	Paulhamus,	**Welsh,**
Ellberg,	**Lafore,**	Petrosky,	**Wescott,**
Erb,	**Leiby,**	Pettigrew,	**Wheeler,**
Eshleman,	**Leisey,**	Polaski,	**Whitenight,**
Ewing,	**Leonard,**	**Polen,**	**Willaredt,**
Farabaugh,	**Leven,**	**Pomeroy,**	**Williams,**
Filo,	**Light,**	Price,	**Wilt,**
Fineman,	**Limper,**	**Pursley,**	**Wood,**
Flint,	**Lippincott,**	**Readinger,**	**Worley,**
Floyd,	**Lopresti,**	**Reibman,**	**Yetter,**
Frank,	**Lovett,**	**Reidenbach,**	**Yetzer,**
Frascella,	**Lutty,**	**Renwick,**	**Young,**
Frost,	**Mahan,**	**Rovansek,**	**Ziegler,**
Gaffney,	**Markley,**	**Royer,**	**Andrews,**
Garlock,		**Rudisill,**	**Speaker**

NAYS—0

NOT VOTING—17

Auker,	**Flynn,**	**Heavey,**	**Rigby,**
Bucchin,	**Foster,**	**Lawyer,**	**Rosen,**
Comer,	**George,**	**Magee,**	**Rubin,**
Connelly,	**Gibb,**	**Mullen,**	**Sigman,**
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. READINGER. Mr. Speaker, I request the Chair to return to page 10 of today's calendar, House Bill No. 1387.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1387 as follows:

An Act amending the act of May 13, 1915 (P. L. 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as herein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" regulating the employment of minors on farms

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The first paragraph of section 1 act of May 13, 1915 (P. L. 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repeal-

ing all acts or parts of acts inconsistent therewith" amended May 21 1943 (P. L. 409) is amended to read

Section 1 Be it enacted &c That wherever the term "establishment" is used in this act it shall mean any place within this Commonwealth where work is done for compensation of any kind to whomever payable Provided That this act shall not apply to children employed on the farm or in domestic service in private homes except as provided in section 8.1 of this act

Section 2 The act is amended by adding after section 8 a new section to read

Section 8.1 (a) Except as hereinafter provided

(1) No minor under twelve years of age shall be employed on a farm at any time unless (i) he is employed during school vacations or outside school hours on the farm of his parent or legal guardian or (ii) he is employed during school vacations or outside school hours on any farm during any calendar week in which the average number of employes is less than twelve or (iii) he is excused from school attendance under section 1330 of the act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949"

(2) No minor under sixteen years of age may be employed on a farm for more than six consecutive days or for more than eight hours in any one day or for more than forty-four hours in any one week unless (i) he is employed on the farm of his parent or legal guardian or (ii) he is employed on any farm during any calendar week in which the average number of employes is less than twelve

(3) No minor under sixteen years of age may be employed on a farm without a Special Farm Permit unless (i) he is employed on the farm of his parent or legal guardian or (ii) he is employed on any farm during any calendar week in which the average number of employes is less than twelve or (iii) he is employed under a permit issued under section 1330 of the act of March 10, 1949 (P. L. 30) known as the "Public School Code of 1949"

(b) The Special Farm Permit shall be issued by the school official regularly designated in a school district to issue employment certificates after he has received examined approved and filed the following papers

(1) The application of the parent or legal guardian of the child for a Special Farm Permit

(2) A certificate of physical fitness as provided in section 14 of this act

(3) Proof of age as designated in section 15 of this act

(c) The Special Farm Permit shall authorize employment of the minor on a farm during school vacations and outside school hours It shall be issued for a period of six months only on forms supplied by the State Superintendent of Public Instruction and shall contain the nature of the work for which the Special Farm Permit is legal the minor's name address date of birth proof of age and parents' (or legal guardian's) names the issuing and expiration date of the Special Farm Permit and shall bear a number and be signed by the issuing officer Every permit shall be signed by the minor for whom it is issued in the presence of the issuing officer The permit shall be presented to the employer by the minor before starting work It shall be valid only when signed by the employer and shall show his address and the dates of the beginning and the ending of his employment of the child The employer shall return the Special Farm Permit to the child when the employment is ended

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question

Shall the bill pass finally?

Mr. WORLEY. I would like to ask for a slow roll call on this bill and only those answering to their names be recorded.

Mr. TOLL. Mr. Speaker, I want to call the attention of the Members of the House to this bill, which is important in that it provides for the health, safety and welfare of minors. If there were any objections to this bill, they have been eliminated.

You will note this bill does not apply to small farms, it does not apply to farms that have less than twelve employes. You will also note the age has been changed so that it now applies to minors under twelve years of age. It, therefore, has eliminated any problems which may exist as to boys or girls of thirteen or fourteen years of age. It still preserves the School Code provisions relating to certificates.

I therefore feel that all of the Members can safely vote for this bill which is of considerable importance to the labor movement.

Mr. WORLEY. Mr. Speaker, I would like to oppose House Bill 1387, Printer's No. 1547. The present School Code provides the following:

1. No person shall employ anyone under the age of eighteen years during school hours unless he has an employment certificate.

2. Every person employing a child between the ages of fourteen and eighteen must file a report to the supervising principal semi-annually, stating the name, age, address and other information of every child in his employ.

3. Any person employing children between the age of fourteen and eighteen must post a list of such children at a conspicuous place.

4. Non-resident children sixteen years or under are prohibited from being employed in any fruit or vegetable growing or harvesting process during the time in which the state requires that he be in school. And before any child under sixteen years of age, not a resident of Pennsylvania, may be employed, his employer shall have received a school requirement certificate issued by the principal of the school attended by the child.

In addition to these present provisions of the School Code, the bill sets up certain inequalities as stated below:

Section 8.1 (a) (1) discriminates against the farmer, who, by his type of enterprise, be it fruit or vegetable, needs large requirements of labor for his operation. He would be unable to employ anyone under twelve years of age, while his neighbor, with a requirement of less than twelve employes, could use these workers under twelve years of age. This also tends to prohibit employment rather than encourage full employment. Some of the best peach or apple pickers today are youngsters, working for the going rate per bushel, earning a good wage, and getting some of the best training available for young folks today. To prohibit this would only be robbing them of useful spending money and forcing them to have more free time to be part of our fast increasing juvenile crime crisis.

Although the bill provides that the provisions do not apply to a minor employed by his parent or guardian, it still prohibits the useful training and utilization of farm boys.

Farmers do not and cannot work entirely on an hourly basis. The entire industry depends on the weather. When a crop is ripe, it must be harvested lest it spoil on the tree or vine. Some days require more than an eight hour day, and likewise there are days when much less than eight hours can be worked. We do not believe that you can legislate against the weather.

In summary, the Public School Code of 1949 clearly specifies proper educational requirements for farm employes. We do not believe that Legislators should decide whether or not youngsters should work in the summertime. This decision should be left up to the individual and his parents for they are in a position to know whether or not working on a farm will be harmful or helpful to the health, safety and welfare of their child.

I respectfully recommend that you vote "no" on House Bill 1387.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—84

Adam,	Filo,	Lovett,	Renwick,
Amarando,	Fineman,	Lutty,	Rovansek,
Anderson, M. S.,	Floyd,	McCann,	Sarraf,
Anderson, S. A.,	Frank,	McCormack,	Scarcelli,
Barnatovich,	Frascella,	McKeever,	Schuster,
Bazin,	Gaffney,	McLaughlin,	Sherman,
Bell,	Gelfand,	Mihm,	Smith, Wm. B.,
Boles,	Goldstein,	Monroe,	Stank,
Bonner,	Hamilton, R. K.,	Moran,	Stone,
Boory,	Holt,	Muldowney,	Swartz,
Bower,	Jones, G. E.,	Murphy,	Taylor,
Branca,	Jones, T. H. W.,	Needham,	Thomas,
Brennan, A. P.,	Jump,	Olsen,	Varallo,
Brennan, J. J.,	Kamyk,	Pacchioli,	Vaughan,
Breth,	Kolankiewicz,	Pashley,	Verona,
Capano,	Kornick,	Petrosky,	Walsh,
Cianfrani,	Leiby,	Polaski,	Wargo,
Cioffi,	Leonard,	Polen,	Wheeler,
Dougherty,	Leven,	Readinger,	Williams,
Eilberg,	Limper,	Reibman,	Yetter,
Farabaugh,	Lopresti,	Reidenbach,	Yetzer,

NAYS—81

Agnew,	Guthrie,	Mahan,	Steckel,
Ashton,	Haudenshield,	Markley,	Stephens,
Banker,	Helm,	McInroy,	Stevenson,
Blair,	Henzel,	Meholchick,	Stoner,
Brenninger,	Hocker,	Mikula,	Strausser,
Brown,	Horst,	Moody,	Stroup,
Bullen,	Houk,	Moscrip,	Thompson,
Cooper,	Isaacs,	Murray, H. P.,	Toll,
Curwood,	Johnson,	Murray, P. G.,	Tompkins,
Davis,	Kehler,	Musto,	Toomey,
Donahue,	Keller,	Naugle,	Varner,
Ehrgood,	Kent,	Ogilvie,	Wall,
Eshleman,	Kline,	O'Neil,	Wallace,
Ewing,	Knecht,	Parry,	Waterhouse,
Flint,	Kooker,	Paulhamus,	Weidner,
Frost,	Kratz,	Pomeroy,	Welsh,
Garlock,	Lafore,	Pursley,	Whitenight,
Gibson,	Leisey,	Royer,	Willaredt,
Gramlich,	Light,	Snider,	Wood,
Guss,	Lippincott,	Stebbins,	Worley,
			Ziegler,

NOT VOTING—42

Auker,	George,	McGee,	Rosen,
Breisch,	Gibb,	McWherter,	Rubin,
Bucchin,	Greenwood,	Metz,	Rudisill,
Cochran,	Hass,	Miller,	Sigman,
Comer,	Heavey,	Mills,	Smith, C. C.,
Connelly,	Hewitt,	Mullen,	Wescott,
Donaldson,	Jenkins,	Munley,	Wilt,
Down,	Kromer,	Murray, J. J.,	Young,
Erb,	Lawyer,	Pettigrew,	Andrews,
Flynn,	Magee,	Price,	Speaker
Foster,	Maxwell,	Rigby,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

STUDENTS OF FRAILEY TOWNSHIP HIGH SCHOOL WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the Hall of the House a delegation of students from the Frailey Township High School, Donaldson, Schuylkill County, under the supervision of their teachers, Miss Palsgrove and Mr. Spangler. They are the guests of the gentlemen from Schuylkill, Messrs. Knecht and Kline.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1785, as follows:

An Act to further amend section one of the act approved the eighth day of June one thousand nine hundred twenty-three (P. L. 685) entitled "An act prescribing the fees for the office of Secretary of the Commonwealth" by further regulating the fees to be charged and collected

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the eighth day of June one thousand nine hundred twenty-three (P. L. 685) entitled "An act prescribing the fees for the office of Secretary of the Commonwealth" as last amended by the act approved the twentieth day of May one thousand nine hundred forty-nine (P. L. 1523) is hereby further amended to read as follows

Section 1 Be it enacted &c That the fees of the Secretary of the Commonwealth for the use of the State shall be as follows

For certificates with great seal two dollars

Certificate with secretary's seal [one dollar] two dollars

Taking or filing bond of any public officer two dollars

Taking or filing recognizance of any public officer two dollars

Writ of assistance including great seal five dollars

Commission for any city county or district officer who receives emoluments and pays no taxes on commission five dollars (coroners are by law exempt from this fee)

Commission to take acknowledgment of deeds or other instruments [ten dollars] twenty-five dollars

[Receiving and filing each praecipe for search twenty-five cents

Each search where no other service is performed to which any fee is attached twenty-five cents

Certified copies for each page twenty-five cents

Photostatic copies for each page thirty-five cents]

Filing praecipe and making search thereon one dollar

Photocopies of records per photocopy page or part thereof one dollar

Conforming copies of records per page or part thereof one dollar

Each commission for justice of the peace or alderman to be collected and paid over to the recorder of deeds three dollars

Requisition for criminals three dollars

Warrants on requisition for criminal three dollars

Approving plans of prisons including certificate and great seal three dollars

Each commission for railroad [mining] or other police [five dollars] ten dollars

Registering assumed or fictitious names under act of Assembly [six dollars] ten dollars plus twenty-five cents for each registrant in excess of three

Filing statements of cancellation or withdrawal of assumed or fictitious names under act of Assembly [six dollars] ten dollars

Registering trade marks labels et cetera under act of Assembly [five dollars] twenty-five dollars

Description of bottles under act of Assembly [six dollars] ten dollars

Registering union labels under act of Assembly [six dollars] ten dollars

Issuing a certificate of authority [or an amended certificate of authority] to a foreign corporation [thirty dollars] one hundred dollars

Issuing an amended certificate of authority to a foreign corporation fifty dollars

Issuing a certificate of withdrawal to a foreign corporation [five dollars] ten dollars

[Issuing a certificate of authority prior to the third day of October one thousand nine hundred and thirty-three to any foreign corporation which had a written power of attorney and statement on file with the Secretary of the Commonwealth on the third day of July one thousand nine hundred and thirty-three twenty dollars]

Filing power of attorney and statement by foreign corporations [thirty dollars] one hundred dollars

Filing statement of revocation of agent by foreign corporations [five dollars] ten dollars

Filing certificate of change of corporate title by foreign corporations [twenty dollars] fifty dollars

Filing statement of change of Pennsylvania office by foreign corporations ten dollars

[Receiving service of process on foreign corporations five dollars]

Service of process for each defendant served five dollars

Letters patent certificate of incorporation or instrument incorporating any corporation or association [thirty dollars] fifty dollars

Filing articles of association for railroad or street railway companies and recording the same fifty dollars

Letters patent or instrument incorporating any insurance company [thirty-seven dollars] fifty dollars

Filing acceptance of provisions of act of Assembly or Constitution ten dollars

Filing an application to reserve a corporate name [five dollars] ten dollars

Filing an application for registration of corporate name and issuance of certificate [ten dollars] fifteen dollars

Filing application for change of name and issuance of certificate [twenty dollars] fifty dollars

Filing articles of association by corporative associations including copies [twenty-six dollars] fifty dollars

Filing proceedings in extension of route by street railway companies [twenty dollars] fifty dollars

Filing election return authorizing increase or decrease of capital stock or indebtedness or sale of franchises and recording same [thirty dollars] fifty dollars

Filing report of actual increase or decrease of capital stock or indebtedness or sale of franchises [five dollars] ten dollars

Filing a statement of shares to be issued in series [twenty dollars] twenty-five dollars

Filing a statement of redemption and concellation of shares [twenty dollars] twenty-five dollars

Filing a statement of reduction of stated capital without change in share structure [ten dollars] twenty-five dollars

Filing each waiver of sixty days' notice [five dollars] ten dollars

Filing certificate or statement of change of location of principal or registered office or date of annual meeting ten dollars

Filing certificate of change of par value of shares [ten dollars] twenty-five dollars

Issuing a certificate of amendment to a corporation [thirty dollars] fifty dollars

Filing agreement of merger or consolidation fifty-five dollars

Filing each secretary's certificate relating thereto [five dollars] ten dollars

Issuing a certificate of merger or certificate of consolidation to a corporation [thirty dollars] fifty dollars plus an additional fee of [five dollars] ten dollars for each corporation which is a party to the merger or consolidating proceeding

Issuing a certificate of authorization to any bank trust company or bank and trust company [ten dollars] twenty-five dollars

Issuing a certificate of approval of a merger or consolidation of State banks or banks and trust companies with a National bank [thirty dollars] fifty dollars and an additional fee of [five dollars] ten dollars for each State bank or bank and trust company which is a party to the merger or consolidation proceeding

Issuing a certificate of conversion of a State bank or bank and trust company into a National bank or of a National bank into a State bank or bank and trust company [thirty dolalrs] fifty dollars

Filing a certified copy of articles of merger or consolidation of qualified foreign business corporation [with either one or more qualified or unqualified foreign business corporations ten dollars] fifteen dollars plus ten dollars for each qualified foreign corporation a party thereto

Filing proceedings in reorganization [forty-five dollars] fifty dollars

Filing copy of decree of dissolution [ten dollars] fifteen dollars

Filing a certificate of election to dissolve [ten dollars] fifteen dolalrs

Issuing a certificate of dissolution [ten dollars] fifteen dollars

Filing affidavit of paid up capital stock or paid-in capital ten dollars

Filing copy of articles of association limited partnership [ten dollars] twenty-five dollars

Filing cancellation of conditional sales agreement twenty-five dollars

Filing certified copy of amendment fifteen dolalrs

Filing application for registration of new name of non-profit corporation fifteen dollars

Filing articles by cooperative associations fifty dollars

Filing election return change of par value of stock fifty dollars

Filing election return conversion of stock fifty dollars

Filing amendment to charter insurance fifty dollars

Registry of emblem or name fifteen dollars

Registry of name unincorporated association fifteen dollars

Filing statement of financing three dollars

Filing statement of continuation three dollars

Filing statement of termination one dollar fifty cents

Filing trade-mark cancellations fifty dollars

Filing trade-mark assignments fifteen dollars

Filing treasurer's return conversion of stock ten dollars

Duplicate certificate five dollars

Fee or fine fictitious name fifty dollars foreign corporation five hundred dollars

And equivalent fees for any like services though not herein specified

The Secretary of the Commonwealth shall not be required to receive or file any papers unless the same shall be in accordance with law and accompanied by the proper fee

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I desire to call to the attention of the House the fact that this bill would change some of the fees to be charged and collected by the Secretary of the Commonwealth for some of his functions.

As I recall, the bill was before us one time before and was defeated. I believe the Secretary of the Commonwealth has prepared a memorandum and sent information out concerning the need for this to various Members. It is my hope that the bill can be passed.

None of the changes are unreasonable in my opinion, and some of them have been in the books at their present figure for many years. If we are going to have the Commonwealth departments perform various functions for business, and so forth, I think the people who require their services should be requested and made to pay an honest and fair fee for their work. That is what this bill seeks to do.

I hope that we can pass the bill today.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—90

Adam,	Frascella,	McWherter,	Scarcelli,
Amarando,	Gaffney,	Meholchick,	Schuster,
Anderson, M. S.,	Guss,	Mihm,	Sherman,
Anderson, S. A.,	Hamilton, R. K.,	Monroe,	Smith, Wm. B.,
Barnatovich,	Hass,	Moran,	Snider,
Bazin,	Holt,	Muldowney,	Stank,
Boles,	Jones, G. E.,	Munley,	Stebbins,
Bonner,	Kamyk,	Musto,	Stone,
Boory,	Kolankiewicz,	Needham,	Swartz,
Branca,	Kornick,	Olsen,	Taylor,
Brennan, A. P.,	Leiby,	Pacchioli,	Thomas,
Brennan, J. J.,	Leonard,	Pashley,	Toll,
Capano,	Leven,	Paulhamus,	Varallo,
Cioffi,	Limper,	Petrosky,	Verona,
Curwood,	Lopresti,	Polaski,	Wallace,
Dougherty,	Lovett,	Polen,	Walsh,
Eilberg,	Lutty,	Readinger,	Wargo,
Farabaugh,	McCann,	Reibman,	Welsh,
Filo,	McCormack,	Reidenbach,	Wheeler,
Fineman,	McGee,	Renwick,	Whitenight,
Flint,	McKeever,	Rovansek,	Williams,
Floyd,	McLaughlin,	Sarraf,	Yetter,
Frank,			Yetzer,

NAYS—78

Agnew,	Guthrie,	Light,	Rudisill,
Ashton,	Helm,	Lippincott,	Smith, C. C.,
Banker,	Henzel,	Mahan,	Steckel,
Bell,	Hocker,	Markley,	Stevenson,
Blair,	Horst,	McInroy,	Stoner,
Bower,	Houk,	Metz,	Strausser,
Breisch,	Isaacs,	Mikula,	Stroup,
Brenninger,	Johnson,	Moody,	Thompson,
Breth,	Jones, T. H. W.,	Moscrip,	Tompkins,
Bullen,	Jump,	Murphy,	Toomey,
Cooper,	Kehler,	Murray, H. P.,	Varner,
Davis,	Keller,	Murray, P. G.,	Vaughan,
Ehrgood,	Kent,	Naugle,	Wall,
Eshleman,	Kline,	Ogilvie,	Waterhouse,
Ewing,	Knecht,	Parry,	Weidner,
Frost,	Kooker,	Pomeroy,	Wescott,
Gelfand,	Kratz,	Price,	Willaredt,
Gibson,	Lafore,	Pursley,	Wood,
Goldstein,	Leisey,	Royer,	Worley,
Gramlich,			Ziegler,

NOT VOTING—39

Auker,	Erb,	Jenkins,	Pettigrew,
Brown,	Flynn,	Kromer,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Cianfrani,	Garlock,	Magee,	Rubin,
Cochran,	George,	Maxwell,	Sigman,
Comer,	Gibb,	Miller,	Stephens,
Connelly,	Greenwood,	Mills,	Wilt,
Donahue,	Haudenshield,	Mullen,	Young,
Donaldson,	Heavey,	Murray, J. J.,	Andrews,
Down,	Hewitt,	O'Neil,	Speaker

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 317, as follows:

An Act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court the President Judge and judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County certain associate judges not learned in the law Certain State officers and the salary and expenses of the members of the general assembly and repealing certain inconsistent acts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 From and after the effective date of this act the judges of the Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County shall receive the compensation hereinafter provided

Section 2 The annual salary of the Chief Justice of the Supreme Court shall be thirty thousand five hundred dollars ($30,500) and the annual salary of each of the associate judges of the Supreme Court shall be thirty thousand dollar ($30,000)

Section 3 The annual salary of the President Judge of the Superior Court shall be twenty-eight thousand five hundred dollars ($28,500) and the annual salary of each of the associate judges of the Superior Court shall be twenty-eight thousand dollars ($28,000)

Section 4 The annual salary of each of the judges of the courts of common pleas of the first and fifth judicial districts shall be twenty-three thousand five hundred dollars ($23,500)

With the exception of the judges of the courts of common pleas of Dauphin County the annual salary of each of the judges of the courts of common pleas learned in the law in judicial districts having a population of more than two hundred and fifty thousand and less than one million inhabitants shall be twenty thousand dollars million inhibitants shall be twenty-one thousand dollars ($21,000) in judicial districts having a population of one hundred thousand and more but less than two hundred fifty thousand inhaibtants shall be twenty-one thousand lars ($20,000) in judicial districts having a population dollars ($21,000) in judicial districts having a population of sixty-five thousand or more and less than one hundred thousand inhabitants shal lbe twenty thousand dollars ($20,000) in judicial districts having a population of less than sixty-five thousand inhabitants nineteen thousand dollars ($19,000) The amount of the salaries to be paid under this paragraph in the several judicial districts shall be determined and fixed according to the population of such districts as ascertained by reference from time to time to the last preceding decennial United States census

Section 5 The judges of the courts of common pleas of Dauphin County and the judges of the orphans' court of Dauphin County shall each receive twenty-five thousand dollars ($25,000) annually

Section 6 In any county where a separate orphans' court is established the annual salary of each judge of the orphans' court shall be the same as is paid to the judge or judges of the court or courts of common pleas in such county

Section 7 The annual salary of the President Judge of the Municipal Court of Philadelphia shall be nineteen thousand five hundred dollars ($19,500) and the annual salary of each of the other judges of the Municipal Court of Philadelphia shall be nineteen thousand dollars ($19,000)

Section 8 The annual salary of the President Judge of the County of Allegheny County shall be nineteen thousand five hundred dollars ($19,500) and the annual salary of each of the other judges of the County Court of Allegheny County shall be nineteen thousand dollars ($19,000)

Section 9 The annual salary of the judge of the Juvenile Court of Allegheny County shall be nineteen thousand dollars ($19,000)

Section 10 When any judge learned in the law is called in as is now provided by law to assist the judge or judges of any other judicial district the judge so called in shall be entitled to receive for each day he is actually engaged in the performance of such duty the sum of fifty dollars ($50) per day and the actual traveling expenses not in excess of ten cents (10¢) for each mile traveled to and from the place of holding court in such district

Section 11 The salaries or compensation of the associate judges not learned in the law of the courts of this

Commonwealth shall be as follows Each such associate judge shall receive nine dollars ($9) per day for every day he may be employed in the discharge of his official duties The salary of no such associate judge shall be less than one thousand eight hundred dollars ($1,800) annually Each of said judges shall continue to be entitled to mileage as now provided by existing law

Section 12 The annual salaries and the compensation of the associate judges not learned in the law hereinbefore provided for shall be paid monthly by warrant of the Auditor General on the State Treasurer

Section 13 Annual Salaries of the Governor Lieutenant Governor and the heads of departments shall be payable in equal semi-monthly installments as follows

Governor thirty-five thousand dollars ($35,000)

Lieutenant Governor twenty thousand dollars ($20,000)

Secretary of the Commonwealth twenty thousand dollaws ($20,000)

Attorney General Twenty thousand dollars ($20,000)

Auditor General twenty thousand dollars ($20,000)

State Treasurer twenty thousand dollars ($20,000)

Secretary of Internal Affairs twenty thousand dollars ($20,000)

Superintendent of Public Instruction twenty thousand dollars ($20,000)

Adjutant General twenty thousand dollars ($20,000)

Insurance Commissioner twenty thousand dollars ($20,-000)

Secretary of Banking twenty thousand dollars ($20,000)

Secretary of Agriculture twenty thousand dollars ($20,-000)

Secretary of Property and Supplies twenty thousand dollars ($20,000)

Secretary of Forests and Waters twenty thousand dollars ($20,000)

Secretary of Mines twenty thousand dollars ($20,000)

Secretary of Highways twenty thousand dollars ($20,-000)

Secretary of Health twenty thousand dollars ($20,000)

Commissioner of the Pennsylvania State Police twenty thousand dollars ($20,000)

Deputy Commissioner of the Pennsylvania State Police thirteen thousand five hundred dollars ($13,500)

Secretary of Labor and Industry twenty thousand dollars ($20,000)

Secretary of Welfare twenty thousand dollars ($20,000)

Secretary of Revenue twenty thousand dollars ($20,000)

Secretary of Public Assistance twenty thousand dollars ($20,000)

Secretary of Commerce twenty thousand dollars ($20,-000)

Neither the Governor Lieutenant Governor nor the head of any administrative department shall receive any additional compensation for any service rendered to the Commonwealth in any capacity

Section 14 The salary of the Members of the General Assembly shall be six thousand dollars ($6,000) for each odd-numbered year and three thousand dollars ($3,000) for each even-numbered year and mileage to and from their homes at the rate of five cents (5¢) per mile circular for each week a member was in actual attendance at the session between their homes and the State Capitol and no other compensation shall be allowed whatsoever except each member of the General Assembly shall receive an allowance for clerical assistance and other expenses incurred during his term in connection with the duties of his office in the sum of three thousand dollars ($3,000) annually the salary and expenses to be payable in equal monthly installments of the first of the month with the exception that the installments due December first of each year shall be added to and payable with the installments due January first of the following year

Section 15 The act of January 5, 1952 (P. L. 1821) entitled "An act to fix the salaries and compensation of the judges of the Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County certain associate judges not learned in the law and repealing certain acts inconsistent herewith" and the amendments thereto are repealed

Section 16 Section 209 of the act of April 9, 1929 (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of state normal schools or teachers colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the governor lieutenant governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby repealed

Section 17 Section 1 of the act of June 24, 1919 (P. L. 579) entitled "An act to fix the salary and mileage of the members of the general assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith" is hereby repealed

Section 18 Section 1 to 12 inclusive of this act shall take effect the first day of the month following final passage of this act

Section 19 All other provisions of this act shall become effective as soon as permissible under the provisions of the constitution

On the question,

Will the House agree to the bill on third reading?

Messrs. GOLDSTEIN and AGNEW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 14, page 8, lines 18 and 19, by striking out "six thousand dollars ($6,000) for each odd-numbered year and"; Amend Sec. 14, page 8, line 20, by striking out "even-numbered".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

Mr. GOLDSTEIN. Mr. Speaker, this amendment relates specifically to the salary and expense allowances contemplated in amended Senate Bill 317.

As presented to us today, we would obtain in the next biennium in the odd-numbered years a salary of $6,000, in the even-numbered years a salary of $3,000, with an expense account annually of $3,000, or a total take-home pay of $15,000.

The purpose of this amendment is to reduce the amount we will receive from both sources to $12,000. I call to your earnest attention that when we were elected our salary and expense allowance was $6,000, it was later increased to $9,000, and now we are asked to increase our salary and our expense allowance to $15,000.

I do not wish to engage in argument with those who believe we are entitled to extra sums of money, nor do I depreciate the work done by many of us on both sides of the House. However, I believe that a salary increase in less than two years of almost 250 per cent is not

warranted in view of the extremely tight budget which faces Pennsylvania today.

In so far as my own situation in Allegheny County and the city of Pittsburgh is concerned, if we would eliminate this $3,000, it would amount to 260 times $3,000. or $768,000, enough to give the city of Pittsburgh public schools the revenue which they need for the school children of our district.

I thank the Members for their applause. I do not introduce this particular amendment with any desire to be a Sir Galahad or in any spirit of bravado, but because I believe that in the interest of economy and in the interest of sound judgment, if we are paid a salary and expense allowance of $12,000 that is sufficient.

If a time in the future would indicate we are to have annual sessions, I say we should face that particular situation when we do have annual sessions However, the sum of $12,000 is ample compensation for the men who are in the House today.

The best indication that $12,000 is ample compensation is that the great majority of us filed our petitions for reelection and renomination when the base salary and expenses account was $9,000. We are men who must vote upon our own increases, and I say we have to be critical of ourselves. I believe we should economize at home first.

I. therefore. ask the Members on both sides of the House, including those who applauded me, to vote for this amendment.

Mr. READINGER. Mr. Speaker, speaking on these amendments, I speak as an individual Legislator and not as the Flood Leader. I think this is a matter which must be decided individually by each Member of this House. I am now asking the membership to vote against these amendments

As the gentleman from Allegheny has pointed out, if the bill remains as it is now before us in its amended form, we would receive in a two-year period total compensation and expenses of $15,000, $9,000 in the odd-numbered years and $6,000 in the even-numbered years.

His amendment, which is before us for consideration at the moment, would cut that total compensation to $12,000 at the rate of $6,000 each year.

I would like to call the attention of the membership to the fact that this Senate Bill 317 repeals certain laws which are now on the books concerning special sessions.

As you know, if the Governor calls us into a special session and it lasts less than one calendar month, we receive $500 compensation. If it goes beyond one month. it is $750 per Member. If we would accept the amendments of the gentleman from Allegheny, Mr. Goldstein, and there was a special session, you would have a net gain of about $2,250 because the difference in the compensation we would receive for a special session and the amount he would allow us would leave a difference of $2,250.

At any rate, he says to deal with this matter of annual sessions when they arise. I would like to point out to the membership that not because of this unusually long session, but because of the way the economy of Pennsylvania has developed over the years and the fact that the Senate has bottled up our resolution, which would put on the ballot this coming November the question of whether we should have annual sessions, I think we are going to have annual sessions from now on.

I think the time has come when we should reappraise our own worth to the people of Pennsylvania as Legislators. It is true if we did not pass this bill changing our salaries we would save some money. We would not spend that money paying men and women who come up here a salary increase. Perhaps the school districts could be taken care of with that money, but by the same token if we had been paid over the years what we should have been we probably would not have needed the sales tax to finance the Commonwealth, we would have had so much money in the treasury.

I think we simply have been very, very reticent as Members of a legislative body in recognizing what we are worth as Legislators.

I am not sure what will happen to this bill when it gets back to the Senate by way of remaining as it is now written or being changed. I do know it is intended to place this into a Conference Committee by the Senate refusing to concur in whatever amendments we make to it. You must remember it started out as a bill relating solely to judges' salaries and there has been a change made in that phase of the bill, also. The original bill provided for $4,000 increase to some judges and $5,000 for others. It has been amended here in the House to provide for $5,000 for all judges.

It has also been amended to include an increase in some of the executive salaries, salaries which should have been raised years ago but never were. Some of those increases will affect those who are now holding office, if they resign and are reappointed, and some of the increases will not go into effect until the present incumbent of the executive office is replaced by somebody else

I am hoping that today we can keep Senate Bill 317 intact as it has been amended. We can pass it and have it put into a Conference Committee so this whole matter can be discussed more fully. Frankly, I do not know what the Governor of Pennsylvania, will do about these increases. I do not know whether he will agree to them, whether he will veto them, or what he will do, but I think it is about time we indicated to the people of Pennsylvania that we do think we have been underpaid and are underpaid.

With all due respect to the gentleman from Allegheny, maybe he thinks we are now going to overpay ourselves.

It is an individual matter. Some Members will vote against this bill today because they are afraid they will go back to their districts and somebody will say, "Why you voted to increase your salary." Some people will not be afraid to do that, and others will honestly vote against it because they do not think we are worth what we are getting today. I hope there are not many of those, but there probably are some.

There were several times around here when I looked around for some Members and could not find them and I began to think they were not worth what they are getting now. But that is beside the point.

I think the time has come, despite all the editorial comment—and take it from me, we are going to have some adverse editorial comments. No matter whether we raise our salaries by $5.00 a month or $5,000 a month, there are going to be those who will harp, and pick, and say, "You are not worth what you are getting now."

You have read the same editorials I have probably, in which the writer said that because we "fumbled

around" here, as he called it, for fourteen months trying to agree on some tax program we are not worth our own salt, we are not worth what we are getting paid now, but I say comments like that do not disturb me.

We have been here, many of us, for years, we know how many hours we put in, we know how much real hard work is done here. If we are not willing to appraise our own dignity and worth at a higher figure than we are now being paid, then I say we underestimate ourselves.

I can well remember when Congressmen were paid $10,000 a year and they met about the same length of time we did, four, or five, or six months. They are now meeting eight, or nine, or ten months a year, but they did raise their salaries, as I recall, to $22,500. I think they are worth it, I think it should have been done. There was a lot of adverse criticism then on the part of the Press and on the part of many individuals.

The day does come when we should take a stand on these things, and I am asking that these amendments be defeated today and that Senate Bill 317 be passed as it is written.

Mr. AGNEW. Mr. Speaker, as cosponsor of this amendment with my colleague from Allegheny, Mr. Goldstein, I rise to speak in favor of it.

We who favor this amendment favor every other feature of Senate Bill No. 317. We believe the Governor of the Commonwealth, being the chief executive of the largest business in Pennsylvania, should receive a comparable salary with other chief executives of large businesses. He should get at least $35,000 a year. His cabinet officers are well deserving of their increases. The judges for the courts of common pleas in the Commonwealth, because of their social, economic and professional status in the community, to say nothing of the service they can and should render in the community, are well deserving of their increases in this bill.

Mr. Speaker, we did not submit these amendments reducing the total compensation in a biennium for Legislators from $15,000 to $12,000 because we wanted to win a popularity contest in this House. We knew it was an unpopular amendment, but I think we must be honest with ourselves and we must be fair with the people.

We are part-time Legislators during a part of the biennium and $15,000 for the bennium is a full-time salary. I do not see how it can be justified.

When we started this biennium our total compensation was $6,600 for the biennium. We have already increased that, Mr. Speaker, by $100 a month. Now to increase it to $15,000 a year is approximately a 235 per cent increase in one biennium. We are asking for a reduction of $3,000 in this amount, and we will vote for that. We believe Legislators should have their compensation increased, and that is an 85 per cent increase in one biennium. I think it is sufficient to take care of our needs, to adequately compensate us for the time we spend away from our businesses and to compensate us for our expenses in coming down to Harrisburg and staying here.

I ask the Members of the House to favor this amendment. I think we have to be honest with ourselves and fair with the people when we vote for our own pay bills.

I would say just one more thing. There is a very strong rumor in this House that the amount is going to be reduced to $12,000 in Conference Committee, anyway. Why do you want us to go on record for $15,000 when it is going be reduced to $12,000 in Conference Committee? What are you up to?

Mr. READINGER. Mr. Speaker, I would just like to caution the gentleman from Allegheny and the other Members not to pay too much attention to rumors. I hear rumors every day and sometimes they are true and sometimes they are not true. I do not even know who will be on the Conference Committee on this bill, if it ever gets to one. I repeat, do not think the gentleman should be too concerned about rumors. I think he can conscientiously vote for this bill at $15,000 if the amendments go down, because it puts into operation the machinery by which a final determination can be made on this matter.

Personally, I think $15,000 is not too high. He thinks it is and that $12,000 is the right figure. I say it is an honest difference of opinion. Let us each vote our own opinion on the matter. If he wins, he wins; if he loses, he loses. I still would like to see him vote for the bill because in principle he agrees that we should have an increase in our compensation.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WORLEY. Mr. Speaker, this Senate Bill 317, Printer's No. 595, as rewritten by the Democratic controlled Appropriations Committee of this House, is the Leader administration's raid on the public treasury of this Commonwealth.

I am very glad that I did not vote for the new taxes signed by our Governor when I see bills like this.

Mr. Speaker, I request that I be recorded as voting "no."

Mr. READINGER. Mr. Speaker, I am at a complete loss to understand the gentleman's last statement. He is very happy that he did not vote for any tax bills when he sees bills like this, but I would like to know how he saw this bill when it was not even written at the time he voted against all the tax bills.

Mr. Speaker, I do not want to make an issue of that, but I could not let such a statement go by unchallenged.

I expect anybody who wants to speak against this bill in principle and state why he thinks it is not good, and so forth, to get up on the floor and do so. Just because it increases our compensation, in addition to the executive and the judicial offices, is no reason why anybody should feel he should not take the floor in opposition. Certainly not all of us believe that we are so wonderful that we are entitled to more money.

I would request the membership to not applaud so loudly when somebody gets up to oppose this. I think the members are entitled to be heard and should be heard.

Mr. BAZIN. Mr. Speaker, I would like to interrogate the gentleman from Washington, Mr. Polen, for one minute, please.

The SPEAKER. Will the gentleman from Washington, Mr. Polen, permit himself to be interrogated?

Mr. POLEN. I shall, Mr. Speaker.

Mr. BAZIN. Mr. Speaker, I just heard the Majority Leader say this bill was not written at the time the sales tax and the other tax bills were passed. I also understand that the passed tax bill was insufficient to take care of the Governor's requested programs. Now, how much money, additional money, is this increase bill going to take?

Mr. POLEN. You mean so far as the legislative salaries are concerned?

Mr. BAZIN. So far as everybody is concerned, Mr. Speaker? I am not a lawyer, I do not have to apologize to the judges.

Mr. POLEN. Mr. Speaker, I do not have the figures here for the amount it will cost for all of the items included, but it is an easily calculated matter so far as the Members of the Legislature are concerned. I believe there are 260 Members at $6,000 additional, that is $1,560,000.

Mr. BAZIN. Mr. Speaker, is that just for the Legislators?

Mr. POLEN. Yes, sir, Mr. Speaker.

Mr. BAZIN. Mr. Speaker, I imagine, then, the judges' increase would be much greater than that?

Mr. POLEN. Mr. Speaker, I think the judges' increase is approximately $210,000, as I recall it. I do not have the figures available.

I think I can get them, if the gentleman wants them. I understand the judges' increase is over a million dollars, Mr. Toll has told me, per year.

Mr. BAZIN. That will be a figure at this point. I am not allergic to an increase myself, believe me.

The SPEAKER pro tempore. Does the gentleman wish to interrogate the gentleman from Washington further?

Mr. BAZIN. Yes, Mr. Speaker, just one more question, please.

If this bill is passed, is there any other bill being considered to take care of this increase?

Mr. POLEN. Any other bill to take care of this increase, Mr. Speaker?

Mr. BAZIN. Any tax bill, Mr. Speaker?

Mr. POLEN. I do not know of any additional tax bill that is being considered at this time. There is approximately $150 million of tax bills which the House has passed now in the Senate, which they can act upon.

Mr. BAZIN. That will be all, thank you.

Mr. Speaker, I believe the Majority Leader made a statement, I do not know how many members picked it up, to the effect that there presently was no money available to pay this increase. That means we are going to have come back and vote for some additional taxes. I am not allergic to an increase, but I sure am allergic to voting for any further taxes until some tax program is devised to take care of this large increase.

MOTION TO RECOMMIT

Mr. BAZIN. At this time I wish to make a motion that the bill be recommitted to the Appropriations Committee until a tax program suitable to cover the expenses of this bill is brought out on the floor.

The SPEAKER pro tempore. The gentleman's motion is in order.

On the question,

Will the House agree to the motion?

Mr. BAZIN. I will ask for a roll call, if some brave man will second it.

The SPEAKER pro tempore. The Chair hears no second for a roll call.

Mr. READINGER. Mr. Speaker, I desire to point out that any increase for Legislators would not take effect in this biennium. It does not affect any person who is now in office as a Legislator. It will take effect and be effective as to anybody who is elected in November of this year and to no other ones.

The only money required in this biennium, and the gentleman has raised the question concerning the amount of taxes available, and so forth, would be for the executives whose salaries are raised from $15,000 to $20,000 and who might see fit to resign from office and be reappointed and reconfirmed by the Senate. In some cases that may be done, and in other cases it may not be done. If it were not done then none of the executives who have been appointed for a certain definite term of office would be affected. The money needed would be required to pay the judges who under the law may have their salaries changed while they are in office.

Depending upon the time when this might go into effect, the amount of money necessary to pay them for this biennium could be computed. I believe the bill is effective as to them as of June 1, 1956, so there would be one year's salary for the judges involved in this biennium.

Mr. AGNEW. Mr. Speaker, do I understand the motion to recommit was not seconded and is not now before us and the bill on final reading is now before us.

The SPEAKER pro tempore. The gentleman is in error. The motion was a roll call was not seconded. The motion to recommit does not require a second.

Mr. MOSCRIP. I would like to interrogate the Majority Leader, please, Mr. Speaker.

The SPEAKER pro tempore. Will the Majority Leader permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. MOSCRIP. I want a point made clear, Mr. Speaker. I am asking this question for information only and not to try to trap the Majority Leader.

The Majority Leader stated there would be no funds required in this biennium to pay the increase in legislative salaries. I wish the gentleman would explain to us, please, where the money will come from to pay us—or whoever is back here in our place—for the months of January through May, inclusive, 1957.

Mr. READINGER. Mr. Speaker, the gentleman's question is well put. I am afraid I have been making some misstatements without intending to do so. I forget that we come back in January of 1957 and that we will have to be paid. To that extent there will be six months of increased salary as provided for in this bill which would be paid to us during this present biennium.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. AGNEW. Mr. Speaker, just briefly, I am very happy to inform the Majority Leader, the gentleman from Berks, that my cosponsor to the amendment which was just defeated, Mr. Goldstein, and I will be very happy to vote for this bill as a means of expediting it through the House and the Senate. We will do that with a certain

amount of reluctance, however, and with the sincere hope that the Conference Committee will reduce it to the figure we mentioned in our amendment.

Mr. VARNER. I was sitting here listening to the debate, Mr. Speaker, and I got the idea that one way we might help provide for the increase in salaries for future Legislators would be to find someone who is on the state payroll in our respective counties who is not necessary. I think I can find a couple in my county, and the saving could be applied then to my successor, who may be myself.

Mr. MOSCRIP. Mr. Speaker, perhaps I am not in order, but this is a matter which is receiving considerable comment throughout the Commonwealth, particularly from school teachers and other people interested in salary increases. I think it is in poor taste that we pass this on a fast roll call, and for that reason I will ask for a slow roll call, if it is in order.

The SPEAKER pro tempore. For the information of the gentleman, the Chair was about to request a slow roll call with only those answering to their names being recorded.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—107

Agnew,	Gelfand,	McCann,	Scarcelli,
Amarando,	Gibson,	McCormack,	Schuster,
Anderson, M. S.,	Goldstein,	McGee,	Sherman,
Anderson, S. A.,	Hamilton, R. K.,	McInroy,	Smith, C. O.,
Banker,	Hass,	McKeever,	Smith, Wm. B.,
Barnatovich,	Haudenshield,	McLaughlin,	Snider,
Bell,	Hocker,	McWherter,	Stank,
Boles,	Holt,	Mihm,	Stebbins,
Boory,	Houk,	Mikula,	Stone,
Bower,	Isaacs,	Monroe,	Stroup,
Branca,	Johnson,	Moody,	Taylor,
Brennan, A. P.,	Jones, G. E.,	Moran,	Thomas,
Brennan, J. J.,	Jump,	Muldowney,	Thompson,
Breth,	Kamyk,	Murphy,	Toll,
Bullen,	Kehler,	Musto,	Toomey,
Capano,	Kent,	Olsen,	Varallo,
Cioffi,	Kline,	O'Neil,	Vaughan,
Cooper,	Knecht,	Parry,	Verona,
Davis,	Kolankiewicz,	Pashley,	Wallace,
Dougherty,	Kornick,	Paulhamus,	Welsh,
Eilberg,	Kratz,	Petrosky,	Wheeler,
Ewing,	Leonard,	Polen,	Whitenight,
Filo,	Leven,	Pomeroy,	Williams,
Fineman,	Lippincott,	Readinger,	Yetter,
Flint,	Lopresti,	Reidenbach,	Ziegler,
Floyd,	Lovett,	Rovansek,	Andrews,
Frascella,	Lutty,	Sarraf,	Speaker

NAYS—65

Adam,	Gramlich,	Metz,	Steckel,
Ashton,	Guss,	Moscrip,	Stevenson,
Bazin,	Guthrie,	Munley,	Stoner,
Blair,	Helm,	Murray, H. P.,	Strausser,
Bonner,	Henzel,	Murray, P. G.,	Swartz,
Breisch,	Horst,	Naugle,	Tompkins,
Brenninger,	Jones, T. H. W.,	Needham,	Varner,
Curwood,	Keller,	Ogilvie,	Wall,
Donahue,	Kooker,	Pacchioli,	Walsh,
Ehrgood,	Lafore,	Polaski,	Wargo,
Eshleman,	Leiby,	Price,	Waterhouse,
Farabaugh,	Leisey,	Pursley,	Weidner,
Frank,	Light,	Reibman,	Wescott,
Frost,	Mahan,	Renwick,	Willaredt,
Gaffney,	Markley,	Royer,	Wood,
Garlock,	Meholchick,	Rudisill,	Worley,
			Yetzer,

NOT VOTING—35

Auker,	Erb,	Kromer,	Murray, J. J.,
Brown,	Flynn,	Lawyer,	Pettigrew,
Bucohin,	Foster,	Limper,	Rigby,
Cianfrani,	George,	Magee,	Rosen,
Cochran,	Gibb,	Maxwell,	Rubin,
Comer,	Greenwood,	Miller,	Sigman,
Connelly,	Heavey,	Mills,	Stephens,
Donaldson,	Hewitt,	Mullen,	Wilt,
Down,	Jenkins,		Young,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

REASONS FOR VOTE

Mr. WALSH filed the following reasons for his vote.

Mr. Speaker. In explanation of my voting against Senate Bill No. 317 which raises the salaries and compensation of the Judges of the Commonwealth, of certain State Officers, and of the Members of the General Assembly, I wish to have printed in the Journal my petition for doing so.

Let me state at the outset that while I heartily approve the salary increase for certain Judges and some Governmental Offices designated in Senate Bill No. 317, I vehemently disapprove the exhorbitant and unreasonable increase contained in the same bill for Members of the General Assembly. I am not voting against my fellow members, since the bill should it become law, would, under the Constitution, be applicable only to future Legislators elected to the General Assembly.

The effect of this bill by its outrageous increases for the General Assembly would lower the dignity of the high office of a Legislator and measure it for its monetary value in place of its position of service and duty for the general welfare of the Comomnwealth.

To me, holding the position of Legislator and serving the Commonwealth is a great honor and one of deep pride. The greatest thing a person can do is to serve his Government and when I took the oath as a Legislator I did so not for the salary it was then paying but because I have certain deep convictions that would enhance the Government of the Commonwealth and provide better services for the people. To vote for higher raises is repugnant to my political philosophy and my sincere convictions of holding the office of Legislator.

Furthermore, I am opposed to this bill now and have been opposed to it since I was elected because I have always fought for economy in Government. While I am for increased services and facilities for the people of the Commonwealth I do not believe that increasing salaries of the Members of the General Assembly would be beneficial to the general welfare of the people.

I am informed that tax legislation, as now passed, is close to $100 mililon short of what the Adminitsration feels is necessary to carry out our Mental Health and Welfare and Hospital Program and at the same time provide for our educational needs. It becomes evident that some part of our program must suffer. . . . and I do not feel that in view of the fact we have a waiting list of close to 600 unfortunate children waiting for admission to Polk and other institutions, that I could in good conscience vote for any legislation that would endanger any part of this necessary program for self gain.

While the sponsors of the bill may disagree with my

philosophy and position on this bill, I nevertheless am firmly convinced that I could not conscientiously vote for this bill and must therefore vote against it.

Agreeably to order,

The House proceeded to the third reading and consideration of Senate Bill No. 318, as follows:

An Act pertaining to the payment of compensation to judges upon retirement under certain conditions and imposing duties on certain State officers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In this act (a) "judge" shall mean the Chief Justice and any judge of the Supreme Court the President Judge and any judge of the Superior Court and any judge of any court of common pleas or orphans' court and any judge of the Municipal Court of Philadelphia the County Court of Allegheny County and the Juvenile Court of Allegheny County holding any such office at any time on or after the effective date of this act regardless of whether or not he holds such office at the time he otherwise becomes eligible for the benefits of this act

(b) "Final salary" shall mean the salary received by a judge during the last twelve months of his active service as a judge

Section 2 Any judge who has served at least one full elective term or ten years in the aggregate continuously or otherwise in one or more of the judicial offices referred to in section 1(a) hereof shall upon attaining the age of sixty-five years or thereafter at such times as he shall otherwise qualify be paid annually in equal monthly installments during the remainder of his life a sum equal to two and one-half per centum of his final salary for each year he served as a judge subject to the deductions therefrom provided in section 5 of this act

In order to qualify for such payments the judge must

(a) Give to the Governor of the Commonwealth of Pennsylvania the written notice required by section 3 of this act and

(b) Hold himself in readiness to advise his successors in judicial office and their colleagues and to perform such duties as special master referee auditor or examiner in such ways as he may reasonably be able to do

No judge shall be eligible to receive such payments so long as he is in active service as a judge

Section 3 Any judge who becomes eligible for and desires to obtain the benefits of this act shall file with the Governor of the Commonwealth of Pennsylvania a written notice of his election to receive the benefits of this act accompanied by a statement in writing of his willingness to hold himself in readiness to advise his successors and their colleagues and perform such duties as special master referee auditor or examiner in such ways as he may be able to do He shall simultaneously therewith file executed copies of the notice and statement with the State Employes' Retirement Board He shall be entitled to and receive payments under this act from the date the notice is received by the Governor

Section 4 Any judge who shall become incapacitated while in judicial office by reason of his health or physical disability and for this reason shall not be able to render full and efficient service to the Commnowealth in his judicial capacity shall be eligible to receive the payments provided for in this section if he has served at least one full elective term or ten years in the aggregate as a judge and shall have attained the age of sixty years or if he has served at least two full elective terms or twenty years in the aggregate as a judge and shall have attained the age of fifty years and otherwise qualifies under section 2 upon receiving notice of such judge's election to receive the benefits of this section the Governor shall appoint three physicians who are residents of this Commonwealth who shall examine such judge and report to the Governor as to the applicant's incapacity by reason of his health or physical disability and if they find the disability exists whether in all reasonable probability it will continue permanently and does and will continue to prevent the applicant from giving full and efficient service to the Commonwealth in the regular performance of his judicial duties If it is made to appear by such report that the disability exists and that it will in all reasonable probability continue permanently and if the Governor approves the report the Governor shall file it with his approval endorsed thereon with the Secretary of the Commonwealth and a copy thereof with the State Employes' Retirement Board as of the date of such approval the applicant shall be retired from further active service as a judge and he shall be paid annually in equal monthly installments from the date of his retirement for disability until he attains the age of sixty-five years a sum equal to one-third of his final salary subject however to deductions therefrom as provided in section 5 of this act Thereafter he shall be entitled to a continuation of such payments during the remainder of his life or to the payments provided in section 2 of this act whichever shall be greater

Section 5 The annual payments provided in this act to be paid to any person qualified under sections 2 or 4 hereof shall not exceed eighty per centum of his final salary and shall be reduced by the amount of the total payments if any he is entitled to receive annually as a member of the State Employes' Retirement System as State and members' annuities on the basis of the full superannuation allowance to which he is entitled or disability allowance in accordance with the provisions of the State Employes' Retirement Law act of June 27, 1923 (P. L. 858) as amended and in no event shall supplemented and the payments that he is entitled to receive under this act together with his state and members's annuities exceed eighty per centum of his final salary any judge who is not a member of the State Employes' Retirement System shall in no event receive under the provisions of this act more than he would have received had he been a member of the State Employes' Retirement System during the entire period of his eligibility for such membership the State Employes' Retirement Board upon receipt of its copy of the judge's notice of election to receive the benefits of this act shall forthwith certify to the State Treasurer and Auditor General whether or not he is a member of the State Employes' Retirement System and if he is a member the total annual amount from all annuities to which he is entitled as a member of the State Employes' Retirement System and if he is not a member the total annual amount from all annuities to which he would have been entitled if he had been such a member during the period of his eligibilty for such membership the calculation and determination of the payments to be made under the provisions of this act and the distribution and payment thereof to the judges entitled thereto shall be made by and under the supervision and direction of the State Employes' Retirement System

Section 6 No judge while accepting payments provided for in this act shall be entitled to any additional compensation for the performance of any duties assigned to him under this act but such judge shall not be obliged to accept an assignment or duty from any court other than the court of the judicial district of which he was a member at the time of his resignation or retirement

Section 7 This act is intended as additional legislation and shall not be construed as repealing the act of June 27, 1923 (P. L. 858) establishing a State Employes' Retirement System or the amendments and supplements thereto All other acts or parts of acts inconsistent herewith are repealed

Section 8 This act shall take effect June 1, 1956

On the question,

Wil lthe House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WORLEY. Mr. Speaker, this Senate Bill 318 is the judges' retirement raid on the public treasury.

By means of this bill the Leader administration will place the judges in a better position financially when they

are retired than when they are on the judicial bench. This is all done for the purpose of baiting our judges to retire so that the courts can then be packed with Leader administration appointments.

This bill, if enacted into law, will damage the taxpayers and citizens of this Commonwealth in three ways.

First, it will waste the taxpayer's money for the reason that the judges now receive more than plenty;

Second, it will create a non-experienced flow of patronage into the judicial chambers of this Commonwealth;

Third, it will give the control of Pennsylvania's judiciary to Pennsylvania's chief executive and thereby threaten the separation of powers between the judicial and executive branches of this government. This would fast put us on the road to a government by the will of men rather than a state government wherein the law itself is supreme.

In the interest of the constitution and in the interest of saving thousands and millions of dollars for the taxpayers of this Commonwealth, I ask you to vote "no" on this bill.

Mr. READINGER. Mr. Speaker, I gather from the remarks of the gentleman from Adams, that he does not like judges. What the reason for that might be I do not know, but I am convinced he probably has some reason for not liking certain judges and he would like to spread that feeling to the whole judiciary.

This bill will improve the judges' pension system, and in my opinion it is a well deserved change. The gentleman says it is designed in some diabilical way to retire certain judges and so forth. He may say it, but that does not make it so.

Certainly there will be some judges who will retire. There will be some judges who retire whether this bill passes or not. In my opinion a lot of them have served long and well and they deserve retirement, some ease in their old age. We will all get old too some day and we will want to retire. We hope we can retire under an adequate retirement system.

I think the requests made in this bill as it is now before us are reasonable and deserved. I think we should recognize the fact that we must attract good men to the Bench if we are going to have even-handed and proper administration within the judiciary.

I think we can be very proud of the way our judiciary has performed since it was created. I say to you it is highly important that we continue to get good men on the Bench. The way things have been going in this state the last ten years it is getting more difficult all the time to attract the best men to run for judicial office.

This is definitely a step in the right direction and I hope we can pass this bill with an overwhelming vote.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—162

Adam,	Gramlich,	McLaughlin,	Sherman,
Agnew,	Guss,	McWherter,	Smith, C. C.
Amarando,	Guthrie,	Meholchick,	Smith, Wm. B.,
Anderson, M. S.,	Hamilton, R. K.,	Metz,	Snider,
Anderson, S. A.,	Hass,	Mihm,	Stank,
Ashton,	Haudenshield,	Mikula,	Stebbins,
Banker,	Helm,	Monroe,	Steckel,
Barnatovich,	Henzel,	Moody,	Stevenson,
Bazin,	Hocker,	Moran,	Stone,
Bell,	Houk,	Moscrip,	Stoner,
Boles,	Isaacs,	Muldowney,	Stroup,
Bonner,	Johnson,	Munley,	Swartz,
Boory,	Jones, G. E.,	Murphy,	Taylor,
Branca,	Jones, T. H. W.	Murray, H. P.,	Thomas,
Breisch,	Jump,	Murray, P. G.,	Thompson,
Brennan, A. P.,	Kamyk,	Musto,	Toll,
Brennan, J. J.,	Kehler,	Naugle,	Tompkins,
Brenninger,	Keller,	Needham,	Toomey,
Breth,	Kent,	Ogilvie,	Varallo,
Bullen,	Kline,	Olsen,	Varner,
Capano,	Knecht,	O'Neil,	Vaughan,
Cioffi,	Kolankiewicz	Pacchioli,	Verona,
Cooper,	Kooker,	Parry,	Wall,
Curwood,	Kornick,	Pashley,	Wallace,
Davis,	Kratz,	Paulhamus,	Walsh,
Dougherty,	Lafore,	Petrosky,	Wargo,
Ehrgood,	Leiby,	Polaski,	Waterhouse,
Eilberg,	Leonard,	Polen,	Weidner,
Eshleman,	Leven,	Pomeroy,	Welsh,
Ewing,	Light,	Price,	Wescott,
Filo,	Lippincott,	Pursley,	Wheeler,
Fineman,	Lopresti,	Readinger,	Whitenight,
Flint,	Lovett,	Reibman,	Willaredt,
Floyd,	Lutty,	Reidenbach,	Williams,
Frank,	Mahan,	Renwick,	Wood,
Frascella,	Markley,	Rovansek,	Yetter,
Frost,	McCann,	Royer,	Yetzer,
Gaffney,	McCormack,	Rudisill,	Ziegler,
Gelfand,	McGee,	Sarraf,	Andrews,
Gibson,	McInroy,	Scarcelli,	Speaker
Goldstein,	McKeever.	Schuster,	

NAYS—6

Blair,	Garlock,	Horst,	Strausser,
Donahue,			Worley,

NOT VOTING—19

Auker,	Erb,	Jenkins,	Murray, J. J.,
Bower,	Farabaugh,	Kromer,	Pettigrew,
Brown,	Flynn,	Lawyer,	Rigby,
Bucchin,	Foster,	Leisey,	Rosen,
Cianfrani,	George,	Limper,	Rubin,
Cochran,	Gibb,	Magee,	Sigman,
Comer,	Greenwood,	Maxwell,	Stephens,
Connelly,	Heavey,	Miller,	Wilt,
Donaldson,	Hewitt,	Mills,	Young,
Down,	Holt,	Mullen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILLS PASSED OVER

The SPEAKER pro tempore. Without objection the remaining bills on the third reading calendar will be passed over. The Chair hears none.

The SPEAKER pro tempore. The Chair at this time returns the gavel to the Speaker.

The SPEAKER (Hiram G. Andrews) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Cambria.

The Speaker wants to say that the Chair has this day witnessed the culmination of what with me has been a twenty-year battle. The Speaker can now say, "Let Thy servant depart in peace."

BILLS ON THIRD READING POSTPONED

TIME EXTENDED ON BILLS

Mr. READINGER asked and obtained unanimous consent to extend the time five days on House Bill No. 1240,

Printer's No. 1419, on page 15 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on third reading of House Bill No. 1839 as follows:

An Act amending the act of May 1, 1929 (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds changing the definition of the word "chassis" to include a rear bumper and requiring passenger motor vehicles to be equipped with certain types of exhaust pipes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of the word "chassis" in section 102 act of May 1, 1929 (P. L. 905) known as "The Vehicle Code" amended May 18, 1949 (P. L. 1412) is amended to read

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

* * *

"Chassis" The chassis of a motor vehicle to be propelled by an internal combustion or steam engine shall consist of an assembly of all essential parts with protective housings ready for operation on the highway including as minimum equipment a set of tires attached to wheels driver's seat including cab (except in the case of commercial motor vehicles designed for a maximum gross weight of five thousand (5000) pounds or less where the cab shall be excluded) front wheel fenders running board or mounting step tool compartment priming coat on all parts to be painted pair of front lamps and one rear lamp license brackets jack and a set of tools commonly used for making adjustments and minor repairs on the highway water oil and fuel and in the case of passenger motor vehicles except motor buses and motor omnibuses a rear bumper attached to the body

* * *

Section 2 The act is amended by adding after section 808.1 a new section to read

Section 808.2 Exhaust Pipes Construction (a) All new passenger motor vehicles except motor buses and motor omnibuses an application for registration for which is made on or after the effective date of this act shall be equipped with an exhaust pipe extending to the rear portion of the chassis and shall be of solid construction pipe or tubing

(b) When any exhaust pipe is replaced on any passenger motor vehicle except motor buses and motor omnibuses it shall be replaced with a solid construction pipe or tubing extending to the rear portion of the chassis

(c) The secretary shall refuse to title or issue registration for any new motor vehicle that does not meet the requirements of this section

Penalty Any person being the owner of any motor vehicle and any person engaged or employed by him who causes to be replaced or replaces an exhaust pipe in violation of subsection (b) of this section shall upon summary conviction be sentenced to pay a fine not exceeding one hundred ($100) dollars and in default of payment thereof shall undergo imprisonment for not more than thirty (30) days

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I desire to inform the Members of the House that this is the so-called "short tailpipe bill." The Secretary of Revenue of the Commonwealth thinks it is a good bill. He thinks the present law should not allow a certain type of car to have the kind of tailpipe it has.

I leave it to the Members' good judgment to decide whether it is good or bad.

Mr. WATERHOUSE. Mr. Speaker, very briefly, I should not be pleading for my competitors, but there is really not a thing wrong with the tailpipe on the 1956 Chrysler, I assure you. Of course, it might better be a Buick they are driving, but if they insist on driving a Chrysler I still say that there is nothing wrong with the tailpipe, and the Attorney General says the same thing.

They tell me that the Cadillac also uses it, but that being a cheap car I did not want to mention it.

However, if they want to know anything, if there is anything that is not clear on it, I have all the dope from the different testing "labs" here and I will be very glad to go to great lengths to explain why this is not needed legislation and should be defeated.

Mr. FILO. Mr. Speaker, since the gentleman is so well-informed, I drive one of those cars with the short tailpipe. The only thing I object to is the fact that every time I look at the bumper in the back it is always dirty, smoky, and smudgy, from the fumes of the exhaust pipe. If he can correct that, I will vote "no" on the bill.

The SPEAKER. Does the gentleman from Erie have a correction for the malady from which the gentleman from Allegheny suffers?

Mr. WATERHOUSE. Mr. Speaker. Buicks do not do that. He might try a different gasoline. You know, I had a little trouble with the machine we had in here last evening. I tried the wrong kind of gas in it. If he and I can get together later on, I will tell him what to do. I hate to say it before the House.

Mr. READINGER. If I may coin a phrase, Mr. Speaker, after last night's delightful party and staying up quite late at night, my tailpipe is dragging. Can we not end this debate?

The SPEAKER. That suits the Speaker.

Mr. WATERHOUSE. To take the Majority Leader off the hook, I think we should vote on this bill and kill it, because otherwise he might have an undesirable name attached to him.

On the question recurring,

Shall the bill pass finally?

Agreably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—14

Amarando,	Frascella,	Muldowney,	Welsh,
Anderson, S. A.,	Holt,	Pashley,	Andrews,
Dougherty,	Leonard,	Readinger,	Speaker
Fineman,	Monroe,	Scarcelli,	

NAYS—143

Adam,	Gramlich,	McLaughlin,	Sherman,
Anderson, M. S.,	Guss,	McWherter,	Smith, C. C.,
Ashton,	Guthrie,	Meholchick,	Smith, Wm. B.,
Banker,	Hamilton, R. K.,	Metz,	Snider,
Barnatovich,	Hass,	Mihm,	Stank,
Bazin,	Haudenshield,	Mikula,	Stebbins,
Bell,	Helm,	Moody,	Stevenson,
Blair,	Henzel,	Moran,	Stone,
Boles,	Hocker,	Moscrip,	Stoner,
Boory,	Horst.	Munley,	Strausser,
Bower,	Houk,	Murray, H. P.,	Stroup,
Branca,	Johnson,	Murray, P. G.,	Swartz,
Breisch,	Jones, G. E.,	Musto,	Taylor,
Brennan, A. P.,	Jones, T. H. W.,	Naugle,	Thomas,
Brennan, J. J.,	Jump,	Needham,	Thompson,
Brenninger,	Kamyk,	Ogilvie,	Toll,
Breth,	Kehler,	Olsen,	Tompkins,
Bullen,	Kent,	O'Neil,	Toomey,
Capano,	Kline,	Pacchioli,	Varallo,
Cioffi,	Knecht,	Parry,	Vaughan,
Cooper,	Kolankiewicz,	Paulhamus,	Varner,
Curwood,	Kooker,	Petrosky,	Verona,
Davis,	Kratz,	Polaski,	Wall,
Donahue,	Lafore,	Polen,	Wallace,
Ehrgood,	Leiby,	Pomeroy,	Walsh,
Eshleman,	Leven,	Price,	Wargo,
Ewing,	Light,	Pursley,	Waterhouse,
Farabaugh,	Lopresti,	Reibman,	Weidner,
Filo,	Lovett,	Reidenbach,	Wescott,
Flint,	Lutty,	Renwick,	Whitenight,
Frank,	Mahan,	Rovansek,	Willaredt,
Frost,	McCann,	Royer,	Williams,
Gaffney,	McCormack,	Rudisill,	Wood,
Garlock,	McGee,	Sarraf,	Worley,
Gelfand,	McInroy,	Schuster,	Yetter,
Gibson,	McKeever,		Yetzer,

NOT VOTING—50

Agnew,	Floyd,	Kornick,	Murphy,
Auker,	Flynn,	Kromer,	Murray, J. J.,
Bonner,	Foster,	Lawyer,	Pettigrew,
Brown,	George,	Leisey,	Rigby,
Bucchin,	Gibb,	Limper,	Rosen,
Cianfrani,	Goldstein,	Lippincott,	Rubin,
Cochran,	Greenwood,	Magee,	Sigman,
Comer,	Heavey,	Markley,	Steckel,
Connelly,	Hewitt,	Maxwell,	Stephens,
Donaldson,	Isaacs,	Miller,	Wheeler,
Down,	Jenkins,	Mills,	Wilt,
Eilberg,	Keller,	Mullen,	Young,
Erb,			Ziegler,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

APPROPRIATION BILL ON FINAL PASSAGE

BILL PASSED OVER

There being no objection

House Bill No. 1675, Printer's No. 1614

was passed over at the request of the SPEAKER.

BILLS ON FINAL PASSAGE

BILLS PASSED OVER

There being no objection

House Bill No. 1904, Printer's No. 1612 and

House Bill No. 1984, Printer's No. 1572

were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2051, as follows:

An Act amending the act of March 10, 1949 (P. L. 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" changing the powers and duties of the county board of school directors removing certain merger provisions and changing the procedure in the formation of union districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subarticle (e) of Article II and sections 251 252 253 and 254 act of March 10 1949 (P. L. 30) known as the "Public School Code of 1949" are repealed

Section 2 The act is amended by adding after section 243 a new subarticle to Article II to read

(e) Union Districts

Section 251 How Formed Any two or more school districts or parts thereof may form a union school district in the following manner

A petition requesting the submission of the question of forming the proposed union school district to the electors of the respective districts shall be directed to the court of quarter sessions Such petitions shall be signed by (1) at least a majority of the members of the board of school directors of each of the respective school districts or (2) any elector of either district and at least twenty-five per centum of the registered voters of each district or (3) by at least a majority of the members of the county board of school directors

Such petitions when approved in writing by the county board of school directors and by the Superintendent of Public Instruction shall be presented to the court of quarter sessions by the county board of school directors In cases where the school districts or parts thereof are situated in more than one county the petitions shall be presented to the court of quarter sessions of the county containing the largest proportion of the population of the proposed union school district as determined by the last United States census and shall be presented by the county board of school directors of such county which court and county board of school directors shall have exclusive jurisdiction over the matter

The petition shall request the submission of the question whether or not the respective districts or parts thereof shall be united into a union school district to the electors of each school district affected thereby at the next general or municipal election to be held at least ninety days after presentation of said petition to the court The question to be submitted to the electors shall be framed by the court and be by it certified to the county commissioners for submission to the electors of each district affected thereby The question shall be submitted in the form and manner provided by the general election laws of the Commonwealth for the submission of similar questions

Section 252 Returns of Election A certificate of the returns of the election shall be filed with the Superintendent of Public Instruction the clerk of the court of quarter sessions of the county having jurisdiction the county board of school directors and the board of school directors of each of the school districts affected thereby. The union school district shall be established if a majority of the total number of votes cast in each school district by the electors voting on the question shall be in favor of forming the union district

Section 253 When Effective Classification Whenever any union school district is authorized by the electorate as herein provided the district shall become effective for operating purposes on the first Monday of July following the authorization The members of the boards of directors of the component districts shall constitute an interim union board which shall organize during the month of December following the authorization of the union district by electing a president vice-president and secretary each of whom shall serve until the first Monday of July

when the newly created district becomes effective at which time the union district board shall be organized The interim union board shall with respect to management of the affairs of the union district have the same powers and duties as are now conferred or imposed by law upon school boards generally

The classification of any such union school district shall be determined by the combined population of all of the districts united as shown by the last census of the United States

Section 254 Assets and Liabilities of Component Districts Whenever any union school district is formed as herein provided all debts and liabilities of the several component districts shall become the debts of the union school district unless otherwise provided by an agreement in writing approved by a majority vote of each board of school directors prior to the time said question of forming a union school district is submitted to the voters All rights of creditors against any of the component districts shall be preserved against the union district All property heretofore vested in the several component districts shall become vested in the union district and all debts and taxes owing to and uncollected in the several component districts and all moneys in the treasuries of the several component districts shall be paid to the treasurer of the new union district In cases where only a part of a component district is included in the union district the adjustment and apportionment of assets and liabilities of the part included and the part excluded from the union district shall be made as hereinafter provided

Section 3 The heading of subarticle (f) of Article II and section 261 of the act are amended to read

(f) [Merger of] Reorganization of School Districts

Section 261 Standards and Regulations Approval of Plans The State Council of Education shall adopt and prescribe standards and regulations for the [merger] reorganization of school districts or parts thereof and for the reorganization of attendance areas Such standards and regulations shall take into consideration the following factors topography density of population community interests facility of transportation of pupils financial ability of the district school organization and existing school plants Such standards and regulations may be revised from time to time by the State Council of Education as the need therefor appears

The State Council of Education shall review and approve or disapprove all plans for the [merger] reorganization of school districts or parts of school districts and for the reorganization of [administrative units and] attendance areas submitted by county boards of school directors in accordance with the prescribed standards and regulations

Section 4 Sections 262 and 263 of the act are repealed

Section 5 The act is amended by adding after section 261 two new sections to read

Section 262 County-wide Plans for Reorganization The county board of school directors shall submit to the State Council of Education countywide plans for the reorganization of school districts or parts thereof and for the reorganization of attendance areas in accordance with the standards and regulations adopted by the State Council of Education In cases where administrative units would include school districts situated in more than one county the plan shall be developed jointly by the respective county boards of school directors and the administrative unit shall be included in the plan for the county containing the largest proportion of the population of the proposed administrative unit as shown by the United States census

Section 263 Submission of Plans to Electorate In the event that any county-wide plan or any component thereof proposing to combine two or more existing school districts into a single administrative unit has been approved by the State Council of Education but has not been approved and assented to by the electors of the school districts affected thereby prior to the effective date of this amendment the county board of school directors shall petition the court of quarter sessions to have the question of forming a union district submitted to the electors as hereinbefore provided at the general election in 1958 Provided however That the county board of school directors may if deemed advisable request the State Council of Education to approve a revision of the plan before presenting its petition to the court

In cases where County-wide plans or any component thereof are approved by the State Council of Education subsequent to the effective date of this amendment the county board of school directors shall within one year from the date of approval by the Council petition the court of quarter sessions to have the question of forming a union district submitted to the electors of the respective districts if the plan proposes to combine two or more existing districts into a single administrative unit

In cases where county-wide plans or any component thereof shall have been submitted to the State Council of Education prior to the effective date of this amendment but has been disapproved by the Council the county board of school directors shall prepare revised plans and submit them to the State Council of Education on or before the first Monday of July 1957 and thereafter as the State Council of Education may direct

In the event the electors do not give assent to the formation of a union district as hereinbefore provided the county board of school directors shall either cause the question to be re-submitted within three years or submit a revised plan to the State Council of Education in accordance with the foregoing procedure

Section 6 Clause (5) of section 925 of the act is amended to read

Section 925 Powers and Duties The county board of school directors [in respect to school districts under the supervision of the county superintendent] shall have power and its duty shall be

* * *

(5) To prepare county-wide plans for the [merger] reorganization of school districts or parts of school districts and for the reorganization of attendance areas [and administrative units] and to submit the same to the State Council of Education as hereinbefore required and

To petition the court of quarter sessions to submit the question of forming a union school district in cases where the approved county-wide plan or any component thereof proposing to combine two or more existing school districts into a single administrative unit has been approved

* * *

On the question,

Shall the bill pass finally?

Mr. McCANN. Mr. Speaker, yesterday the Pennsylvania State Asosciation of School Directors along with the gentleman from Bradford, Mr. Moscrip, and myself met and amended this bill to take the provisions out of it which were objectionable to him regarding the forming of union districts.

The bill now has been changed to remove the two-thirds majority, which was the main objection. The bill will permit the question to be placed on the ballot for a vote.

Where the bill did provide in the past that if the merger or the union fell on the vote, it could be repeated the second year, it has now been amended to be three years. Where the bill calls for 1956, it has been amended to 1958.

I believe the verification of this statement can be made by Mr. Moscrip, who will certify that this bill now is non-objectionable to all of the teachers, the State School Directors Association and everyone else concerned.

Mr. MOSCRIP. Mr. Speaker, as far as I am concerned, what Mr. McCann said is true. The basic objection we had was the two-thirds majority. There may be others

who have points on which they might feel it is objectionable.

I feel the bill's main objections have been ironed out and, as Mr. McCann says, I think it is all right now.

On the questoin recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gelfand,	Maxwell,	Sarraf,
Agnew,	Gibson,	McCann,	Scarcelli,
Amarando,	Goldstein,	McCormack,	Schuster,
Anderson, M. S.,	Gramlich,	McGee,	Sherman,
Anderson, S. A.,	Greenwood,	McInroy,	Smith, C. G.,
Ashton,	Guss,	McKeever,	Smith, Wm. B.,
Banker,	Guthrie,	McLaughlin,	Snider,
Barnatovich,	Hamilton, R. K.,	McWherter,	Stank,
Bazin,	Hass,	Meholchick,	Stebbins,
Bell,	Haudenshield,	Metz,	Steckel,
Blair,	Helm,	Mihm,	Stephens,
Boles,	Henzel,	Mikula,	Stevenson,
Bonner,	Hewitt,	Miller,	Stone,
Boory,	Hocker,	Mills,	Stoner,
Bower,	Holt,	Monroe,	Strausser,
Branca,	Horst,	Moody,	Stroup,
Brennan, A. P.,	Houk,	Moran,	Swartz,
Brennan, J. J.,	Isaacs,	Moscrip,	Taylor,
Brenninger,	Jenkins,	Muldowney,	Thomas,
Breisch,	Johnson,	Munley,	Thompson,
Breth,	Jones, G. E.,	Murphy,	Toll,
Brown,	Jones, T. H. W.,	Murray, H. P.,	Tompkins,
Bullen,	Jump,	Murray, J. J.,	Toomey,
Capano,	Kamyk,	Murray, P. G.,	Varallo,
Cianfrani,	Kehler,	Musto,	Varner,
Cioffi,	Keller,	Naugle,	Vaughan,
Cochran,	Kent,	Needham,	Verona,
Cooper,	Kline,	Ogilvie,	Wall,
Curwood,	Knecht,	Olsen,	Wallace,
Davis,	Kolankiewicz,	O'Neil,	Walsh,
Donahue,	Kooker,	Pacchioli,	Wargo,
Dougherty,	Kornick,	Parry,	Waterhouse,
Down,	Kratz,	Pashley,	Weidner,
Ehrgood,	Kromer,	Paulhamus,	Welsh,
Eilberg,	Lafore,	Petrosky,	Wescott,
Erb,	Leiby,	Pettigrew,	Wheeler,
Eshleman,	Leisey,	Polaski,	Whitenight,
Ewing,	Leonard,	Polen,	Willaredt,
Farabaugh,	Leven,	Pomeroy,	Williams,
Filo,	Light,	Price,	Wilt,
Fineman,	Limper,	Pursley,	Wood,
Flint,	Lippincott,	Readinger,	Worley,
Floyd,	Lopresti,	Reibman,	Yetter,
Frank,	Lovett,	Reidenbach,	Yetzer,
Frascella,	Lutty,	Renwick,	Young,
Frost,	Mahan,	Rovansek,	Ziegler,
Gaffney,	Markley,	Royer,	Andrews,
Garlock,		Rudisill,	Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2082, as follows:

An Act amending the act of July 28, 1953 (P. L. 723) entitled "An act relating to counties of the second class amending revising consolidating and changing the laws relating thereto" authorizing employes of the Commonwealth of Pennsylvania cities of the second and third class boroughs and townships upon application to become members of the county retirement system upon becoming county employes providing for payments by the employes and former employes into the county retirement fund

The General Asesmbly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 1710 act of July 28, 1953 (P. L. 723) known as the "Second Class County Code" is amended by adding at the end two new subsections to read

Section 1710 Employes Eligible for Retirement Allowances

* * *

(e) Any person who became a county employe through the consolidation of a Department of Health of a city of the second class with a Department of Health of a county of the second class may have the period of his or her city employment credited as a county employe for all purposes under this article Such person shall within three years from the effetcive date of the consolidation make application to the board and upon approval thereof pay into the retirement fund the contributions which the person would have been required to pay into the fund had the person been a county employe from the date of his or her original employment in the city The principal shall be paid into the retirement fund at one time and in one amount or upon approval of the board The principal shall be paid in twelve or less equal monthly installments on monthly balances Full payment thereof shall be a condition precedent to the county employe being eligible to receive the benefits of the retirement allowances The city by which such person was formerly employed shall pay into the retirement fund an amount equal to the principal sum as paid into the said fund by the former city employe in accordance with the provisions of this article The city is herewith authorized and empowered to make an appropriation out of the funds of the city to pay into the retirement fund the necessary amounts as herein provided

If such county employe leaves the employ of the county before he or she shall be eligible to receive the benefits of the retirement allowances a refund of his or her contributions as paid into the retirement fund shall be made in accordance with the provisions of section 1714

(f) Any person who is an employe of the Department of Health of the Commonwealth of Pennsylvania and a member of the State Employes' Retirement Asosciation as provided by the act of June 27, 1923 (P. L. 858) its amendments and supplements as well as any person who is an employe of any city of the third class borough or township and who is a member of a retirement or pension system established by such city of the third class borough or township who shall hereafter be employed by a Department of Health of a county of the second class may have the period of his or her employment in any of the aforesaid municipalities credited as a county employe for all purposes under this article Such person shall within three years from the date of his or her employment in the county Department of Health make application to the board and upon approval thereof pay into the retirement fund the contributions which such person would have been required to pay into the fund had such person been a county employe from the date of his or her original employment in any of the aforesaid municipalities The principal shall be paid into the retirement fund at one time and in one amount or upon approval of the board The principal shall be paid into twelve or less equal monthly installments on monthly balances Full payment thereof shall be a condition precedent to the county employe being eligible to receive the benefits of the retirement allowance The Commonwealth of Pennsylvania or any city of the third class borough or township by which such person was formerly employed shall pay into the retirement fund an amount equal to the principal sum as paid into the fund by such former employe of any of the aforesaid municipalities in accordance with the provisions of this article

The Commonwealth of Pennsylvania any city of the

third class borough or township is herewith authorized and empowered to make an appropriation out of the funds of the Commonwealth of Pennsylvania any city of the third class borough or township to pay into the retirement fund the necessary amounts as herein provided

If such county employe leaves the employ of the county before he or she shall be eligible to receive the benefits of the retirement allowances a refund of his or her contributions as paid into the retirement fund shall be made in accordance with the provisions of section 1714

Section 2 This act shall take effect the first day of the month following its final enactment

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Gelfand,	McCann,	Scarcelli,
Agnew,	Gibson,	McCormack,	Schuster,
Amarando,	Goldstein,	McGee,	Sherman,
Anderson, M. S.,	Gramlich,	McInroy,	Smith, C. C.,
Anderson, S. A.,	Greenwood,	McKeever,	Smith, Wm. B.,
Ashton,	Guss,	McLaughlin,	Snider,
Banker,	Guthrie,	McWherter,	Stank,
Barnatovich,	Hamilton, R. K.,	Meholchick,	Stebbins,
Bazin,	Hass,	Metz,	Steckel,
Bell,	Haudenshield,	Mihm,	Stephens,
Blair,	Helm,	Mikula,	Stevenson,
Boies,	Henzel,	Miller,	Stone,
Bonner,	Hewitt,	Mills,	Stoner,
Boory,	Hocker,	Monroe,	Strausser,
Bower,	Holt,	Moody,	Stroup,
Branca,	Horst,	Moran,	Swartz,
Breisch,	Houk,	Moscrip,	Taylor,
Brennan, A. P.,	Isaacs,	Muldowney,	Thomas,
Brennan, J. J.,	Jenkins,	Munley,	Thompson,
Brenninger,	Johnson,	Murphy,	Toll,
Breth,	Jones, G. E.,	Murray, H. P.,	Tompkins,
Brown,	Jones, T. H. W.,	Murray, J. J.,	Toomey,
Bullen,	Jump,	Murray, P. G.,	Varallo,
Capano,	Kamyk,	Musto,	Varner,
Cianfrani,	Kehler,	Naugle,	Vaughan,
Cioffi,	Keller,	Needham,	Verona,
Cochran,	Kent,	Ogilvie,	Wall,
Cooper,	Kline,	Olsen,	Wallace,
Curwood,	Knecht,	O'Neil,	Walsh,
Davis,	Kolankiewicz,	Pacchioli,	Wargo,
Donahue,	Kooker,	Parry,	Waterhouse,
Dougherty,	Kornick,	Pashley,	Weidner,
Down,	Kratz,	Paulhamus,	Welsh,
Ehrgood,	Kromer,	Petrosky,	Wescott,
Eilberg,	Lafore,	Pettigrew,	Wheeler,
Erb,	Leiby,	Polaski,	Whitenight,
Eshleman,	Leisey,	Polen,	Willaredt,
Ewing,	Leonard,	Pomeroy,	Williams,
Farabaugh,	Leven,	Price,	Wilt,
Filo,	Light,	Pursley,	Wood,
Fineman,	Limper,	Readinger,	Worley,
Flint,	Lippincott,	Reibman,	Yetter,
Floyd,	Lopresti,	Reidenbach,	Yetzer,
Frank,	Lovett,	Renwick,	Young,
Frascella,	Lutty,	Rovansek,	Ziegler,
Frost,	Mahan,	Royer,	Andrews,
Gaffney,	Markley,	Rudisill,	Speaker
Garlock,	Maxwell,	Sarraf,	

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 583, entitled:

An Act amending the "Public School Code of 1949" approved March 10 1949 (P. L. 30) by providing for the payment of the minimum salaries and increments of County and District Superintendents and other officers and employes

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. READINGER asked and obtained permission for the Committee on Rules to meet during the session of the House.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1220, entitled:

An Act to amend Article X of the act approved March 10 1949 (P. L. 30) entitled "An act relating to the public school system * * *" by fixing the annual salaries and increments of certain members of the professional staff of the Department of Public Instruction conferring certain powers and imposing certain duties upon the State Council of Education with respect to salaries and qualifications of certain members of such staff and repealing inconsistent acts

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1430, entitled:

An Act amending the act of April 21 1915 (P. L. 159) entitled "An act relating to the competency of witneses and to the rules of evidence in proceedings arising from the exercise of the right of eminent domain" providing for the admission of certain evidence and the effect thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1855, entitled:

An Act to further amend the act approved the twelfth day of June one thousand nine hundred fifty-one (P. L. 533) entitled "An act relating to mental illness mental defect epilepsy and inebriety and amending revising consolidating and changing the laws relating thereto" by changing existing law for the commitment of persons who become insane after the death penalty is fixed or death sentence imposed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1948, entitled:

An Act amending "The Second Class Township Code" of May 1 1933 (P. L. 103) authorizing the reconveyance or disposition of real property acquired for certain designated purpose

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2015, entitled:

An Act amending "The First Class Township Code" approved June 24 1931 (P. L. 1206) further regulating the publication of ordinances

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2030, entitled:

An Act amending "The Second Class Township Code" approved May 1 1933 (P. L. 103) authorizing the reassessment of after built property and imposing liability for township taxes upon the owners thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2069, entitled:

An Act authorizing the appointment of a House committee for the purpose of making a study and investigation and legislative recommendations relating to subsidence of surface soil in anthracite coal mining regions and the damages occurring as a result of such subsidence * * *

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. POLEN. Mr. Speaker, I move that this bill be recommitted to the Comimttee on Appropriations for the purpose of further study.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2070, entitled:

An Act amending "The Second Class Township Code" approved May 1, 1933 (P. L. 103) further regulating the election and appointment of township supervisors.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2074, entitled:

An Act amending "The County Code" approved August 9, 1955 (P. L. 323) further regulating the payment of salaries in certain counties.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2097, entitled:

An Act to further amend the "Administrative Code of 1929 * * *" by abolishing the State Civil Service Commission creating the State Personnel Board and establishing duties of that board.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2098, entitled:

An Act regulating and improving the personnel service of departments and agencies of the Commonwealth vesting in the State Personnel Board a Rules Committee and an Executive Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls imposing duties upon certain officers and employes of the Commonwealth authorizing service of State departments or agencies and political subdivisions of the Commonwealth in matters relating to personnel service defining certain crimes and misdemeanors imposing penalties making certain appropriations and repealing certain acts and parts thereof

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for third reading.

RESOLUTION No. 144 DROPPED FROM CALENDAR

Mr. READINGER. Mr. Speaker, I move that resolution No. 144 on page 16 of today's calendar be dropped from the calendar.

REPORTS FROM COMMITTEES

Mrs. VARALLO from the Committee on Appropriations, reported as amended, Senate Bill No. 896, entitled:

An Act reenacting and amending the act of January 5, 1952 (P. L. 1833) entitled "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act as amended creating the State Agency and conferring powers and imposing duties upon the State Agency authorizing the State Agency to enter into agreements with the Federal Security Administrator and with political subdivisions under certain terms and conditions providing for the Commonwealth's contribution under agreements with the Federal Security Administrator and for the collection and payment of employer and employe contributions authorizing interstate cooperation in certain cases creating a Contribution Fund and making appropriations" extending its provisions to include additional persons increasing contribution rates and providing for referenda and permitting modification of certain local retirement plans.

Mr. MULDOWNEY from the Committee on Cities—Counties First Class, reported as committed, House Bill No. 530, entitled:

An Act prohibiting the proprietors of motion picture theaters in first class cities from exhibiting first run pictures for a period longer than six weeks; making exemptions thereto; and imposing penalties.

Mr. TOLL from the Committee on Cities—Counties First Class, reported as committed, House Bill No. 1774, entitled:

An Act amending the act of May 20, 1915 (P. L. 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities,***," extending the time for claiming credit for service with a school district of the first class.

Mr. EWING from the Committee on Motor Vehicles, reported as committed, House Bill No. 2017, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) further regulating the passing of school buses and prescribing penalties.

Mrs. VARALLO from the Committee on Appropriations, reported as committed, House Bill No. 2084, entitled:

An Act making an appropriation to the Department of Commence for payment of expenses incidental to ceremonies for the Distinguished Daughters of Pennsylvania.

Mrs. VARALLO from the Committee on Appropriations, reported as committed, Senate Bill No. 343, entitled:

An Act making an appropriation to the Department of Agriculture for the maintenance and operation of the Regional Poultry Diagnostic Laboratory at the National Agricultural College Farm School Pennsylvania.

Mrs. VARALLO from the Committee on Appropriations, reported as committed, Senate Bill No. 791, entitled:

An Act making an appropriation to the Department of Agriculture for developing and operating a livestock show.

Mrs. VARALLO from the Committee on Appropriations, reported as committed, Senate Bill No. 891, entitled:

An Act amending the "State Employees Retirement Law" ***," changing and clarifying contributions and credit provisions where employes are placed under social security.

Mrs. VARALLO from the Committee on Appropriations, reported as committed, Senate Bill No. 892, entitled:

An Act amending "The Third Class City Code" ***," imposing duties on pension boards changing contributions and changing and clarifying certain allowances and benefits when employes are placed under social security.

Mrs. VARALLO from the Committee on Appropriations, reported as committed, Senate Bill No. 893, entitled:

An Act amending the "Public School Employes Retirement Law" * * *" changing and clarifying benefit contribution and credit provisions when employes are placed under social security providing for payments by the Commonwealth and for reimbursements from appropriations.

Mrs. VARALLO from the Committee on Appropriations, reported as committed, Senate Bill No. 895, entitled:

An Act amending the act of May 23, 1945 (P. L. 903) entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities" imposing duties on pension boards changing contributions and changing and clarifying benefits and allowances when employes are placed under social security.

Mrs. PASHLEY from the Committee on Cities—Counties First Class, reported as committed, Senate Bill No. 970, entitled:

An Act amending the act of May 6, 1929 (P. L. 1551) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the height location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand the size of courts yards and other open spaces appurtenant thereto and the density of population and for these purposes to establish districts and boundaries to designate and regulate residential commercial and industrial or other uses within such districts and boundaries and providing for the appointment of a zoning commission and a board of adjustment the creation of a bureau of zoning and setting forth the duties and functions of said commission board and bureau providing for the administration and enforcement of rules and ordinances authorized by this act and penalties for violations thereof" further regulating the duties and functions of the board of adjustment in cities of the first class

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 530, entitled:

An Act prohibiting the proprietors of motion picture theaters in first class cities from exhibiting first run pictures for a period longer than six weeks; making exemptions thereto; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1774, entitled:

An Act amending the act of May 20, 1915 (P. L. 566), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, * * *," extending the time for claming credit for service with a school district of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2017, entitled:

An Act amending "The Vehicle Code" approved May 1, 1929 (P. L. 905) further regulating the passing of school buses and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2084, entitled:

An Act making an appropriation to the Department of Commerce for payment of expenses incidental to ceremonies for the Distinguished Daughters of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 343, entitled:

An Act making an appropriation to the Department of Agriculture for the maintenance and operation of the Regional Poultry Diagnostic Laboratory at the National Agricultural College Farm School Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 791, entitled:

An Act making an appropriation to the Department of Agriculture for developing and operating a livestock show.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 891, entitled:

An Act amending the "State Employees Retirement Law" * * *," changing and clarifying contributions and credit provisions where employes are placed under social security.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 892, entitled:

An Act amending "The Third Class City Code" * * *," imposing duties on pension boards changing contributions and changing and clarifying certain allowances and benefits when employes are placed under social security.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 893, entitled:

An Act amending the "Public School Employes Retirement Law" * * * changing and clarifying benefit contribution and credit provisions when employes are placed under social security providing for payments by the Commonwealth and for reimbursements from appropriations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 895, entitled:

An Act amending the act of May 23 1945 (P. L. 903) entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities" imposing duties on pension boards changing contributions and changing and clarifying benefits and allowances when employes are placed under social security.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 970, entitled:

An Act amending the act of May 6 1929 (P. L. 1551) entitled "An act authorizing cities of the first class to adopt and enforce zoning ordinances regulating and restricting the height location size bulk and use of buildings and/or land the areas to be occupied by buildings in proportion to the size of the lots upon which they stand the size of courts yards and other open spaces appurtenant thereto and the density of population and for these purposes to establish districts and boundaries to designate and regulate residential commercial and industrial or other uses within such districts and boundaries and providing for the appointment of a zoning commission and a board of adjustment the creation of a bureau of zoning and setting forth the duties and functions of said commission board and bureau providing for the administration and enforcement of rules and ordinances authorized by this act and penalties for violations thereof" further regulating the duties and functions of the board of adjustment in cities of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RESOLUTION

PROCEEDINGS OF PRESENTATION CEREMONIES TO BE PRINTED

Messrs. HELM and STANK offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read considered and adopted as follows:

In the House of Representatives, March 21, 1956.

That the Chief Clerk of the House is hereby directed to have printed the Resolution of Congratulations to the Speaker of the House, together with the remarks of the Members relating thereto, and be it further

Resolved, That a copy thereof be sent to each member of the House.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 530

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on Senate 530 Bill numberd and entitled as follows:

Senate Bill No. 530.

To the Members of the Senate and House of Representatives:

We, the undersigned, Committe of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 530, entitled: "An act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land property or material or any interest therein by political subdivisions or by corporations in the exercise of their power of eminent domain."

Respectfully submit the following bill as our report:

ROBERT D. FLEMING,

FRANK KOPRIVER, JR.,
JOSEPH M. BARR,
(Committee on the part of the Senate.)

PHILIP LOPRESTI,
MARTIN C. MIHM,
(Committee on the part of the House of Representatives.)

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 530

Mr. MIHM. Mr. Speaker, I call up the report of the Committee of Conference on Senate Bill No. 530.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 530, entitled: "An act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land property or material or any interest therein by political subdivisions by authorities created by political subdivisions or by corporations in the exercise of their power of eminent domain."

Respectfully submit the following bill as our report:

ROBERT D. FLEMING,
FRANK KOPRIVER, JR.,
JOSEPH M. BARR,
(Committee on the part of the Senate.)

PHILIP LOPRESTI,
MARTIN C. MIHM,
(Committee on the part of the House of Representatives.)

An Act limiting the period within which petitions for the assessment of damages may be filed or actions for damages commenced for injury to or taking of private land property or material or any interest therein by political subdivisions or by authorities created by political subdivisions in the exercise of their power of eminent domain

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 As used in this act "Authority" means any body corporate and politic created by one or more political subdivisions pursuant to a law of the Commonwealth

Section 2 No person having an interest in any land property or material appropriated taken used occupied injured destroyed or otherwise adversely affected by any political subdivision or authority in the exercise of its power of eminent domain may petition for the appointment of viewers for the assessment of damages or bring an action for damages after the expiration of a period of six years from the date on which the political subdivision or authority became entitled to possession of the land property or material or any interest therein This act shall not apply to petitions for the appointment of viewers for the assessment of damages or to actions for damages as the result of the exercise of the power of eminent domain by any authority unless (1) a copy of the resolution by which such authority exercises its power of eminent domain is personally served on the owner of the affected property or (2) If the owner cannot be served personally service of a copy of the resolution is made on the owner by registered or other mail service as will result in the post office department making a record of delivery and the sender receiving a receipt signed by the addressee or his agent evidencing delivery or (3) If the owner cannot be served personally or by mail as herein provided unless the resolution is published at least one time in a newspaper of general circulation in the county in which the affected property is located and at least one time in the legal periodical if any of such county

Section 3 In any case where by the exercise of the power of eminent domain a political subdivision or authority has become entitled to the possession of private land property or material or any interest therein prior to the effective date of this act a petition for the appointment of viewers for the assessment of damages may be filed or an action for damages may be brought within six years from such date and not thereafter All claims shall be forever barred after the expiration of the period of six years

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	**Garlock,**	Markley,	Rudisill,
Agnew,	**Gelfand,**	Maxwell,	Sarraf,
Amarando,	**Gibson,**	**McCann,**	Scarcelli,
Anderson, M. S.,	**Goldstein,**	McCormack,	Schuster,
Anderson, S. A.,	**Gramlich,**	McGee,	Sherman,
Ashton,	**Greenwood,**	McInroy,	Smith, C. C.,
Banker,	Guss,	McKeever,	**Smith, Wm. B.,**
Barnatovich,	Guthrie,	McLaughlin,	Snider,
Bazin,	**Hamilton, R. K.,**	McWherter,	Stank,
Bell,	**Hass,**	**Meholchick,**	**Stebbins,**
Blair,	Haudenshield,	Metz,	Steckel,
Boles,	**Helm,**	**Mihm,**	**Stephens,**
Bonner,	**Henzel,**	Mikula,	**Stevenson,**
Boory,	Hewitt,	Miller,	Stone,
Bower,	**Hocker,**	Mills,	Stoner,
Branca,	**Holt,**	Monroe,	Strausser,
Breisch,	**Horst,**	Moody,	Stroup,
Brennan, A. P.,	**Houk,**	Moran,	**Swartz,**
Brennan, J. J.,	**Isaacs,**	Moscrip,	Taylor,
Brenninger,	**Jenkins,**	**Muldowney,**	Thomas,
Breth,	Johnson,	Munley,	Thompson,
Brown,	Jones, G. E.,	Murphy,	Toll,
Bullen,	Jones, T. H. W.,	**Murray, H. P.,**	**Tompkins,**
Capano,	**Jump,**	Murray, J. J.,	**Toomey,**
Cianfrani,	**Kamyk,**	Murray, P. G.,	**Varallo,**
Cioffi,	Kehler,	**Musto,**	**Varner,**
Cochran,	Keller,	**Naugle,**	Vaughan,
Cooper,	**Kent,**	Needham,	Verona,
Curwood,	**Kline,**	**Ogilvie,**	**Wall,**
Davis,	Knecht,	**Olsen,**	**Wallace,**
Donahue,	Kolankiewicz,	O'Neil,	Walsh,
Dougherty,	Kooker,	Pacchioli,	Wargo,
Down,	**Kornick,**	Parry,	Waterhouse,
Ehrgood,	Kratz,	Pashley,	Weidner,
Eilberg,	Kromer,	Paulhamus,	**Welsh,**
Erb,	**Lafore,**	Petrosky,	Wescott,
Eshleman,	Leiby,	Pettigrew,	**Wheeler,**
Ewing,	Leisey,	Polaski,	**Whitenight,**
Farabaugh,	Leonard,	**Polen,**	**Willaredt,**
Filo,	Leven,	**Pomeroy,**	**Williams,**
Fineman,	Light,	Price,	**Wilt,**
Flint,	Limper,	**Pursley,**	**Wood,**
Floyd,	**Lippincott,**	**Readinger,**	**Worley,**
Frank,	Lopresti,	Reibman,	Yetter,
Frascella,	**Lovett,**	**Reidenbach,**	**Yetzer,**
Frost,	Lutty,	**Renwick,**	**Young,**
Gaffney,	Mahan,	Rovansek,	Ziegler,
		Royer,	Andrews, **Speaker**

NAYS—0

NOT VOTING—17

Auker,	**Flynn,**	**Heavey,**	Rigby,
Bucchin,	**Foster,**	Lawyer,	Rosen,
Comer,	George,	Magee,	**Rubin,**
Connelly,	**Gibb,**	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 841

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses on Senate bill numbered and entitled as follows:

Senate Bill No. 841:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 841, entitled: An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

Respectfully submit the following bill as our report:

ROBERT D. FLEMING,
FRANK KOPRIVER, JR.
B. B. McGINNIS,
(Committee on the part of the Senate)

MARTIN C. MIHM,
EDWIN C. EWING,
JOHN J. MURRAY,
(Committee on the part of the House of Representatives)

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 841

Mr. MIHM. Mr. Speaker, I call up the report of the Committee of Conference on Senate Bill No. 841.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 841, entitled: An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts.

Respectfully submit the following bill as our report:

ROBERT D. FLEMING,
FRANK KOPRIVER, JR.
B. B. McGINNIS,
(Committee on the part of the Senate)

MARTIN C. MIHM,
EDWIN C. EWING,
JOHN J. MURRAY,
(Committee on the part of the House of Representatives)

An Act to promote the welfare of the people of this Commonwealth creating Port Authorities to function in counties of the second class as bodies corporate and politic with power to plan acquire construct maintain and operate facilities and projects for the improvement and development of the port district and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain of the authorities authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and conferring exclusive jurisdiction on certain courts over rates and services and authorizing the authorities to collect tolls fares fees rentals and charges for the use of facilities defining the authorities' powers and duties and defining the port districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It is hereby determined and declared as a matter of legislative finding

(1) That a greater utilization of the rivers in the Commonwealth is necessary for the increased commerce and prosperity of the people of the Commonwealth

(2) The increased commerce and prosperity of the people of the Commonwealth require in counties of the second class more effective coordination of the combined facilities of water rail air and highway

(3) That the expanding industrial activities of the Commonwealth require the planning designing construction erection and operation of port facilities in counties of the second class

(4) That property values in counties of the second class are threatened with irreparable loss for the lack of port facilities available to industry

(5) The crisis in industrial transportation which threatens the welfare of the Commonwealth can be reduced by providing adequate port facilities

(6) That the establishment of a port authority will promote the public safety convenience and welfare

(7) That it is intended that the authority cooperate with all existing transportation facilities that private enterprise and government may mutally provide adequate port facilities for the convenience of the public

Therefore it is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote the safety and welfare of the inhabitants thereof by the creation of a body corporate and politic for each second class county to be known as The Port of (insert name county) Authority which shall exist and operate for the purposes contained in this act Such purposes are hereby declared to be public uses for which public money may be spent and private property may be acquired by the exercise of the power of eminent domain

Section 2 As used in this act

(1) The term "authority" shall mean any body politic and corporate created by this act

(2) The term "port district" shall mean all the territory within a second class county

(3) The term "member" shall mean a member of the governing body of an authority

(4) The term "board" shall mean the governing body of an authority

(5) The term "bonds" shall mean and include the notes bonds refunding bonds and other evidences of indebtedness or obligations which the authority is authorized to issue pursuant to section 5 of this act

(6) The term "construction" shall mean and include acquisition and construction and the term "to construct"

shall mean and include to acquire and to construct all in such manner as may be deemed desirable

(7) The term "municipality" shall mean any county city town borough or township of the Commonwealth of Pennsylvania or any authority organized under any law of the Commonwealth of Pennsylvania

(8) The term "Federal agency" shall mean and include the United States of America the president of the United States and any department or corporation agency or instrumentality heretofore or hereafter created designated or established by the United States of America

(9) The term "improvement" shall mean and include extension enlargement and improvement and the term "to improve" shall mean and include to extend to enlarge and to improve all in such manner as shall be deemed desirable

(10) The term "persons" shall mean and include natural persons

(11) The term "terminal" shall include any marine motor truck railroad and air terminal also any coal grain bulk liquids and lumber terminal and any union freight and other terminals used or to be used in connection with the transportation or transfer of freight and equipment materials and supplies

(12) The term "port facility or facility" shall include all real and personal property used in the operation of a terminal including but without being limited to wharves piers slips ferries docks drydocks ship repair yards bulkheads dock walls basins carfloats floating-bridge dredging equipment radio receiving and sending stations grain or other storage elevators warehouses cold storage tracks yards sheds switches connections overhead appliances bunker coal oil and fresh water stations railroads motor trucks floating elevators airports barges scows or harbor craft of any kind markets and every kind of terminal storage or supply facility now in use or hereafter designed for use to facilitate transportation and for the handling storage loading or unloading of freight at terminals and equipment materials and supplies therefor

Words importing the singular number include the plural number and vice versa

Section 3 (a) There are hereby created bodies corporate and politic in counties of the second class to be known as Port of (Name of county) Authority which shall constitute public bodies corporate and politic exercising the public powers of the Commonwealth as an agency thereof Each authority shall be for the purpose of planning acquiring holding constructing improving maintaining and operating owning leasing either as lessor or lessee port facilities within the port district

(b) Each authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights or powers

(1) To have perpetual existence

(2) To sue and be sued implead and be impleaded complain and defend in all courts to petition the Inter-State Commerce Commission (or like body) or join in any proceeding before any such bodies or courts in any matter affecting the operation of any project of the authority

(3) To adopt and use and alter at will a corporate seal

(4) To establish a principal office and such other office or offices as may be necessary for the carrying on of its duties

(5) To acquire purchase hold lease as lessee and use any franchise property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time required by it

(6) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate facilities

(7) To make by-laws for the management and regulation of its affairs

(8) To appoint officers agents employes and servants to prescribe their duties and fix their compensation

(9) To fix alter change and collect rates rentals and other charges for its facilities at reasonable rates to be determined exclusively by it subject to appeal as hereinafter provided for the purpose of providing for the payment of the expenses of the authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal and interest on its obligations and to comply fully with the terms and provisions of any agreements made with the purchasers or holders of any such obligations The authority shall determine by itself exclusively the facilities to be operated by it and the services to be available to the public Any person questioning the reasonableness of any rate fixed by an authority may bring suit against the authority in the court of common pleas of the county wherein the facilities are located The court of common pleas shall have exclusive jurisdiction to determine the reasonableness of rates and other charges fixed altered charged or collected by an authority Appeals may be taken to the Superior Court within thirty days after the court of common pleas has rendered a final decision

(10) To borrow money make and issue negotiable notes bonds refunding bonds and other evidence of indebtedness or obligations of the authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(11) To make contracts of every name and nature and to excute all instruments necessary or convenient for the carrying on of its business

(12) Without limitations of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency Commonwealth of Pennsylvania municipality or corporation

(13) To have the power of eminent domain

(14) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the authority as security for all or any of the obligations of the authority

(15) To do all acts and things necessary for the promotion of its business and the general welfare of the authority to carry out the powers granted to it by this act or any other acts

(16) To enter into contracts with the Commonwealth of Pennsylvania municipalities or corporations on such terms as the authority shall deem proper for the use of any facility of the authority and fixing the amount to be paid therefor

(17) To enter into contracts of group insurance for the benefit of its employes and to set up a retirement or pension fund for such employes

(18) An authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth of Pennsylvania or any political subdivision nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal or interest on such obligations (19) private rights and property in the beds of existing public highways vacated in order to facilitate the purpose of the authority shall not be deemed destroyed or ousted by reason of such vacation but shall be acquired or relocated by the authority in the same manner as other property

Section 4 The bonds of the authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board and shall be of such series bear such date or dates mature at such time or times bear interest at such rate or rates not exceeding six percent per annum payable semi-annually be in such denominations be in such form either coupon or fully registered without coupons carry such registration exchangeability and interchangeable privileges be payable in such medium of payment and at such place or places

be subject to such terms of redemption at such prices not exceeding one hundred five percent of the principal amount thereof and be entitled to such priorities in the revenues rentals or receipts of the authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the authority all as may be prescribed in such resolution or resolutions The bonds may be issued and delivered notwithstanding that one or more of the officers signing the bonds or the treasurer whose facsimile signature shall be upon the coupon or any officer thereof shall have ceased to be such officer at the time when the bonds shall actually be delivered

The bonds may be sold at public or private sale for such price or prices as the authority shall determine but the interest cost to maturity of any money received for any issue of said bonds shall not exceed six percent per annum Pending the preparation of the definitive bonds interim receipts or temporary bonds may be issued to the purchaser or purchasers of the bonds and may contain such terms and conditions as the authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (1) pledging the full faith and credit of the authority for such obligations or restricting the same to all or any of the revenues rentals or receipts of the authority from all or any facilities (2) the construction improvement operation extension enlargement maintenance and repair of the facilities and the duties of the authority with reference thereto (3) the terms and provisions of the bonds (4) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant of the United States may be applied (5) the rate of tolls rentals and other charges for use of the facilities of or for the services rendered by the authority including limitations upon the power of the authority to modify any lease or other agreement pursuant to which tolls rentals or other charges are payable (6) the setting aside of reserves or sinking funds and the regulations and disposition thereof (7) limitations on the issuance of additional bonds (8) the terms and provisions of any deed of trust or indenture securing the bonds or under which the same may be issued and (9) any other or additional agreements with holders of the bonds

The authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or any person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge any or all of the revenues rentals or receipts of the authority thereunder The deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the authority may authorize including but without limitation provision as to (1) the construction improvement operation maintenance and repair of facilities and the duties of the authority with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustees and the holders of the bonds (which may include restrictions upon the individual right of action upon such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

The bonds shall have all the qualities of negotiable instruments under the law of merchants and the uniform commercial code of the Commonwealth of Pennsylvania

Section 5 The rights and remedies hereinafter conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the authority shall default in the payment of principal or interest on any of the bonds after such principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in event the authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five percentum in the aggregate of the principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may (except as such right may be limited under the provisions of any deed of trust indenture or other agreement as aforesaid) appoint a trustee to represent the bondholders for the purposes herein provided

The trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five percentum (or such other percentages as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name (1) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the authority to collect rates rentals or other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the authority and to require the authority to carry out any other agreements with or for the benefits of the bondholders and to perform its and their duties under this act (2) bring suit upon the bonds (3) by action or suit in equity require the authority to account as if it were the trustee of an express trust for the bondholders (4) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders and (5) by notice in writing to the authordity declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five percentum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county wherein the authority is located shall have jurisdiction of any suit action or proceedings by the trustees on behalf of the bondholders Any trustee when appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may (to the same extent that the authority itself could so do) enter and take possession of the facilities of the authority or any part or parts thereof the revenues rentals or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the authority or board might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues rentals and receipts derived from the facilities of the authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

Nothing in this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the authority to sell assign mortgage or otherwise dispose of any of the assets of whatsoever kind and character belonging to the authority It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the authority as the court may direct and no holder of the bonds of the authority nor any trustee

shall ever have the right in any suit action or proceedings in law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct a receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the authority

Section 6 The powers of the authority shall be exercised by a board composed of the number of members not more than eight as shall be fixed by the County Commissioners of each county of the second class the County Commissioners of each county of the second class shall appoint the members of the board whose terms of office shall commence on the date of appointment one member shall serve for one year one for two years one for three years and one for four years from the first day of January next succeeding the date of approval of this act and if there are more than four members of the board their terms shall be staggered in a similar manner thereafter whenever a vacancy has occurred or is about to occur by reason of the expiration of the term of any member the County Commissioners shall appoint a member for a term of five years to succeed the member whose term has expired or is about to expire Members shall hold office until their successors have been appointed and may succeed themselves A member shall receive no compensation for his services but shall be entitled to the necessary expenses including traveling expenses incurred in the performance of his duties Within ninety days after the creation of the Authority the board shall meet and organize by electing from their number a chairman a vice chairman and such other officers as the board may determine The board may employ a secretary an executive director its own counsel and legal staff and such technical experts and other agents and employes permanent or temporary as it may require and may determine the qualifications and fix the compensation of such persons Four members of the board shall constitute a quorum for its meetings Members of the board shall not be liable personally on the bonds or other obligations of the authority and the rights of creditors shall be solely against such authority The board may delegate to one or more of its agents or employes such of its powers as it shall deem necessary to carry out the purpose of this act subject always to the supervision and control of the board The board shall have full authority to manage and operate the business of the authority and to prescribe amend and repeal by-laws rules and regulations governing the mannes in which the business of the authority may be conducted and the powers granted to it may be exercised and embodied

If a vacancy occurs by reason of the death resignation or removal of a member the board of County Commissioners shall appoint a successor to fill his unexpired term

Section 7 The authority shall have the power to acquire by purchase or eminent domain proceeding either the fee or such right title interest or easement in such lands as the authority may deem necessary whether for immediate or future use for any of the purposes mentioned in this act and the authority may find and determine that such property whether a fee simple absolute or lessee interest is required for public use and upon such determination the said property shall be deemed to be required for a public use until otherwise determined by the authority and the said determination shall not be affected by the fact that such property has heretofore been taken for or is then devoted to a public use but the public use in the hands or under the control of the authority shall be deemed superior to the public use in the hands or under the control of any other person association or corporation except that the facilities of public utilities shall not be taken until provision has been made for their relocation

When the authority desires to acquire land to carry on its purposes and a price for such lands or the interest therein desired cannot be agreed upon with the owner or owners thereof or where the owner or owners cannot be found in all such cases the authority is authorized to acquire the land or the interest therein desired by eminent domain proceedings

Thereupon the authority may apply to the Court of Common Pleas of the county wherein the lands are located for the appointment of viewers the application for the appointment of viewers shall recite (1) the failure of the parties to agree to a price for the lands or interest therein desired or the owner or owners thereof cannot be found (2) a statement of the authority under which and the purpose for which the lands or interest therein are taken (3) a statement of the estate or interest in the lands taken (4) a description and plan of the lands taken and (5) a statement of the names and addresses if known of the owners of the land

Upon the court's order appointing viewers being made and duly entered in the office of the Prothonotary as well as recorded in the offices of the Recorder of Deeds in the county wherein the land is situated the title to the land in fee simple absolute or a less estate right title interest or easement therein as is specified in the applications shall vest in the authority and the lands shall thereupon be deemed to be condemned and taken for the use of the authority and the authority shall forthwith have the right to enter on and use same subject to the right to just compensation to the owners thereof as ascertained and awarded in the condemnation proceedings and established by judgment therein and the judgment shall include as part of the just compensation awarded interest at the rate of six per centum on the amount finally awarded as the value of the land in fee simple absolute or less estate right title interest or easement therein as of the date of the filing of the order made for the appointment of viewers to the date of final judgment thereon

The court shall have the power to make such orders in respect of encumbrances liens rents taxes assessments insurance and other charges if any as shall be just and equitable

The court shall appoint three viewers and shall approve a time not less than twenty nor more than thirty days after the presentation of the petition for the appointment when the viewers shall meet upon the lands and view the same and all improvements in connection therewith

The viewers shall give at least ten days notice of their first meeting to the chairman of the authority and to the owners of such land if known if the owners of such lands are unknown notice shall be given in at least two newspapers of general circulation in such manner as the court may direct the viewers having been sworn or affirmed faithfully justly and impartially to decide and a true report to make concerning all matters to be submitted to them in relation to which they are authorized to inquire and having viewed the lands and premises shall hear the parties and their witnesses and shall estimate and determine the value of the property so taken where the owner of the lands and premises is unknown the viewers shall estimate and determine the value of the land and improvments upon the testimony of the witnesses for the authority and any witnesses called by the viewers

When the report is filed notice thereof shall immediately be given to the chairman of the authority and to the owners of the land where known which notice shall state that unless exceptions be filed thereto within thirty days after the filing of the report the same will be confirmed absolutely

Where any owners of such lands unknown notice shall be given in at least two newspapers of general circulation in such manner as the court shall direct

Within thirty days after the filing of any report the authority or the owners of the lands may file exceptions to the same and the court shall confirm modify or change the report or refer the same back to the same or new viewers

When the report is filed the Prothonotary shall mark it "confirmed nisi" in case no exceptions are filed thereto within the time herein specified the court shall make a decree that the report is confirmed absolutely which decree shall be enterd by the Prothonotary

Within thirty days after any report of viewers is filed under this act the authority or the owners of such land

may appeal to the court of common pleas and demand a trial by jury within six months after a confirmation absolute on exceptions or within six months after a verdict and final judgment on appeal for a jury trial the chairman of the authority or the owners of such land may appeal to the supreme or to the superior court as in other cases

When the amount payable to the owner of the land has been finally determined the same shall be paid by the authority from its funds all costs in connection with the proceedings shall be paid by the authority in like manner

In all cases where the owners of lands are unknown and the report of viewers has been confirmed the authority shall be liable for all damages awarded therein if at any time after the final confirmation of the report of viewers any person appears and proves title to said lands such persons shall be entitled to and receive from the authority the sum so awarded by the viewers any claimant of the land may petition the court of Common Pleas of the county wherein the land is located giving a brief outline of the facts upon which the claim is based thereupon the court shall direct an issue to be framed wherein the claimant shall appear as plaintiff and the authority as defendant the issue shall be tried according to the rules of procedure and evidence governing trials in ejectment with a right of appeal by either party to the proper appellate court if the final judgment on such issue is in favor of the plaintiff the sum awarded by the report as finally confirmed shall be paid by the authority to the claimant the party to the action against whom the judgment is entered shall be liable for the costs as provided by law in other civil actions

Court proceedings necessary to acquire property or property rights for the purpose of this act shall take precedence over all causes not involving the public interest in all courts to the end that the development of port facilities be expedited

Section 8 All moneys of the authority from whatever source derived shall be paid to the treasurer of the authority The moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts to the extent the same is not insured shall be continuously secured by a pledge of direct obligations of the United States of America or of the Commonwealth of Pennsylvania having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account The securities shall either be deposited with the treasurer or held by a trustee or agent satisfactory All banks and trust companis are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the authority or of such other person or persons as the authority may authorize to execute such warrants or orders The authority shall have at least an annual examination of its books accounts and records by a certified public accountant A copy of the audit shall be delivered to the board of County Commissioners of the Commonwealth of Pennsylvania A concise financial statement shall be published annually at least once in a newspaper of general circulation in the county where the principal office of the authority is located

Section 9 All construction reconstruction repairs or work of any nature made by the authority where the entire cost value or amount of such construction reconstruction repairs or work including labor and materials shall exceed seven hundred fifty dollars ($750) except reconstruction repairs or work done by employes of the authority or by labor supplied under agreement with any Federal or State agency with supplies or materials purchased as hereinafter provided shall be done only under contract or contracts with the lowest responsible bidder upon proper terms after due public notice has been given asking for competitive bids as hereinafter provided No contract shall be entered into for construction improvement or repair of any facility or portion thereof unless the contractor shall give an undertaking with sufficient surety or sureties approved by the authority and in an amount fixed by the authority for the faithful performance of the contract All such contracts shall provide among other things that the person or corporation entering into such contract with the authority will pay for all labor and materials furnished for the performance of the contract and that any person or corporation furnishing such labor and materials may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the authority to construct repair or improve any facility or portion thereof or any addition betterment or extension thereto directed by the officers agents and employes of the authority or otherwise than by contract

All supplies and materials costing seven hundred fifty dollars ($750) or more shall be purchased only after due advertisement as hereinafter provided The authority shall accept the lowest bid or bids kind quality and material being equal but the authority shall have the right to reject any or all bids or select a single item from any bid The provisions as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a non-competitive market or solely by a manufacturer's authorized dealer not to the purchase of articles where there is only a single supplier or manufacturer of such article

The term "advertisement" or "due public notice" wherever used in this section shall mean a notice published at least ten days before the award of any contract in a newspaper of general circulation published in the municipality where the authority has its principal office and if no newspaper is published therein then by publication in a newspaper in the county where the authority has its principal office

No member of the authority or officer or employe thereof shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the authority for any matter cause or things whatsoever by reason whereof any liability or indebtedness shall in any way be created against the authority If any contract or agreement shall be made in violation of the provisions of this section the same shall be null and void and no action shall be maintained thereon against such authority

Subject to the aforesaid authority may (but without intending by this provision to limit any powers of this authority) enter into and carry out such contracts or establish and comply with such rules and regulations concerning labor and materials and other related matters in connection with any facility or portion thereof as the authority may deem desirable or as may be requested by any federal agency that may assist in the financing of the facility or any part thereof The provisions of this section shall not apply to any case in which the authority has taken over by transfer or assignment of any contract authorized to be assigned to it under the provisions of section 14 of this act nor to any contract in connection with the construction of any project which the authority may have had transferred to it by any person or private corporation

Section 10 The use of the facilities of the authority and the operation of its business shall be subject to the rules and regulations adopted from time to time by the authority but the authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the authority or violate any agreements with them or for their benefit

Section 11 The Commonwealth does hereby pledge to and agree with any person firm or corporation or Federal agency subscribing to or acquiring the bonds to be issued by the authority for the construction extension improvement or enlargement of any facility or part thereof that the Commonwealth will not limit or alter the rights hereby vested in the authority until all bonds at any time issued together with the interest thereon are fully met and discharged The Commonwealth of Pennsylvania does

further pledge to and agree with the United States and any other Federal agency that in the event any Federal agency shall construct or contribute any funds for the construction extension improvement or enlargement of any facility or portion thereof the Commonwealth will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the facility or the improvement thereof or which would be inconsistent with the due performance of any agreements between the authority and any such Federal agency and the authority shall continue to have and may exercise all powers herein granted so long as the same may be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of the facility or such portion thereof

Section 12 The effectuation of the authorized purposes of any authority created under this act shall and will be in all respects for the benefit of the people of the Commonwealth for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since the authority will be performing essential government functions in effectuating such purposes the authority shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes In lieu of taxes or special assessments the authority may agree to make payments to any municipality The bonds issued by the authority their transfer and the income therefrom including any profits made on the sale therefrom shall at all times be free from taxation other than inheritance and estate taxation within the Commonwealth of Pennsylvania

Section 13 Any municipality or owner is hereby authorized to sell lease lend grant or convey to the authority any facility or any part or parts thereof or any interest in real or personal property which may be used by the authority in the construction improvement maintenance or operation of any facility Any municipality is also authorized to transfer sell assign and set over to the authority any contracts which may have been awarded by such municipality for the construction of facilities not begun or if begun not completed

Section 14 The provisions of this act shall be severable and if any of the provisions thereof shall be held to be unconstitutional such decision shall not effect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	Garlock,	Maxwell,	Sarraf,
Agnew,	Gelfand,	McCann,	Scarcelli,
Amarando,	Gibson,	McCormack,	Schuster,
Anderson, M. S.,	Goldstein,	McGee,	Sherman,
Anderson, S. A.,	Gramlich,	McInroy,	Smith, C. C.,
Ashton,	Greenwood,	McKeever,	Smith, Wm. B.,
Banker,	Guss,	McLaughlin,	Snider,
Barnatovich,	Guthrie,	McWherter,	Stank,
Bazin,	Hamilton, R. K.,	Meholchick,	Stebbins,
Bell,	Hass,	Metz,	Steckel,
Blair,	Haudenshield,	Mihm,	Stephens,
Boles,	Helm,	Mikula,	Stevenson,
Bonner,	Henzel,	Miller,	Stone,
Boory,	Hewitt,	Mills,	Stoner,
Bower,	Hocker,	Monroe,	Strausser,
Branca,	Holt,	Moody,	Stroup,
Breisch,	Horst,	Moran,	Swartz,
Brennan, A. P.,	Houk,	Moscrip,	Taylor,
Brennan, J. J.,	Isaacs,	Muldowney,	Thomas,
Brenninger,	Jenkins,	Munley,	Thompson,
Breth,	Johnson,	Murphy,	Toll,
Brown,	Jones, G. E.,	Murray, J. J.,	Tompkins,
Bullen,	Jones, T. H. W.,	Murray, P. G.,	Toomey,
Capano,	Jump,	Murray, H. P.,	Varallo,
Cianfrani,	Kamyk,	Musto,	Varner,
Cioffi,	Kehler,	Naugle,	Vaughan,
Cochran,	Keller,	Needham,	Verona,
Cooper,	Kent,	Ogilvie,	Wall,
Curwood,	Kline,	Olsen,	Wallace,
Davis,	Knecht,	O'Neil,	Walsh,
Donahue,	Kolankiewicz,	Pacchioli,	Wargo,
Dougherty,	Kooker,	Parry,	Waterhouse,
Down,	Kornick,	Pashley,	Weidner,
Ehrgood,	Kratz,	Paulhamus,	Welsh,
Eilberg,	Kromer,	Petrosky,	Wescott,
Erb,	Lafore,	Pettigrew,	Wheeler,
Eshleman,	Leiby,	Polaski,	Whitenight,
Ewing,	Leisey,	Polen,	Willaredt,
Farabaugh,	Leonard,	Pomeroy,	Williams,
Filo,	Leven,	Price,	Wilt,
Fineman,	Light,	Pursley,	Wood,
Flint,	Limper,	Readinger,	Worley,
Floyd,	Lippincott,	Reibman,	Yetter,
Frank,	Lopresti,	Reidenbach,	Yetzer,
Frascella,	Lovett,	Renwick,	Young,
Frost,	Lutty,	Rovansek,	Ziegler,
Gaffney,	Mahan,	Royer,	Andrews,
[redacted]	Markley,	Rudisill,	Speaker

NAYS—0

NOT VOTING—17

Auker,	Flynn,	Heavey,	Rigby,
Bucchin,	Foster,	Lawyer,	Rosen,
Comer,	George,	Magee,	Rubin,
Connelly,	Gibb,	Mullen,	Sigman,
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 813

Mr. TOLL. Mr. Speaker, I call up the report of the Committee of Conference on Senate Bill No. 813.

The report of the Committee of Conference was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 813, entitled: An Act amending the act of October 27, one thousand nine hundred fifty-five (Act No. 222) entitled "An act prohibiting certain practices of discrimination because of race color religious creed ancestry age or national origin by employers employment agencies labor organizations and others as herein defined creating the Pennsylvania Fair Employment Practice Commission in the Department of Labor and Industry defining its functions powers and duties providing for procedure and enforcement providing for formulation of an educational program to prevent prejudice providing for judicial review and enforcement and imposing penalties" providing that termination of employment or the operation of provisions having the effect of a minimum service requirement under a bona fide retirement insurance or pension plan shall not constitute an unfair employment practice changing certain restrictions relative to age and requiring that attorneys appointed by the commission be approved by the Attorney General.

Respectfully submit the following bill as our report:

ROBERT D. FLEMING,
PAUL L. WAGNER,
HARRY E. SEYLER,
(Committee on the part of the Senate)

HERMAN TOLL,
J. P. MORAN,
CHARLES C. SMITH
(Committee on the part of the House of Representatives)

An Act amending the act of October 27 one thousand nine hundred fifty-five (Act No 222) entitled "An act prohibiting certain practices of discrimination because of race color religious creed ancestry age or national origin by employers employment agencies labor organizations and others as herein defined creating the Pennsylvania Fair Employment Practice Commission in the Department of Labor and Industry defining its functions powers and duties providing for procedure and enforcement providing for formulation of an educational program to prevent prejudice providing for judicial review and enforcement and imposing penalties" providing that termination of employment or the operation of provisions having the effect of a minimum service requirement under a bona fide retirement insurance or pension plan shall not constitute an unfair employment practice changing certain restrictions relative to age and requiring that attorneys appointed by the commission be approved by the Attorney General

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsections (a) and (b) of section 5 and subsection (c) of section 7 act of October 27 one thousand nine hundred fifty-five (Act No 222) known as the "Pennsylvania Fair Employment Practice Act" are amended to read

(b) For any employer employment agency or labor organization prior to the employment or admission to membership to

(1) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race color religious creed ancestry [age] or national origin of any applicant for employment or membership

(2) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference limitation specification or discrimination based upon race color religious creed ancestry age or national origin

(3) Deny or limit through a quota system employment or membership because of race color religious creed ancestry age national origin or place of birth

(4) Substantially confine or limit recruitment or hiring of individuals with intent to circumvent the spirit and purpose of this act to any employment agency employment service labor organization training school or training center or any other employe-referring source which services individuals who are predominately of the same race color religious creed ancestry age or national origin

* * *

Section 7 Powers and duties of the commission The commission shall have the following powers and duties

* * *

(c) To appoint such attorneys with the approval of the Attorney General and other employes and agents as it may deem necessary fix their compensation within the limitations provided by law and prescribe their duties

* * *

Section 5 Unlawful Employment Practices It shall be an unlawful employment practice unless based upon a bona fide occupational qualification or except where based upon applicable security regulations established by the United States or the Commonwealth of Pennsylvania

(a) For any employer because of the race color religious creed ancestry age or national origin of any individual to refuse to hire or employ or to bar or to discharge from employment such individual or to otherwise discriminate against such individual with respect to compensation hire tenure terms conditions or privileges of employment If the individual is the best able and most competent to perform the services required The provision of this paragraph shall not apply to (1) termination of employment because of the terms or conditions of any bona fide retirement or pension plan (2) operation of the terms or conditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement (3) operation of the terms or conditions of any bona fide group or employe insurance plan

Section 2 This act shall take effect immediately

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows:

YEAS—190

Adam,	**Gelfand,**	Maxwell,	Sarraf,
Agnew,	Gibson,	**McCann,**	Scarcelli,
Amarando,	**Goldstein,**	**McCormack,**	**Schuster,**
Anderson, M. S.,	**Gramlich,**	McGee,	Sherman,
Anderson, S. A.,	**Greenwood,**	McInroy,	**Smith, C. C.,**
Ashton,	**Guss,**	**McKeever,**	**Smith, Wm. B.,**
Banker,	**Guthrie,**	McLaughlin,	Snider,
Barnatovich,	**Hamilton, R. K.,**	McWherter,	**Stank,**
Bazin,	**Hass,**	**Meholchick,**	**Stebbins,**
Bell,	**Haudenshield,**	Metz,	**Steckel,**
Blair,	**Helm,**	**Mihm,**	**Stephens,**
Boles,	**Henzel,**	**Mikula,**	**Stevenson,**
Bonner,	**Hewitt,**	Miller,	Stone,
Boory,	**Hocker,**	**Mills,**	**Stoner,**
Bower,	**Holt,**	**Monroe,**	**Strausser,**
Brancs,	**Horst,**	Moody,	**Stroup,**
Breisch,	**Houk,**	**Moran,**	**Swartz,**
Brennan, A. P.,	**Isaacs,**	**Moscrip,**	**Taylor,**
Brennan, J. J.,	**Jenkins,**	**Muldowney,**	**Thomas,**
Brenninger,	**Johnson,**	**Munley,**	**Thompson,**
Breth,	**Jones, G. E.,**	**Murphy,**	**Toll,**
Brown,	**Jones, T. H. W.,**	**Murray, H. P.,**	**Tompkins,**
Bullen,	**Jump,**	**Murray, J. J.,**	**Toomey,**
Capano,	**Kamyk,**	**Murray, P. G.,**	**Varallo,**
Cianfrani,	**Kehler,**	**Musto,**	**Varner,**
Cioffi,	**Keller,**	**Naugle,**	**Vaughan,**
Cochran,	**Kent,**	**Needham,**	**Verona,**
Cooper,	**Kline,**	**Ogilvie,**	**Wall,**
Curwood,	**Knecht,**	**Olsen,**	**Wallace,**
Davis,	**Kolankiewicz,**	**O'Neil,**	**Walsh,**
Donahue,	**Kooker,**	**Pacchioli,**	**Wargo,**
Dougherty,	**Kornick,**	**Parry,**	**Waterhouse,**
Down,	**Kratz,**	**Pashley,**	**Weidner,**
Ehrgood,	**Kromer,**	**Paulhamus,**	**Welsh,**
Eilberg,	**Lafore,**	**Petrosky,**	**Wescott,**
Erb,	**Leiby,**	**Pettigrew,**	**Wheeler,**
Eshleman,	**Leisey,**	**Polaski,**	**Whitenight,**
Ewing,	**Leonard,**	**Polen,**	**Willaredt,**
Farabaugh,	**Leven,**	**Pomeroy,**	**Williams,**
Filo,	**Light,**	**Price,**	**Wilt,**
Fineman,	**Limper,**	**Pursley,**	**Wood,**
Flint,	**Lippincott,**	**Readinger,**	**Worley,**
Floyd,	**Lopresti,**	**Reibman,**	**Yetter,**
Frank,	**Lovett,**	**Reidenbach,**	**Yetzer,**
Frascella,	**Lutty,**	**Renwick,**	**Young,**
Frost,	**Mahan,**	**Rovansek,**	**Ziegler,**
Gaffney,	**Markley,**	**Royer,**	**Andrews,**
Garlock,		**Rudisill,**	**Speaker**

NAYS—0

NOT VOTING—17

Auker,	**Flynn,**	**Heavey,**	**Rigby,**
Bucchin,	**Foster,**	**Lawyer,**	**Rosen,**
Comer,	**George,**	**Magee,**	**Rubin,**
Connelly,	**Gibb,**	**Mullen,**	**Sigman,**
Donaldson,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. PETROSKY. I rise to a question of personal privilege, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PETROSKY. Mr. Speaker, during today's session the House acted on House Bills 1941 and 1942 relating to the liquid fuels tax act, on page 11 of today's calendar.

At the time of the consideration of these acts the House Appropriations Committee was meeting and a goodly number of Members were present at that meeting.

I know it was an oversight on the part of the leadership in not having the calendar marked that I wanted to be recognized on the two bills in question, because I spoke to the Majority Leader about it on Tuesday.

However, due to this oversight I was not here and I am assuming that possibly I was voted with the mass membership of the House on these two measures.

I want the record to show that in the event I had been here I would have voted "no" on both the measures which I have specifically mentioned, House Bills 1941 and 1942.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 21, 1956.

Resolved, (if the House of Representaties concur), That Senate Bill No. 865, Printer's No. 527, entitled:

An Act to amend the act approved the twenty-ninth day of July one thousand nine hundred fifty-three (Pamphlet Laws 1050) entitled "An act providing for the acquisition construction improvement operation and maintenance of tunnels for certain highway purposes within the Commonwealth authorizing the issuance of tunnel revenue bonds free from taxation and payable solely from tunnel earnings to pay the cost of such tunnels and improvement thereof providing for the collection of tunnel tolls for the payment of such bonds and for the cost of maintenance operation and repair of the tunnels constituting such bonds legal investments in certain instances prescribing conditions upon which such tunnels shall become free tunnels conferring powers and imposing duties on the Pennsylvania Tunnel Commission created hereby providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation" by authorizing the use of facsimile signatures and facsimile seal on bonds of the commission authorizing preliminary or interim financing through issuance of notes or other obligations of the commission payable solely from revenues of the commission including tolls or from such funds as may be available to the commission for such purpose providing for the securing of such notes or obligations constituting the same legal investments in certain instances and exempting the same from taxation and authorizing the issuance of tunnel revenue refunding bonds

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 656.

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania to provide for a deficiency in the maintenance of wards of the Commonwealth at said institution.

Referred to the Committee on Appropriations.

SENATE BILL No. 973.

An Act to promote the welfare of the people of the Commonwealth by the reduction of unemployment in certain areas of the Commonwealth determined to be critical economic areas; providing for the establishment of industrial development projects in such areas; creating The Pennsylvania Industrial Development Authority as a body corporate and politic with power to allocate funds for and make secured loans to industrial development agencies for the payment of a part of the cost of industrial development projects in critical economic areas; authorizing the Authority to enter into agreements with the Government of the United States or any Federal agency or industrial development agency; empowering the Authority to take title to sell, convey and lease industrial development projects where necessary to protect loans made by the Pennsylvania Industrial Development Authority on industrial development projects; providing that no debt of the Commonwealth, its municipalities or political subdivisions shall be incurred in the exercise of any powers granted by this act; and providing for the examination of the accounts and affairs of the Authority; and making an appropriation.

Referred to the Committee on Rules.

SENATE BILL No. 1022.

An Act relating to condemnation proceedings requiring the filing of plans and imposing duties on the recorder of deeds.

Referred to the Committee on State Government.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM GOVERNOR

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 646.

An Act amending the act of June 21, 1939 (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended, 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as reenacted and amended, providing for the payment of compensation to volunteer fireman or their dependents," entitling certain unemployed persons to benefits and fixing minimum compensation payments.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading on said bill was reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

COMMUNICATION AND BILL LAID ON TABLE

Mr. READINGER. Mr. Speaker, I move that the communication from the Senate together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 876 AND 1987

Commonwealth of Pennsylania,
Governor's Office, Harrisburg, March 21, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 876, Printer's No. 1409, entitled "An Act amending the act of June 23, 1931 (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' further regulating the hours of service of firemen."

GEORGE M.LEADER.

Commonwealth of Pennsylania,
Governor's Office, Harrisburg, March 21, 1956.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1987, Printer's No. 1378, entitled "An Act amending the act of May 2, 1925 (P. L. 448) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' authorizing in certain cases fishing in farm ponds without licenses and regulating the transportation of fish taken from such ponds during closed seasons."

GEORGE M.LEADER.

REPORTS FROM COMMITTEES

Mr. STANK from the Committee on Rules, reported as committed, House Bill No. 2077, entitled:

An Act amending "The General State Authority Act of one thousand nine hundred forty-nine," approved March 31, 1949, (P. L. 372), authorizing the issuance of bonds for refunding purposes.

Mr. SARRAF from the Committee on Appropriations, reported as committed, House Bill No. 2083, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), providing for the appointment of deputy commissioners of the Pennsylvania State Police, and the fixing of their salaries.

Mr. SARRAF from the Committee on Rules, reported as committed, House Bill No. 2091, entitled:

An Act amending the act of August 16, 1951 (P. L. 1240), a supplement to the State Employes' Retirement Law, extending its provisions to present and future cases.

Mr. STANK from the Committee on Rules, reported as committed, Senate Bill No. 31, entitled:

An Act creating a commission to arrange plans for the celebration of the One-hundredth Anniversary of the Battle of Gettysburg and Lincoln's Gettysburg Address and making an appropriation.

Mr. STANK from the Committee on Rules, reported as committed, Senate Bill No. 1036, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" increasing the maximum millage amount for certain political subdivisions.

Mr. SARRAF from the Committee on Rules, reported as committed, Senate Bill No. 1019, entitled:

An Act amending the act of May 12, 1943 (P. L. 259) entitled as amended "An act providing for the payment by the State Treasurer of the amount of the tax on premiums paid by foreign casualty insurance companies to the treasurers of the several cities boroughs towns townships and certain counties and for the payment thereof into police pension funds and in certain cases into the Municipal Employes' Retirement System and for Pension Annuity Contracts and in certain other cases into the State Employes Retirement Fund for certain purposes" further defining policemen and changing the time when unused funds are returned to the General Fund for redistribution.

Mr. SARRAF from the Committee on Rules, reported as committed, House Resolution No. 27.

Mr. SARRAF from the Committee on Rules, reported as committed, House Resolution No. 126.

Mr. READINGER from the Committee on Rules, reported as committed, House Resolution No. 131.

Mr. READINGER from the Committee on Rules, reported as committed, House Resolution No. 150.

Mr. SARRAF from the Committee on Rules, reported as committed, House Resolution No. 159.

Mr. SARRAF from the Committee on Rules, reported as committed, House Resolution No. 164.

Mr. READINGER from the Committee on Rules, reported as committed, House Resolution re Dr. John Trimble Rothrock.

Mr. READINGER from the Committee on Rules, reported as committed, Senate Resolution Serial No. 166.

Mr. SARRAF from the Committee on Rules, reported as committed, Senate Resolution Serial No. 129 re Colonel-Commandant Kovats.

Mr. READINGER from the Committee on Rules, reported as committed, Senate Resolution Serial No. 165.

Mr. READINGER from the Committee on Rules, reported as committed, House Resolution re 150th Anniversary of Wilkes-Barre.

BILLS ON FIRST READING

Pursuant to the resolution adopted February 28, 1956, bills reported from Committee as committed were read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2077, entitled:

An Act amending "The General State Authority Act of

one thousand nine hundred forty-nine," approved March 31, 1949 (P. L. 372), authorizing the issuance of bonds for refunding purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2083, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177), providing for the appointment of deputy commissioners of the Pennsylvania State Police, and the fixing of their salaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2091, entitled:

An Act amending the act of August 16, 1951 (P. L. 1240), a supplement to the State Employes' Retirement Law, extending its provisions to present and future cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 31, entitled:

An Act creating a commission to arrange plans for the celebration of the One-hundredth Anniversary of the Battle of Gettysburg and Lincoln's Gettysburg Address and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 1036, entitled:

An Act amending the act of June 25, 1947 (P. L. 1145) entitled as amended "An act empowering cities of the second class cities of the second class A cities of the third class boroughs towns townships of the first class townships of the second class school districts of the second class school districts of the third class and school districts of the fourth class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court" increasing the maximum millage amount for certain political subdivisions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of Senate Bill No. 1019, entitled:

An Act amending the act of May 12, 1943 (P. L. 259) entitled as amended "An act providing for the payment by the State Treasurer of the amount of the tax on premiums paid by foreign casualty insurance companies to the treasurers of the several cities boroughs towns townships and certain counties and for the payment thereof into police pension funds and in certain cases into the Municipal Employes' Retirement System and for Pension Annuity Contracts and in certain other cases into the State Employes Retirement Fund for certain purposes" further defining policemen and changing the time when unused funds are returned to the General Fund for redistribution.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RESOLUTION

CONGRATULATING WILKES-BARRE

Mr. Readinger called upon and asked and obtained unanimous consent for the consideration of House Resolution (not printed) in re the 150th anniversary of Wilkes-Barre.

The Resolution was read and considered and adopted as follows:

In the House of Representatives, March 20, 1956.

March 17, 1956 marked the 150th birthday anniversary of Wilkes-Barre, Pennsylvania. It was on this day in the year 1806, that the General Assembly of the Commonwealth of Pennsylvania passed the act of March 17, 1806 (P. L. 529) which incorporated the town plot as a borough. The Sesquicentennial observance which shall continue throughout the year with at least a dozen or more separate events, has for its basic theme the "beautification of the valley, its entrances, its homes—the entire area." The seal adopted by the citizenry for this anniversary is "Acclaim the past—proclaim the future."

Although Wilkes-Barre was not incorporated until 1806, it was in the year 1769 that Major John Durkee led a large group of settlers from Connecticut and New York to the valley of Wyoming where they joined the settlers who had previously arrived there in 1762. Immediately upon their arrival, they built Fort Durkee near the river bank upon the site which is now known as West River Street. Shortly after the completion of the fort, Major Durkee, a profound admirer of two Britons, John Wilkes and Col. Isaac Barre, compounded their names into Wilkes-Barre and applied it to the territory in the fort area. Wilkes, a former member of the British Parliament and Col. Barre, who had been an officer in the British army and also a member of Parliament, were defenders of the oppressed American Colonies and denounced the British Parliament's unfair measures in the Colonies. The name "Sons of Liberty" was adopted by the colonists from Col. Barre's speech in violent opposition to the Stamp Act. In commemoration of these three great men, a portrait of Barre was hung in Faneuil Hall (the Cradle of Liberty), a monument of Wilkes and Barre stands today on Public Square and a monument of Major Durkee, Founder of the City, stands upon the site of the original Fort Durkee, on the River Common near South Street and West River Street.

From its humble beginning in 1769, through the trying times prior to and during the American Revolution when the citizens of Wyoming Valley were identified as lovers of liberty and the progressive years thereafter when the borough was recognized as the hub of economic, educational, social and cultural development, the citizens of Wilkes-Barre and the Wyoming Valley have always looked and moved forward with vision to make Wilkes-Barre a leading community in this great Commonwealth. At the official ceremonies to begin the 150 anniversary, highlighted by Mr. Douglas F. Stoner, president and owner of the newspaper feature "Believe It or Not" presenting an article to Mayor Kniffen which stated "Wilkes-Barre furnished more volunteers for the United States Navy than any other city in the U. S. A.," Mayor Kniffen issued his Sesquicentennial proclamation with the keynote that it is time "to reorient ourselves and to prepare for the future in order that Wilkes-Barre may truly take its rightful place in this modern 20th century and make

a major contribution in this Atomic Age,"; therefore be it

Resolved, That the members of the House of Representatives are happy to share the satisfaction and pride of the citizens of Wilkes-Barre in the history of their fair city and extends to the people of Wilkes-Barre its warmest congratulations upon the celebration of the one hundred and fiftieth birthday anniversary observance of the incorporation of their city. It extends congratulations also to Mayor Kniffen and those on the planning committees for their efforts in making this anniversary a successful one; and be it further

Resolved, That the Chief Clerk of the House of Representatives transmit a copy of this resolution to Luther M. Kniffen, the Mayor of the city of Wilkes-Barre.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Jump.

Mr. JUMP. Mr. Speaker, I want to take this opportunity to thank the Rules Committee and the Members of this House on behalf of the Mayor of the city of Wilkes-Barre and the committees that are working so hard to make the 150th Anniversary the Sesquicentennial Anniversary, at Wilkes-Barre a success.

I want to thank each and every one of you.

ADJOURNMENT

Mr. SARRAF. Mr. Speaker, I move that this House do now adjourn until Monday, March 26, 1956 at 1:00 p. m.

The motion was agreed to, and (at 7:05 p. m.) the House adjourned.

05-17 BIG
8 082919 991355

UNIVERSITY OF ILLINOIS-URBANA
3 0112 085163449